

Dear Parent / Guardian:

This 23-24 student handbook has been prepared so that students and parents will have a source of information concerning the facilities, policies, and general regulations of Westside Public Schools.

The Westside Public School personnel recognize the need to be proactive in promoting universally acceptable values and attitudes within the student body in order to create a positive learning and teaching atmosphere for the academic and technological curriculum of our school. We believe that these values and attitudes will be of indispensable worth to our students in their life activities. We believe in the ABC philosophy as we work with our students. Our staff members will “ACCEPT” each student and work with his / her own educational and personal level. We will “BELIEVE” that each student will learn at his / her own pace, and that as educators, our job is to facilitate and encourage that learning. We will “CARE” for the child as well as the student. We will help each child find his / her own strengths and will encourage each child to strive to achieve his / her own potential.

Please take a few minutes to review this handbook with your child, then sign and return the “Receipt of Student Handbook” page as an acknowledgement of receiving the booklet.

Please accept our best wishes for a successful school year.

Mr. Brad Kent  
Superintendent

Mr. Dennis Fisher  
High School Principal

Mr. John M. Elms  
Elementary Principal

The 2022-2023 Student Handbook was accepted by the  
Westside School District Board of Directors July 22nd, 2022

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## 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 lawful control of the student 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 lawful control of the student or persons standing in loco parentis reside. A student may use the residential address of a parent, legal guardian, person having lawful control of the student 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, persons having lawful control of the student, or person standing in loco parentis reside within the District<sup>1</sup> 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 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 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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: <sup>1</sup> 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

<sup>2</sup> 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.

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

<sup>4</sup> 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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## 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, ~~who~~ will become five (5) years old during the year in which he/she is enrolled in kindergarten, and ~~who~~ 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.<sup>1</sup>

Prior to the child's admission to a District school:<sup>2</sup>

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.<sup>3</sup>
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” 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 and 1210.

“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.

“Active duty<sup>4</sup> members of the uniformed services” includes members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

“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”<sup>4</sup> 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.<sup>5</sup>

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:

- 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
- Request the eligible child's official education records from the sending district.

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> A.C.A. § 6-4-302 and 6-18-107 define both "uniformed services" and "active duty." Consult the statutes to determine if the student wishing to enroll in your district qualifies under the act's definitions.

<sup>5</sup> 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
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
	Plyler v Doe 457 US 202,221 (1982)

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### **4.3- COMPULSORY ATTENDANCE REQUIREMENTS**

Every parent, legal guardian, person having lawful control of the child, or person standing in loco parentis 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 the child and ensure the attendance of the child at 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, legal guardian, person having lawful control of the child, or person standing in loco parentis of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Division of Elementary and Secondary 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 References:	A.C.A. § 6-18-201
	A.C.A. § 6-18-207

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### **4.4—STUDENT TRANSFERS**

The Westside School 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.<sup>1</sup>

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.<sup>2</sup> 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 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 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.

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.<sup>3</sup>

Except as otherwise required or permitted by law,<sup>4</sup> 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: <sup>1</sup> You may choose not to adopt this additional language and accept transfers on a continuing basis. Consult A.C.A. § 6-18-317 for restrictions on transfers where either the resident or the receiving district is under a desegregation related court order.

<sup>2</sup> 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 transfer of a student with a disability whose acceptance would necessitate the hiring of an aide, interpreter, or other additional staff member.

<sup>3</sup> 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.

<sup>4</sup> 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

Last Revised:5/23/2019

## **4.5—SCHOOL CHOICE**

### **Standard School Choice**

#### **Exemption**

The District is under an enforceable desegregation court order/court-approved desegregation plan<sup>1</sup> 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).<sup>2</sup> As a result of the desegregation order/desegregation plan<sup>1</sup>, 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.<sup>3</sup> 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.<sup>4</sup>

#### **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.<sup>5</sup>

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.<sup>6</sup>

### **Application Process**

The student's parent shall submit a school choice application on a form approved by ADE 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.<sup>7</sup>

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 expulsion.<sup>8</sup>

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, 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 A.C.A. § 6-18-227;
- Due to the district’s identification of Facilities Distress under A.C.A. § 6-21-812; or
- Through the Foster Child School Choice under A.C.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.<sup>9</sup> 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 District<sup>10</sup>**

For the purposes of this section of the policy, a “lack of capacity”<sup>1</sup> 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 capacity<sup>11</sup> 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 District<sup>10</sup> or from the student's resident district into the District if:

- Either:
  - The student's resident district has been classified by the state board as in need of Level 5 — intensive support; or
  - 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:
  - DESE;
  - Sending school district; and
  - 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.<sup>12</sup> 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.<sup>13</sup>

### **Transfers out of, or within, the District<sup>10</sup>**

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 nonresident students to participate in the program.<sup>14</sup>

### **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: <sup>1</sup> Select the version of the desegregation order that applies to your district.

<sup>2</sup> 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 transfer 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

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

<sup>11</sup> 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.

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

<sup>13</sup> 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.

<sup>14</sup> 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. § 6-18-320

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

Last Revised: 5/23/19

#### 4.5F-SCHOOL CHOICE CAPACITY RESOLUTION

Whereas:

- The Board of Directors of the Westside School District has approved by a vote of the Board, the following capacity resolution for school choice applicants for the 2021-2022 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 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 would exceed the applicant's resident district's statutory limitation on student transfers out of its district will not be accepted.
- 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 2021-2022.

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Board President

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Board Secretary

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Date

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Date

#### 4.5F3-SCHOOL CHOICE ACCEPTANCE LETTER

Dear Parent's name,

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

I look forward to welcoming student's name as part of the school or District's name and/or mascot.

Once your child has enrolled in school with us this coming school-year, student's name 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.

**Please Note:** The "insert District's name" has no control over when a student's resident district might reach its statutory limit on allowable transfers out of its district. While we consider it unlikely, there is always the possibility that we could be forced to withdraw this acceptance if the resident district determines it reached its statutory cap for transfers out of its district prior to your student's application date to our District. You will be notified immediately should that rescission of acceptance be necessary. We apologize for this unavoidable uncertainty.

Respectfully,

Insert name

Insert position/title



#### 4.5F3--SCHOOL CHOICE ACCEPTANCE LETTER

Dear Parent's name,

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

I look forward to welcoming student's name as part of the school or District's name and/or mascot.

Once your child has enrolled in school with us this coming school-year, student's name 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. You will be required to fill out a choice renewal form each year by insert date which can be picked up in our district's central office located at insert address.

**Please Note:** The "insert District's name" has no control over when a student's resident district might reach its statutory limit on allowable transfers out of its district. While we consider it unlikely, there is always the possibility that we could be forced to withdraw this acceptance if the resident district determines it reached its statutory cap for transfers out of its district prior to your student's application date to our District. You will be notified immediately should that rescission of acceptance be necessary. We apologize for this unavoidable uncertainty.

Respectfully,

Insert name

Insert position/title

#### 4.5 F4--SCHOOL CHOICE REJECTION LETTER

Dear Parent's name,

I am sorry, but the application you submitted for student's name 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 insert the name of the program, class, grade level, or school building's 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,

Insert name

Insert position/title

## **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;
- 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;
- g. 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
- h. 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:       A.C.A. § 6-15-503  
                                   A.C.A. § 6-15-504  
                                   A.C.A. § 6-41-103

## **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.<sup>1</sup>
2. Death or serious illness in their immediate family;<sup>2</sup>
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.<sup>3</sup>

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 page.<sup>4</sup>

### **Unexcused Absences**

Absences not defined above or not having an accompanying note from the parent; 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 six (6)<sup>5</sup> 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 three (3)<sup>5</sup> unexcused absences, his/her parents, legal guardians, persons with lawful control of the student, or persons standing in loco parentis shall be notified<sup>6</sup>. 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 six (6)<sup>5</sup> 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.<sup>7</sup>

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

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

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.

Notes: If your district's penalties for absences include an impact on the student's grades, it is important to note that A.C.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.

<sup>1</sup> 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.

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

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> A.C.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.

<sup>6</sup> If your district has a Community Truancy Board as defined in A.C.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).

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

<sup>8</sup> 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. A.C.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:	A.C.A. § 6-4-302 A.C.A. § 6-18-107 A.C.A. § 6-18-209 A.C.A. § 6-18-220 A.C.A. § 6-18-222 A.C.A. § 6-18-229 A.C.A. § 6-18-231 A.C.A. § 6-18-507(g) A.C.A. § 6-18-702 A.C.A. § 7-4-116 A.C.A. § 9-28-113(f) A.C.A. § 27-16-701 Division of Elementary and Secondary Education Rules Governing Distance and Digital Learning

Last Revised: 5/23/2019

## 4.8 —MAKE-UP WORK

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.<sup>1</sup>

1. Students are responsible for asking the teachers of the classes they missed what assignments they need to make up.<sup>2</sup>
2. Teachers are responsible for providing the missed assignments when asked by a returning student.<sup>2</sup>
3. Students are required to ask for their assignments on their first day back at school or their first class day after their return.<sup>2</sup>
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.<sup>3</sup>
6. Make-up work which is not turned in within the make-up schedule for that assignment shall receive a zero.<sup>4</sup>
7. Students are responsible for turning in their make-up work without the teacher having to ask for it.<sup>2</sup>
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.<sup>5</sup>

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—IM

Notes: <sup>1</sup> 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.

<sup>2</sup> This sentence should be modified for elementary school classes.

<sup>3</sup> Select the number of days your district deems reasonable and feasible.

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

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

<sup>6</sup> Remove this sentence if you elected to make out-of-school suspensions count as excused absences in Policy 4.7.

<sup>7</sup> The law is silent on what happens to assignments a student misses due to being expelled. You may grant the student no credit for the courses the student was taking instead of giving the student zeros. We recommend you consider the practice your district has been using and align the language in this policy with your previous practice to maintain consistency.

Cross References: 4.7—ABSENCES

4.57—IMMUNIZATIONS

Last Revised: 1-23-15

## 4.9 —TARDIES

Promptness is an important character trait that District staff is 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.

Last Revised: 8/26/04



## ELEMENTARY POLICY ON TARDIES

Promptness is the responsibility of each student and his or her parent / guardian. Early dismissal and /or tardies will exclude students from perfect attendance eligibility and/or other attendance related rewards.

## HIGH SCHOOL POLICY ON TARDIES

A student is deemed tardy whenever he or she fails to be in the classroom when the Tardy bell rings. Tardies will be excused if proven that the student could not avoid the tardy. All tardies to class will be excused or unexcused by the instructor.

-1<sup>st</sup> tardy in classroom is a warning from the teacher

-2<sup>nd</sup> tardy in that classroom is 1 Noon Detention

-3<sup>rd</sup> tardy (and subsequent tardies) in that classroom is one day of ISS.

If tardies are not corrected by the above methods, the Principal has the ability to use discretion to help fix the problem with further discipline methods.

### 4.10 —CLOSED CAMPUS

All schools in the Westside School 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.

Last Revised: 8/26/04

## ELEMENTARY POLICY ON CLOSED CAMPUS

**All students must stay on campus after arrival until dismissed unless they are signed out by a responsible adult in the office.**

### 4.11 —EQUAL EDUCATIONAL OPPORTUNITY

No student in the Westside 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.<sup>1</sup>

Inquiries on non-discrimination may be directed to the elementary principal<sup>2</sup>, who may be reached at 193 School Street, Hartman, AR 72834, 479.497.1088; jelms@westsiderebels.net<sup>3</sup>.

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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Insert the office address, ~~and~~ 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 3, 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](mailto:titleix@districtdomain.org), and having the emails sent to the coordinator's inbox to prevent having to amend the policy due to staff changes.

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. § 106.9  
                                  34 C.F.R. § 108.9  
                                  34 C.F.R. § 110.25

Last Revised: 1-31-18

## 4.12 —STUDENT ORGANIZATIONS/EQUAL ACCESS

Non-curriculum-related secondary school student organizations wishing to conduct meetings on school premises during non-instructional 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 non-instructional time;
4. Employees or agents of the school are present at religious meetings only in a non-participatory 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.<sup>1</sup>

Note: <sup>1</sup> A.C.A. § 6-5-202 requires the automatic expulsion of a student who is convicted of hazing.

Legal References:           A.C.A. § 6-5-201 et seq.  
                                   A.C.A. § 6-10-132  
                                   A.C.A. § 6-18-601 et seq.  
                                   A.C.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)

Last Revised: 6-22-18

#### **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) days<sup>1</sup> 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.<sup>2</sup>

For purposes of this policy, the Westside 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.<sup>3</sup>

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.<sup>4</sup> "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,<sup>5</sup> 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.<sup>6</sup>

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

Family Policy Compliance 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>.

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>.

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

<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> 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.*

<sup>5</sup> 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.

<sup>6</sup> 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
Last Revised:	5/23/2019

#### 4.13 F—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 Westside 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)

**Note: your district does not have to include the separate options listed on this form, but students do have the right to opt out of either category separately. 33**

(USE AS APPLICABLE)



## **4.14 —STUDENT MEDIA AND THE DISTRIBUTION OF LITERATURE**

### **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. School-sponsored media does not provide a 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. 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 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 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 materials<sup>1</sup> shall have school authorities<sup>2</sup> review their non-school materials at least three (3) school days<sup>3</sup> in advance of their desired time of dissemination. School authorities shall review the non-school materials, prior to their distribution and will bar from distribution those non-school 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 distribution.<sup>4</sup> 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 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 materials;
3. Allow no interference with classes or school activities;
4. Specify times, places, and manner where distribution may and may not occur<sup>5</sup>; and
5. Not inhibit a person's right to accept or reject any literature distributed in accordance with the regulations.<sup>6</sup>
6. -Students shall be responsible for the removal of excess literature that is left at the distribution point for more than \_\_\_\_ days.<sup>7</sup>

The Superintendent, along with the student media advisors<sup>8</sup>, shall develop administrative regulations for the implementation of this policy. The regulations shall include definitions of terms and timelines for the review of materials.

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.

<sup>1</sup> 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.

<sup>2</sup> Consider naming the specific school authority (i.e. Superintendent, assistant superintendent, etc.) responsible for the review.

<sup>3</sup> You may change this length of time to suit your district, but it may not exceed three days without putting the district at risk of facing a legal challenge that you are inhibiting free speech.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Students are not to be coerced into taking non-school materials.

<sup>7</sup> 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.

<sup>8</sup> In 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.

Legal References:           A.C.A. § 6-18-1202, 1203, & 1204  
                                   *Tinker v. Des Moines ISD*, 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)

Last Revised: 5/23/2019

## HIGH SCHOOL POLICY CONCERNING THE DISTRIBUTION OF LITERATURE

Westside School reserves the right to prohibit a specific issue of a specific publication if there is substantial, factual basis to believe its possession or distribution will cause or is causing substantial disruption of school activities.

1. Students shall have the right to distribute and possess literature including, but not limited to, newspapers, magazines, leaflets, and pamphlets.
2. Distribution must take place before 8:00 a.m., during the lunch period, after 3:10 p.m., or during an organizational meeting.
3. Distribution must not take place during class time. It cannot take place during a school activity where interference of such may occur.
4. Each Westside student has the right to accept or reject any literature distributed in accordance with the rules.
5. All petitions shall be free of obscenities, libelous statements and personal attack, and shall be within the bounds of reasonable conduct. Students signing such petitions shall be free from recrimination or retribution from members of the staff and administration.
6. Petitions should be handed in to the student government sponsor, counselor, or principal. They will determine if they are in accordance with the rules and decide the appropriate action to take on each.

## **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.<sup>1</sup> 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, or person acting 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: <sup>1</sup> 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 A PARENT 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

Last Revised: 5/23/2019

## **4.16 —STUDENT VISITORS**

Student visitors in the classroom can be disruptive to the educational process. Student visitation is strongly discouraged. Any visitation to the classroom shall be allowed only with the permission of the school principal.

Last Revised: 8/26/04

## **ELEMENTARY POLICY ON SCHOOL VISITORS**

Student visitors to classes are not allowed.

Any person not currently enrolled in the Westside Elementary School nor employed by the school district must obtain permission from the administration before visiting any student or school employee on the campus during school hours.

#### **4.17 —STUDENT DISCIPLINE**

The Westside 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.<sup>1</sup>

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 Westside 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: <sup>1</sup> 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

Last Revised: 5/23/19

## **ELEMENTARY POLICY ON STUDENT DISCIPLINE**

Ranges of consequences for rule infraction may include a minimum of student being given a verbal warning to a maximum consequence of expulsion. In addition, students will be advised of the appropriate / expected behavior and may also be recommended for counseling.

It is impossible to list a rule for every situation that may arise in school. Both students and parents may expect the principal and teachers to develop rules to meet the individual school and classroom needs. In addition, violations of discipline policy will be dealt with in accordance to severity of action and / or the frequency of violations. If the severity of the infraction is of a more serious or repeating nature, the principal may impose a higher level of consequence.

Reasonable discipline may include the administration of corporal punishment. There will be no more than three (3) swats per infraction. No more than one paddling per day and a maximum of three per semester will occur (Either in school suspension or out of school suspension will be the next step.) Refusal to accept corporal punishment will result in either in-school suspension or at-home suspension according to the infraction for a minimum of two days.

### **IF A PARENT / GUARDIAN OBJECTS TO THEIR CHILD RECEIVING CORPORAL PUNISHMENT, THE PARENT / GUARDIAN MUST INFORM THE SCHOOL OF THEIR OBJECTION IN WRITING AT THE BEGINNING OF EACH SCHOOL YEAR OR AT ENROLLMENT.**

Students will be provided with means of prevention of future offenses, appropriate behavior, and the process of intervention and conflict provisions. Parents/guardians will be notified in person, via phone, e-mail, postal mail, forms sent home, or by any other means available to the school using provided information when their child has received discipline consequences.

## ELEMENTARY OFFICE PROCEDURES FOR DISCIPLINE

Student discipline may range from a minimum penalty of a verbal reprimand to a maximum penalty of expulsion.

	Possible Consequence(s)
Minor Infractions	<ul style="list-style-type: none"> <li>• Verbal reprimand</li> <li>• Loss of privilege: recess(es), other extracurricular activities/rewards</li> </ul>
Level 1 Offences: excessive minor infractions, excessive talking, disrespect, public display of affection (PDA), failure to follow instructions, refusing to cooperate, profanity, obscene gestures, dress code violations, disruption, out of assigned area, or any other offences deemed by administration	<ul style="list-style-type: none"> <li>• Parent contact</li> <li>• Loss of privilege: recess(es), other extracurricular activities/rewards, field trips</li> <li>• Counseling</li> <li>• Corporal punishment (depending on severity or repetition of offense)</li> </ul>
Level 2 Offences: excessive level 1 offences, physical or verbal abuse, dishonesty/cheating, excessive misbehavior as deemed by teacher and/or administration, repeated classroom disruption, refusal to work, misbehavior in the cafeteria, unnecessary roughness, violation of playground rules, bus misbehavior, horseplay, pretend fighting, possession of electronic devices, falsifying documents, destruction of school property, giving away or selling items without permission, items listed in prohibited conduct, or any other offences deemed by administration.	<ul style="list-style-type: none"> <li>• Parent contact</li> <li>• Loss of privilege: recess(es), other extracurricular activities/rewards, field trips</li> <li>• Counseling</li> <li>• Corporal punishment</li> <li>• In School Suspension (ISS)</li> </ul>
Level 3 Offences: excessive level 2 offences, possession and/or use of a weapon, alcohol, drugs, unlawful entry of school building/vehicle, destruction of school property, fighting, assault, batter, theft, bullying, harassment, gross insubordination, profanity toward any school employee or Board member, or any person(s) acting in an official capacity for the school, referees / umpires, or school guest, sexual harassment, excessive disruption of school, possession and / or use of tobacco and/or drugs, unauthorized possession of prescription medications or distribution of same, being under the influence of alcohol or drugs, cyber bullying,	<ul style="list-style-type: none"> <li>• Parent contact</li> <li>• Out of school suspension (OSS) (1 to 10 days)</li> <li>• Expulsion</li> </ul>



hazing or aiding in hazing, possession of fireworks, gambling, items listed under Prohibited Conduct, or any other offense(s) as deemed by administration.	
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In-School Suspension Rules: Student will be responsible for any missed work. Student will not sleep or eat in ISS nor talk without permission, and the students will obey the school rules / policies. The student will perform classroom work that is assigned to him/her (failure to do so can result in Out of School Suspension). If the student is absent or checked out early from ISS, the student will be assigned additional make-up time for ISS. Violations of these rules may result in the student being placed at Level 3 Offense.

Students who receive Out of School Suspension may not be allowed to attend field trips for that semester of serving suspension. Students who are assigned three (3) In-School Suspensions in one semester may not be allowed to attend field trips scheduled for that semester. A student may not be allowed to attend field trips based upon misbehavior incidents. Students who are serving Out of School Suspensions cannot be on school property nor attend School-sponsored events either on campus or off campus.

## HIGH SCHOOL POLICY ON STUDENT DISCIPLINE

The Westside 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; 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.

The District's personnel policy committee shall review the student discipline policies annually and may recommend changes in the policies to the Westside School Board. The Board shall approve any 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 or legal guardian shall sign and return to the school an acknowledgement form documenting that they have received the policies.

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 where 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.

### **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, 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; and
22. Bullying; and
23. Operating a vehicle on school grounds while using a wireless communication device.

**Infractions:** The following groups of infractions are considered improper conduct and will subject the student to disciplinary action. Disciplinary Infractions at WHS will range from a minimum of a warning to a maximum of expulsion. A violation of a rule occurs when the conduct takes place on the school grounds at any time; off the school grounds at a school activity, function, or event; or in route to and from school. The Principal has discretion to assign discipline actions appropriate to the offence.

<b>Level 1 Infractions</b>	<b>Level 1 Possible Consequences</b> (For any Level 1 offense)
Insubordination (pg. 57) Disruption/Interference with school (pg. 64) Treatment of school personnel (pg. 57) Abnormal/Irrational behavior (pg. 58) Public Display of Affection (pg. 58) Cheating (pg. 57) Gambling (pg. 58) Student assemblies (pg. 58) Lunch and cafeteria (pg. 58) Gum/Drinks Littering (pg. 58) Hall Conduct (pg. 64) Dress Code/Appearance (pg. 68)	<ul style="list-style-type: none"> <li>• Verbal Reprimand</li> <li>• Noon Detention</li> <li>• Corporal Punishment</li> <li>• Friday School</li> <li>• One to ten day(s) of ISS/OSS</li> </ul>
<b>Level 2 Infractions</b>	<b>Level 2 Possible Consequences</b> (For any Level 2 offense)
Electronic Devices/Cell phones (pg. 56 & 122) Fireworks (pg. 56) Verbal abuse/obscene gestures (pg. 56) Skipping class (pg. 161) Leaving school without permission/Truancy (pg. 161) Cell phone usage on campus ( <i>refer to cell policy</i> )(pg. 56)	<ul style="list-style-type: none"> <li>• Corporal Punishment</li> <li>• Friday School</li> <li>• One to ten day(s) ISS/OSS</li> <li>• Suspension, recommendation for expulsion, prosecution.</li> </ul>
<b>Level 3 Infractions</b>	<b>Level 3 Possible Consequences</b> (For any Level 3 offense)
Gang activity (pg. 55 & 70) Drugs, Alcohol, Smoking/Smokeless tobacco/vapes (pg. 52 & 67) Damage and Destruction of school property (pg. 56) Abuse of school personnel (pg. 54) Abuse of athletic contest officials (pg. 54) Bomb threats (pg. 56) Theft of property (pg. 55) Fighting (pg. 55) Indecent exposure (pg. 54) Criminal acts (pg. 55) False Alarms (pg. 54) Weapons (pg. 54 & 65)	One to ten day(s) of ISS/OSS Suspension, recommendation for expulsion, prosecution.  Students who fight on school property may be suspended up to ten days. (ISS/OSS)



### **Level 3 Infractions**

The following is a summary of the discipline procedures which will be used by the administration. The seriousness of the offense and the number of past offenses will be determining factors as to which discipline will be used. Any student sent to the office by a teacher while the principal/dean of students is out must remain in the ISS room until the principal/dean of students returns.

The student sent to the office for a minor offense will be given one of the Level 3 discipline. The 3rd referral to the office for a minor offense will result in one day of ISS. The 4th referral and any subsequent referral for a minor offense will result in multiple 9th hours/Friday School assignments.

The administration reserves the right to judge severity and consequences. Corporal punishment may be used for any of the above at the administrator's discretion. Parents will be notified according to the severity of the action.

### **Drugs & Alcohol (L-3)**

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 Westside 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; is en route to or from school or any school sponsored activity.

Selling, distributing, or attempting to sell or distribute, or using over-the-counter or prescription drugs not in accordance with the recommended dosage is prohibited.

### **Smoking & Smokeless Tobacco (L-3)**

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.

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-pips, vape, or under any other name or descriptor.

It shall be the policy of the Westside Board of Education that all students shall be made aware of the physical/mental effects of the use of drugs, alcohol, and tobacco.

Act 1555 of 1999 states: Smoking or use of tobacco products in any form on any property owned

or leased by a public school district is prohibited. Upon conviction, a violator shall be guilty of a misdemeanor and be subject to a fine of not less than \$10.00 or more than \$100.00.

Students are not to use nor have in their possession any form of tobacco while at school or at a school activity or function.

Students are encouraged to seek treatment and/or counseling for drug/alcohol problems. The Westside School District will not assume any expenses incurred in counseling or attendance in a drug/alcohol program. Following is a list of some of the agencies in our area.

Adolescent Care Unit  
Ark. Rehab. Institute  
Little Rock 223-7507

Community Services  
Clarksville 754-7296

Adolescent Care Unit  
Baptist Health  
Ft. Smith 441-5500

Counseling Associates  
Clarksville 754-8610  
Russellville 968-1298

Ark. Children's Hospital  
"Turning Point"  
Little Rock 370-1360

Harbor View  
Mercy Academy  
Ft. Smith 487-5550

Charter Hospital  
Little Rock 851-8700

Rivendale Child & Youth Center  
Benton 794-1255  
Little Rock 372-3647

Charter Vista  
Fayetteville 521-5731

Bridgeway  
North Little Rock 771-1500

In an effort to create a healthy environment for students and staff members, and in compliance with the provision of Public Law 101-226, the Westside School District prohibits the possession, use, illegal manufacture, or distribution of illegal drugs, controlled substances, and/or alcohol by its students on school district property or as part of any school 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.

Students should not report to Westside School after having used any prohibited drug. Compliance with this regulation is a condition of the Westside School District and any student in violation will be subject to disciplinary action up to and including expulsion. Compliance with the standards of conduct in this policy is mandatory of all students. Violation of any part of this policy may result in disciplinary action, including suspension and expulsion. If the situation warrants, the superintendent or principal shall communicate all available information to the proper law enforcement agencies and offer full cooperation of the Westside School District in the investigation.

### **Penalties for Abusing or Insulting Public School Teachers (L-3)**

Any person who shall abuse or insult a public school teacher while such teacher is performing normal and regular or assigned school responsibilities shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1500.00) (Act 1243 of 1997)

### **Penalties for Abuse of Athletic Contest Officials (L-3)**

Any person with the purpose of causing physical injury to another person who shall strike or otherwise physically abuse an athletic contest official immediately prior to, during, or immediately following an interscholastic, intercollegiate, or any other organized amateur or professional athletic contest in which the athletic contest official is participating shall be guilty of a class misdemeanor. (Act 355, 1997)

### **Indecent Exposure and Sexual Advances (L-3)**

A student shall not deliberately commit indecent exposure in school, nor shall a student make improper sexual advances toward another person.

### **False Alarms (L-3)**

Student shall not report false alarms.

### **Weapons (L-3)**

No student shall possess a weapon, display what appears to be a weapon, or threaten to use a weapon while in school, on or about school property, before or after school, in attendance at school or any school sponsored activity, en 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. Military personnel, such as ROTC cadets, acting in the course of their official duties are excepted exempted.

A weapon is defined as any firearm, knife, razor, ice pick, dirk, box cutter, numchucks, 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. For the purposes of this policy, "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, as defined in this policy, on the student's body or in an area under his/her control. If, prior to any questioning or search by any school personnel, 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 including a weapon, other than a firearm, that is in a 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 not less than one year. The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis.<sup>1</sup> 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. 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.

### **Criminal Acts (L-3)**

The commission of or participation in criminal acts in school buildings or at school sponsored events by students is prohibited by law. Disciplinary action will be taken by school authorities against students involved in criminal acts, regardless of whether or not criminal charges result.

### **Theft of Property (L-3)**

A student shall not steal or attempt to steal property belonging to the school or public or private property while under the jurisdiction of the school.

Students shall make restitution of any property stolen by them and shall be subject to other disciplinary measures.

### **Fighting (L-3)**

Fighting will not be tolerated in the slightest at Westside High School. Students who fight/video a fight/cause a fight by any means to include intimidation or coercion, will be subject to the following: Depending on severity, students may be suspended up to ten (10) days (ISS/OSS), law enforcement authorities will be notified, and citations may be issued. It is possible that a student who fights will be prosecuted by the court system. Fighting will be defined as a physical conflict. A student will not be subject to disciplinary action when it can be determined that he/she attempted to avoid engaging in a confrontation or if the student acted in self-defense.

### **Gangs and Gang Activity (L-3)**

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.

Gang-related activity- whether genuine or a pretense- that is identified by school officials will result in a minimum (5) day out-of-school suspension up to a maximum of expulsion for the remainder of the semester. A second offense of gang-related activity will result in a recommendation for expulsion for the remainder of the semester, the remainder of the school year, for one calendar year, or permanently. 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.

### **Damage or Destruction of School Property (L-3)**

A student shall not cause or attempt to cause damage to school property. The district will attempt to recover damages from the student destroying the property. Parents of any minor student under the age of 18 living with the parent/guardian may be liable for damages caused by said minor in the amount not in excess of \$5,000.00.

### **Bomb Threats (L-3)**

A student who calls in a bomb threat and/or any other threat to the health and safety of the students and employees will be referred to the legal authorities and will be recommended for expulsion.

## **Level 2 Infractions**

### **Fireworks (L-2)**

Possession of and/or the firing of fireworks of any kind is prohibited on school property.

### **Verbal Abuse, and Obscene Gestures (L-2)**

A student shall not use profane, violent, vulgar, abusive, or insulting language at any time. A student shall not use physical gestures that convey a connotation of obscene or highly disrespectful acts, infringe upon the rights of others, or cause or begin an overt and immediate disruption of the educational process. Any student who displays physical obscene gestures in any photos taken for school use (yearbook, newspaper, etc.) will be subject to Level 2 disciplinary action and will incur cost of photographer and retaking photo.

### **Cell Phones (L-2)**

Students may be allowed to use their cell phones before school, during lunch, and after school in accordance with the Electronic Devices policy in the handbook. Use during class time is prohibited except as prescribed in the Electronic Devices policy in the handbook. Use during passing periods is prohibited. Use of a cell phone while operating a vehicle is prohibited.

Violation of the above policy will result in the following: **First Offense** – Teacher warning and the student may get it back at the end of that class period as long as the student cooperated and was respectful. **Second Offense**- Parent must pick up the cell phone in the office. **Third Offense**- Phone is not allowed on campus for the remainder of the semester.

### **Electronic Devices (L-2)**

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.

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 take photographs in locker rooms or bathrooms;
5. Creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person.
6. Creating, sending, sharing, viewing, receiving, or possessing acts of bullying, sexual harassment, or other school rules or conduct violations.

Use of an electronic device is permitted to the extent it is approved in a student’s individualized education program (IEP) 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.

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. **Students have no right of privacy as to the content contained on any electronic devices that have been confiscated.**

Students who use a 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 expulsion.

## **Level 1 Infractions**

### **Cheating (L-1)**

Students caught cheating will receive a zero and Level 3 disciplinary actions.

### **Disregard of Direction or Commands (Insubordination) (L-1)**

All students shall comply with reasonable directions or commands of teachers, substitute teachers, teacher aides, principals, administrative personnel, school bus drivers, and any other authorized personnel.

### **Treatment of School Personnel (L-1)**

Students will not be allowed to behave in a hateful, discourteous, or degrading manner toward any school employee.

**Abnormal or Irrational Behavior (L-1)**

Any student whose actions are abnormal or irrational shall be temporarily suspended from class by the teacher and/or from school by the principal or other person in charge.

**Public Display of Affection (L-1)**

Public display of affection is not acceptable. Holding hands, placing arms around each other, kissing, etc. is prohibited at school and at school activities. Students engaging in such behaviors will be subject to Level 1 disciplinary action.

**Gambling (L-1)**

A student shall not participate in any activity, which may be termed gambling or wagering where the stakes are money or any other object or objects of value.

**Student Assemblies (L-1)**

All students attending assembly programs shall behave in a manner that will not distract from the program or keep others from enjoying the full benefits of the program. Seating areas will be assigned by class.

**Breakfast, Lunch and Cafeteria (L-1)**

Meals are provided to students for breakfast and lunch free of charge. Each student is asked to take his/her plate, silverware, milk cartons, and napkins to the window after they have finished eating and place them in their proper containers.

During lunch, drinks are to be consumed in the cafeteria or patio area only.

No exposed hairbrushes will be allowed in the cafeteria during lunch.

Students will use the designated bathrooms at lunchtime.

Students will congregate in designated areas during lunch.

**Lunch Duty:** Only Line-Duty teacher and class will go early to lunch.

1. During lunch students have the following options: (1) remain in the cafeteria, or (2) exit by the west door (when dismissed by duty teacher) in the cafeteria to the patio area. At the end of lunch, students should enter the building through the north door in the hall leading to the cafeteria. During inclement weather students will remain in the cafeteria if possible.
2. Bathroom usage during lunch should only be during the first four minutes of lunch, or the last four minutes (between tardy bells) and the facilities in the halls should be used. Allowances for medical exceptions will be determined on a case-by-case basis.

**Gum, Food, and Drinks (L-1)**

Gum is allowed at the discretion of the classroom teacher.

Drinks, other than water, are not to be purchased or consumed between classes or during class time. Water must be in a clear plastic bottle. Students may purchase and consume drinks before school and after school only. At no time are students permitted to consume or have in their possession drinks other than water in the high school or any classroom on campus. Exceptions must be requested in writing by a faculty member and approved in advance by the administration. (Ex: Christmas party, etc. **Drinks brought to school must be sealed and checked in with hall duty personnel when the student enters the school. Open containers are not permitted.**

**Discipline for Handicapped**

Handicapped students who engage in misbehavior are subject to normal school disciplinary rules

and procedures. Treatment under these rules will not abridge the right to a free appropriate public education. The individualized education plan (IEP) team for a handicapped student will consider whether particular disciplinary procedures should be adjusted for that student and include them in his/her IEP. Handicapped students will be excluded from school only in an emergency. In no case will a handicapped student be excluded for more than ten (10) days. After an emergency suspension is imposed on a handicapped student, an immediate meeting of the student's IEP team will be held to determine the cause and effect of the suspension with a view toward assessing the effectiveness and appropriateness of the student's placement, and toward minimizing the harm resulting from the exclusion. The suspended student will be offered alternate educational programming for the duration of the exclusion.

### **Behavior Not Covered**

The Westside School District reserves the right to punish behavior, which is not conducive to good order and discipline in the school, even though such behavior is not specified in written rules. A student may be suspended or expelled for immorality, refractory conduct, insubordination, infectious disease, habitual un-cleanliness, or other conduct that would tend to impair the discipline of the school or harm the other pupils, regardless of whether the student's conduct occurs on or off campus and during or between school terms and regardless of whether a specific prohibition of the conduct is contained in this student handbook. (Act 742 of 1997)

### **Corporal Punishment Policy**

The Westside School Board authorizes the use of corporal punishment to be administered in accordance with this policy by the Superintendent or his/her designated staff members who are required to have a state-issued certificate license as a condition of their employment.

Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the discipline 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 a school administrator or designee who shall be a certified licensed staff member employed by the District as a witness, shall not be excessive, or administered with malice. Corporal punishment shall not be administered unless an attempt has been made to modify the pupil's behavior by some means other than corporal punishment, and unless the pupil has been told that a continuation or repetition of his/her behavior may lead to corporal punishment. In the event that corporal punishment is not allowed, Friday school or ISS/OSS will be used. Should such discipline become necessary, it must be administered by a certified employee of the district to any pupil for disruptive or unmanageable conduct, insubordination, profane, violent, vulgar, or insulting language, or any other conduct that would tend to disrupt the educational process. Corporal punishment cannot be administered in the presence of other students, or in a spirit of malice or anger, nor will it be excessive.

Refusal to take corporal punishment will result in Friday School or ISS/OSS. Failure to attend the assigned Friday detention will result in a three (3) day suspension from school for each Friday not in attendance.

The Board directs that corporal (physical) punishment, when deemed necessary, will be administered according to the following requirements:

1. It will be administered to the lower posterior only.
2. The parent will be notified by the office in writing of the reasons for the discipline and the name of the witness.

Legal Reference:      A.C.A. § 6-18-503 (b)  
                               A.C.A. § 6-18-505 (c) (1)

### **Assignment of Disciplinary Action**

Any teacher may assign any disciplinary action provided for the student handbook except suspension, assignment to an alternative learning environment, or recommendation for expulsion. Teachers may recommend to the principal any of these actions in writing, stating the reasons for recommendation.

### **Friday School Detention Policy**

A student assigned to Friday school will be required to meet the following guidelines: 1.

Time: 8:00 - 12:00 noon

2. Two (2) five (5) minute bathroom breaks.
3. A certified staff member will act as monitor.

A sequential 500-word written behavior modification plan must be completed by the student in order to receive credit for time served.

Failure to attend Friday school will result in:

1. Attendance makeup on the following Friday (only under rare instances and emergencies, and only with prior approval of the high school principal).
2. 3 days of ISS/OSS

Students may only have 5 Friday schools per semester. After the 5th Friday school the student will be suspended.

### **Suspension Policy (Teacher)**

A teacher has the authority to suspend a student from class by sending the student to the principal's office with a written statement of the reasons for the student's suspension from class. The principal shall determine whether to reinstate the student to class or take other disciplinary action.

### **Suspension Policy (Principal)**

The principal is authorized to temporarily suspend a student from school for a period not to exceed the (10) days, and require a student/parent/principal conference as a condition for considering reinstatement. Parents will be notified by phone, e-mail, or first class mail. The conference may be conducted by phone or at a later time, which is mutually convenient for both parties. When suspended, a student is not permitted to return to campus or attend or participate in any school sponsored function during the term of the suspension. Students suspended during standardized testing will be allowed to come in and take tests. Students receiving OSS will only be allowed to make up missed tests or assignments during Friday School, once they return. Suspension may be either in school (ISS) or out of school (OSS). Student or parents may appeal the suspension to the Superintendent.

### **In-School Suspension**

1. Students are to bring all study materials to room: books, paper, pencils, etc.
2. Students will not be allowed to leave ISS except for a break in the morning, at noon, and in the afternoon. They will go to lunch detention for their lunch time. All breaks will be taken individually.
3. Students will not be allowed to sleep, chew gum, or eat any food with the exception of lunch.
4. Students are not to talk in ISS.
5. Desks will be placed so students cannot make eye contact.
6. Misbehavior in ISS will result in additional time spent in ISS.
7. Students who refuse to go to ISS or who chronically misbehave in ISS will receive an out of school suspension of equal days, and then must make up ISS upon return to school.
8. Students will receive credit for tests and/or daily assignments completed during ISS only. (Work must be turned into ISS teacher at the end of the day)
9. During ISS the students will be given class assignments and extra work by the teachers and principal, as well as any tests that are given during the suspension.
10. Students are not allowed to attend or participate in any extra-curricular activities during ISS.
11. Dates assigned ISS will be at the discretion of the administration. The policy concerning participation and attendance of extra-curricular activities will go into effect as soon as the discipline is determined.

### **Expulsion Policy**

When the principal decides to recommend that a student be expelled, he shall make such recommendation to the superintendent along with a written statement of the charges against the student. The superintendent shall then schedule a hearing before the Board of Education and notify the parent/guardian. The student and his/her parents/guardians may waive a hearing scheduled for the purpose. Such waiver must be in writing. A student who has been expelled cannot be on campus for any reason until the expulsion is complete.

### **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/vape 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, 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, vape, or other intoxicants, or anything represented to be a drug;
8. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
9. Inappropriate public displays of affection;
10. Cheating, copying, or claiming another person's work to be his/her own;
11. Gambling;
12. Inappropriate student dress per the dress code on page 69;
13. Use of vulgar, profane, or obscene language or gestures;
14. Truancy;
15. Excessive tardiness;
16. 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;

17. 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;
18. Hazing, or aiding in the hazing of another student;
19. 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;
20. Sexual harassment;
21. Bullying;
22. Operating a vehicle on school grounds while using a wireless communication device; and
23. 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. § 6-18-502  
                                  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

Last Revised: 5/23/2019

## **4.19 —CONDUCT TO AND FROM SCHOOL AND TRANSPORTATION ELIGIBILITY**

The District’s Student Code of conduct applies to students while traveling to and from school or to and from a school activity 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.

The preceding paragraph also applies to student conduct while on school buses. Students shall be instructed in safe riding practices.<sup>1</sup> The driver of a school bus shall not operate the school bus until every passenger is seated. In addition to other disciplinary measures provided for violations of the District's Student Code of Conduct, the student's bus transportation privileges may be suspended or terminated for violations of the Student Code of Conduct related to bus behavior.

All Students are eligible to receive district bus transportation within district boundaries and along established bus routes.<sup>2</sup> 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: <sup>1</sup> The Rules don't specify who is responsible for instructing the students in safe riding practices.

<sup>2</sup> 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 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 Drivers 4.0

Last Revised: 5/23/2019

## **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: A.C.A. § 6-18-511

Last Revised: 8/26/04



#### **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: A.C.A. § 6-17-106 (a)

Last Revised: 5/23/2019

#### **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;
- Nunchucks;
- 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:

- In a school building;
- On or about school property;
- At any school sponsored activity or event;
- On route to or from school or any school sponsored activity; or
- 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.<sup>1</sup>

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.<sup>2</sup> 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: <sup>1</sup> The 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.

<sup>2</sup> The statute that specifies the parents’ penalties is A.C.A. § 5-27-210, but it is also helpful to have A.C.A. § 5-4-201 and A.C.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
	A.C.A. § 5-4-401
	A.C.A. § 5-27-210
	A.C.A. § 5-73-119(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
	20 USC § 7961

Last Revised: 5/23/2019

## **4.23 —TOBACCO AND TOBACCO 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-pips, 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: A.C.A. § 6-21-609

Last Revised: 6-13-13

## **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 Westside 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  
Last Revised: 5/23/2019

## **4.25 —STUDENT DRESS AND GROOMING**

The Westside 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: A.C.A. § 6-18-502(c)(1)  
A.C.A. § 6-18-503(c)

Last Revised: 6/7/2011

## ELEMENTARY POLICY ON STUDENT DRESS AND GROOMING

The following clothing, accessories, or body art may NOT be worn to school or school sponsored activities:

Clothing that displays obscene, vulgar, racist, inflammatory words or pictures cannot be worn to school or school-sponsored activities.

Clothing shall not have holes that expose skin above the knee or underclothing.

Undergarments must be worn in the fashion they were designed and not on the outside of clothes.

Hats, caps, and other head gear are not allowed during the regular school day unless permitted by administration.

Sagging pants are not allowed.

Tattoos cannot be obscene, vulgar, racist, or inflammatory in nature.

Jewelry cannot be worn that is considered unsanitary, unsafe, disruptive, or could cause injury to others.

Belts and / or collars with spikes cannot be worn.

## HIGH SCHOOL POLICY ON STUDENT DRESS AND GROOMING

The school board recognizes that among those rights retained by the people under our constitutional form of government is the freedom to govern one's personal appearance. When, however, dress and grooming substantially disrupt the learning process for the individual student, other students, or the learning climate of the school, it becomes a matter subject to disciplinary action. The office will provide tape one (1) time for students with holes. Student dress, grooming, and appearance should be the responsibility of the individual and his/her parents under the following guidelines:

1. Dress and grooming should be clean and in keeping with health and community standards for school students.
2. Students may not wear clothing or hairstyles that can be hazardous to them in their educational activities such as shop, lab work, or physical education.
3. The following items are not considered appropriate wear for school or school activities: cleated shoes, mesh shirts without under garment such as a T-shirt, half shirts, tank tops, halter tops, strapless tops, short shirts which reveal the stomach, garments with slogans or pictures concerning drugs, tobacco, alcohol, or sex. 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.
4. A student shall not wear or use emblems; insignias, badges or other symbols which cause substantial disruption or interference with the operation of the school.
5. Spandex shorts, leggings, or other garments may be worn if over garments meet all other dress code requirements.
6. The proper length of all shorts/skirts/dresses must be no less than fingertip length when hanging straight down. The hem of all apparel must meet this requirement. Holes in pants are also included in this requirement.

7. Dress should not be disruptive to the educational process, undermining, cheap, rude, contemptuous, detract from proper decorum of the school, constitute a challenge to the authority of the administration, or disrupt the educational process.
8. No caps allowed to be worn inside. They will be confiscated to be returned to your parents. Exception is school sponsored hat days.
9. No pajamas or house shoes may be worn on campus.
10. No midriff tops will be allowed.
11. Sleeveless shirts must be factory made.
12. The waistline of pants, jeans, shorts, etc. must be worn at waist level. No “sagging” allowed.
13. Shoes must be worn at all times on school property unless directed by school personnel. A violation of the Westside Dress Code will result in a disciplinary referral to be completed by either a faculty member or the principal. Disciplinary action will start with a warning and the student changing into appropriate clothing. Additional offenses will result in escalating disciplinary actions ranging from D-Hall to expulsion.
14. Masks must not contain any obscene gestures or be disruptive to the educational process.

#### **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:           A.C.A. § 5-74-201 et seq.  
                                       A.C.A. § 6-15-1005(b)(2)

Last Revised: 5/23/2019

#### **4.27 —STUDENT SEXUAL HARASSMENT**

The Westside 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: the nature of sexual harassment; the District's written grievance procedures for complaints of sexual harassment;<sup>1</sup> that the district does not tolerate sexual harassment; that students can report inappropriate behavior of a sexual nature without fear of adverse consequences; the redress that is available to the victim of sexual harassment;<sup>2</sup> and the potential discipline for perpetrating sexual harassment.

"Sexual harassment" means conduct that is:

1. Of a sexual nature, including, but not limited to:
  - a. Sexual advances;
  - b. Requests for sexual favors;
  - c. Sexual violence; or
  - d. Other personally offensive verbal, visual, or physical conduct of a sexual nature;
2. Unwelcome; and
3. denies or limits a student's ability to participate in or benefit from any of the District's educational programs or activities through any or all of the following methods:
  - a. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's education;
  - b. Submission to, or rejection of, such conduct by an individual is used as the basis for academic decisions affecting that individual; and/or
  - c. Such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creates an intimidating, hostile, or offensive academic environment.

The terms "intimidating," "hostile," and "offensive" include conduct of a sexual nature that has the effect of humiliation or embarrassment and is sufficiently severe, persistent, or pervasive that it limits the student's ability to participate in, or benefit from, an educational program or activity.

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(es) 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 file a complaint by contacting a counselor, teacher, Title IX coordinator, or administrator who will provide assistance on the complaint process. Under no circumstances shall a student be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the harassment.

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 to the extent necessary to complete a thorough investigation; the extent necessary to submit a report to the child maltreatment hotline; the Professional Licensure Standards Board for complaints alleging sexual harassment by an employee towards a student; or the extent necessary to provide the individual accused in the complaint due process during the investigation and disciplinary processes. Individuals who file a complaint have the right to request that the individual accused of sexual harassment not be informed of the name of the accuser; however, individuals should be aware that making such a request may substantially limit the District's ability to investigate the complaint and may make it impossible for the District to discipline the accused.<sup>3</sup>

Students, or the parents/legal guardians/ other responsible adult of a student, who file a complaint of sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats, intimidation, coercion, or discrimination. 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.

Following the completion of an investigation of a complaint, the District will inform the parents/legal guardian/other responsible adult of the student, or the student if over the age of eighteen (18), who filed the complaint:

- The final determination of the investigation;
- Remedies the District will make available to the student; and
- The sanctions, if any, imposed on the alleged harasser relevant to the student.



Following the completion of an investigation of a complaint, the District will inform the parents/legal guardian/other responsible adult of the student, or the student if over the age of eighteen (18), who was accused of sexual harassment in the complaint:

- The final determination of the investigation; and
- The sanctions, if any, the District intends to impose on the student.

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following an investigation, any student who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion.

Students who knowingly fabricate allegations of sexual harassment shall be subject to disciplinary action up to and including expulsion.

Individuals who withhold information, purposely provide inaccurate facts, or otherwise hinder an investigation of sexual harassment shall be subject to disciplinary action up to and including expulsion.

Notes: <sup>1</sup> The U.S. Department of Education Office of Civil Rights requires that there are separate written grievance procedures in addition to the written policy. The grievance procedures should include the following:

- A statement of the school's jurisdiction over Title IX complaints;
- Adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
- Notice of where complaints may be filed;
- Reporting policies and protocols, including provisions for confidential reporting;
- Identification of the employee or employees responsible for evaluating requests for confidentiality;
- Provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
- Designated and reasonably prompt time frames for the major stages of the complaint process;
- Written notice to the complainant and alleged perpetrator of the outcome of the complaint;
- Notice that Title IX prohibits retaliation;
- Notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
- Notice of available interim measures that may be taken to protect the student in the educational setting;
- The evidentiary standard that must be used (preponderance of the evidence) (i.e., more likely than not that sexual harassment occurred) in resolving a complaint;
- Notice of potential remedies for students;
- Notice of potential sanctions against perpetrators;
- Sources of counseling, advocacy, and support; and
- Assurance that the school will take steps to prevent recurrence of any sexual harassment and remedy discriminatory effects on the complainant and others, if appropriate.

<sup>2</sup> Depending on the specific nature of the problem, remedies for the complainant might include, but are not limited to:

- Providing an escort to ensure that the complainant can move safely between classes and activities;
- Ensuring that the complainant and alleged perpetrator do not attend the same classes;
- Moving the complainant or alleged perpetrator to another school within the district;
- Providing counseling services (which must be free of charge to the student);

- Providing medical services;
- Providing academic support services, such as tutoring
- arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

<sup>3</sup> Factors to be considered when a complainant requests no investigation or no disciplinary action be taken include:

- Circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual harassment or other violence, which include:
  - Whether there have been other sexual harassment complaints about the same alleged perpetrator;
  - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the alleged perpetrator threatened further sexual harassment or other violence against the student or others; and
  - Whether the sexual harassment was committed by multiple perpetrators;
- Whether the student's report reveals a pattern of perpetration, such as illicit use of drugs or alcohol, at a given location or by a particular group that suggests there is an increased risk of future acts of sexual harassment under similar circumstances;
- Whether the sexual harassment was perpetrated with a weapon;
- The age of the student subjected to the sexual harassment; and
- Whether the school possesses other means to obtain relevant evidence, such as through security cameras, eye witness accounts, or physical evidence.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq.  
34 CFR part 106

A.C.A. § 6-15-1005 (b) (1)

Last Revised: 1/31/2018

## **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

Last Revised: 5/23/2019

## **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**

#### **Damages**

All damages incurred by the district due to the misuse or negligent use of the district's technology resources, including but not limited to the loss of property and staff time, may be charged to the user. District administrators have the authority to sign any criminal complaint regarding damage to district technology.

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<sup>1</sup>; therefore, it is the policy of the District to protect each electronic device with Internet filtering software<sup>2</sup> 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<sup>3</sup> 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<sup>4</sup> 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.

Notes: The Neighborhood Children's Internet Protection Act (PL 106-554, 47 USC 254 (h) (I)) requires districts to hold at least one public hearing on its proposed technology safety measures and Internet safety policy as well as any changes to the policy with reasonable notice given to the community and the media. This notice requirement would be met by the regular notification requirements for a board meeting. The regulations do not require this to be a special meeting and it is allowable for it to be part of a regular school board meeting. The requirement also includes retaining the meeting's agenda and minutes as well as the Tech Plans, Acceptable Use Policy, and Internet Safety Policy for a period of five (5) years. This timeline isn't quite as straight forward as it sounds. To help clarify the retention requirements, the 8/11 Rules cited in the Legal References include the following note:

*We conclude that a school or library should be required to retain its Internet safety policy documentation for a period of five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding. For example, if a school adopted an Internet safety policy in 2002 and used that same policy to make its certification in funding year 2009, the school must retain its Internet safety policy documentation for five years after the last day of service for funding year 2009.*

<sup>1</sup> The FCC's Rules have been amended to align with the statute's provision which allow local determination of what material is harmful to minors. 47 CFR 54.520(c)(4) states:

*Local determination of content. A determination regarding matter inappropriate for minors shall be made by the school board, local educational agency, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may establish criteria for making such determination; review the determination made by the certifying school, school board, school district, local educational agency, library, or other authority; or consider the criteria employed by the certifying school, school board, school district, local educational agency, library, or other authority in the administration of the schools and libraries universal service support mechanism.*

Therefore, districts must decide on their definition of "harmful to minors." The definition included in the policy is that which is used in the law and Code of Regulations. You may, but you do not have to, change it.

<sup>2</sup> The designated District Technology Administrator or designee may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.

<sup>3</sup> It is important for future Tech Plan approval by the DESE that you have and retain documented proof of such education such as time, place, and materials presented.

<sup>4</sup> For your student handbook, add progressive discipline – first offense consequence, second offense consequence, etc.

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

Last Revised: 5/23/2019

## 4.29 F—STUDENT ELECTRONIC DEVICE AND INTERNET USE AGREEMENT

Student's Name (Please Print) \_\_\_\_\_ Grade Level \_\_\_\_\_

School \_\_\_\_\_ Date \_\_\_\_\_

The Westside 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 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 discipline 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 discipline 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;
- 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 schools; 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,<sup>1</sup> 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 (5<sup>th</sup>) 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:<sup>2</sup>

- 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.<sup>3</sup>

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.<sup>3</sup>

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.

<sup>1</sup> 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.

<sup>2</sup> A.C.A. § 6-18-507(f)(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.

<sup>3</sup> 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  
*Goss v Lopez*, 419 U.S. 565 (1975)

Last Revised: 5/23/2019

### 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 (5<sup>th</sup>) 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<sup>1</sup> 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.<sup>2</sup> 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.

<sup>1</sup> 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.

<sup>2</sup> 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

Last Revised: 5/23/2019

## **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.<sup>1</sup> 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 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. 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, person having lawful control of the student, or person standing in loco parentis. 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, 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.

Note: <sup>1</sup> 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 suspicionless personal searches of all students and random suspicionless personal searches of students or groups of students. (This is distinct and different from random, suspicionless 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

Last Revised: 5/23/2019

### **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.

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### **HIGH SCHOOL POLICY CONCERNING STUDENT VEHICLES**

The automobile is expected to be used for transportation to and from school and not as a plaything to be used during noon hour and before school. Failure to use the automobile in this manner will cause the driver to lose the privilege of bringing the automobile to school.

A student driver form must be filled out before being allowed to drive on campus. Students will pay \$3 for a school parking pass. If a students' car is parked on campus without a driver's form on file, the following action will take place.

1. First time: Warning
2. Second time: Detention Hall
3. Third time: Driving privileges will be revoked on Westside property for that semester.

If the student driver continues to abuse driving privileges, then he/she is subject to vehicle being towed and/or disciplinary action to be decided by principal.

Traffic and parking regulations are made in the interest of safety.

Any student parking a vehicle on campus is granting permission for school or law enforcement authorities to search that vehicle.

Those who find it necessary to drive to school are asked to observe the following practices:

1. All students must park in designated parking as assigned by the principal. Faculty/staff parking is next to the building. Students may not park behind building inside fence.
2. No student is allowed in the parking area during school time without first registering in the office.
3. Any student driving an automobile to school must have a valid Arkansas driver's license and liability insurance.
4. Before entering campus, reduce vehicle speed to less than 10 m.p.h. Spinning tires, racing motors, and honking horns indicate an immature driver, a poor citizen, and shall cause removal of driving privilege.
5. Students who are seen driving recklessly on or around school property and fail to obey the above provisions will be asked not to bring their automobiles to school in the future.
6. Automobiles must be parked on the campus in the morning upon arrival to school and left unoccupied until school is dismissed in the afternoon.
7. Student drivers must depart the parking lot using the north side exit only prior to buses leaving daily. If they have not departed before the buses arrive they must wait to depart after all the buses leave.
8. 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 which is in motion and on school property. Violation may result in disciplinary action up to and including suspension.
8. Owners of motorbikes and other moving vehicles are to consider the same regulations as for automobiles in the statements above.

#### **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 (chicken pox), measles, scabies, conjunctivitis (Pink Eye), impetigo/MRSA (Methicillin-resistant *Staphylococcus aureus*), streptococcal and staphylococcal infections, ringworm, mononucleosis, Hepatitis A, B, or C, mumps, vomiting, diarrhea, and fever (100 F when taken orally).<sup>1</sup> 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, foodborne, 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: <sup>1</sup> 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  
4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION  
4.57—IMMUNIZATIONS

Legal References: A.C.A. § 6-18-702  
Arkansas State Board of Health Rules Pertaining To Immunization Requirements  
Division of Elementary and Secondary Education Rules Governing Kindergarten  
Through 12<sup>th</sup> Grade Immunization Requirements

Last Revised: 5-23-2019

## **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.<sup>1</sup>

### **Schedule II Medications<sup>2</sup>**

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).

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.<sup>3</sup> 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.<sup>4</sup>



### **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 trained<sup>6</sup> and certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP 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 trained<sup>6</sup> 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 trained<sup>6</sup> 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 trained<sup>6</sup> 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.

Notes: A.C.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.

<sup>1</sup> The 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.

<sup>2</sup> This 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 "Option One" or "Option Two" language after your selection along with the language for the unchosen option in the final version. Be sure to consult with your school nurse when selecting an option.

<sup>3</sup> Here 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, etorphine hydrochloride, phenylactone, dronabinol, secobarbital, and fentanyl.

<sup>4</sup> A student who has surgery or is in an accident 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, which could include homebound instruction.

<sup>5</sup> The specific authorization should be provided on the doctor's letterhead along with the completed Medication Administration Consent Form (4.35F).

<sup>6</sup> 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  
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. § 17-87-103 (11)  
A.C.A. § 20-13-405

Last Revised: 5-23-2019

## 4.35F—MEDICATION ADMINISTRATION CONSENT FORM

Student's Name (Please Print) \_\_\_\_\_

This form is good for school year 2019-20. 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 medications 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 medication to my student.

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/Legal Guardian \_\_\_\_\_ Date \_\_\_\_\_

Last Revised: 5-23-2019

## 4.35F2—MEDICATION SELF-ADMINISTRATION CONSENT FORM

Student's Name (Please Print) \_\_\_\_\_

This form is good for school year 2019-20. 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 licensed a 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.

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 \_\_\_\_\_

Last Revised: 6-2-15

# 4.35F3—GLUCAGON AND/OR INSULIN ADMINISTRATION CONSENT FORM

Student's Name (Please Print)

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This form is good for school year 2019-20. 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 \_\_\_\_\_

## 4.35F4—EPINEPHRINE EMERGENCY ADMINISTRATION CONSENT FORM

Student's Name (Please Print) \_\_\_\_\_

This form is good for school year 2019-20. 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 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 \_\_\_\_\_

Last Revised: 5-23-2019



## 4.35 F5—ALBUTEROL EMERGENCY ADMINISTRATION CONSENT FORM

Student's Name (Please Print) \_\_\_\_\_

This form is good for school year 2019-20. 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 \_\_\_\_\_

Last Revised: 5-23-2019

#### **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.

Last Revised: 8/26/04

#### **ELEMENTARY POLICY CONCERNING STUDENT ILLNESS/ACCIDENT**

If a student exhibits any of the following symptoms, parents/guardians will be expected to pick up their child from school and follow check out procedures: Temperature 100 degrees or higher orally, vomiting and/or diarrhea, suspected communicable illness, injury or illness requiring a doctor's evaluation, head lice, scabies.

Please be sure we have a message number in the event an emergency occurs when you cannot be reached—we must have a relative or other responsible person we can call and the number of your preferred doctor. Please notify the school in writing if you object to our using the nearest medical treatment available in the event of an emergency that occurs when you cannot be reached. It is necessary for the school to know if a child has any physical limitations so that precautions can be taken.

Unless authorized to self-administer, students are not allowed to carry any medications while at school except an inhaler. Westside Elementary School students are not allowed to transport medications. The parent or legal guardian shall bring the student's medications to the nurse, or in the absence of the nurse, to the principal's office. Medications, including those for self-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 info 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.

Non-prescription medications may be given to students upon the decision of the principal or the nurse. Such medications must be in the original container, clearly labeled and accompanied by a written authorization form signed by the parent or legal guardian that includes the student's name, the name of the medication, and the dosage, and instructions for the administration of the medication (including times).

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 destroyed by the nurse with a witness present.

## **HIGH SCHOOL POLICY CONCERNING STUDENT ILLNESS/ACIDENT**

It is necessary for the school to know if a child has any physical limitation so that precautions can be taken. Please notify the school in writing of such limitations.

If your child is visibly sick or has a temperature in excess of 100 degrees, the parents or other emergency numbers will be called by school personnel. Students running a fever or vomiting must be picked up by a parent or guardian for safety of other students and school personnel.

All accidents occurring on the school grounds or under the school's supervision should be reported immediately to the principal or superintendent. Students are asked to follow normal first-aid rules until proper supervision can arrive.

### **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,<sup>1</sup> 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.<sup>2,3</sup> 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.<sup>4</sup>

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 System. Students shall be included in the drills to the extent practicable.<sup>4</sup>

Notes: <sup>1</sup> Students 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.

<sup>2</sup> Act 950 of 2015 requires that all districts have a Panic Button Alert System by September 1, 2015. While the Act states that this is conditioned by funding being available, we recommend putting one in place if possible to be in compliance with the law. The Act requires that any 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. By September 1, 2015, schools must provide floor plans and pertinent emergency contact information for the statewide Smart911 system and are required to keep the information up to date.

<sup>3</sup> 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.

<sup>4</sup> 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>. Some of this site's 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  
                                   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

Last Revised: 4-17-18

## **4.38-PERMANENT RECORDS**

Permanent school records, as required by the Division of Elementary and Secondary Education (DESE), 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 received.

Legal References:       A.C.A. § 6-18-503 (b)  
                                   DESE Rules Governing Student Permanent Records

Last Revised: 5/23/2019

### **4.39—CORPORAL PUNISHMENT**

The Westside 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 or are an administrator or teacher employed under a waiver from licensure.<sup>1</sup>

Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the discipline 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 autistic.<sup>2</sup>

Note: <sup>1</sup> If you have individuals employed under a waiver from licensure, add "or who are an administrator or teacher employed under a waiver from licensure".

<sup>2</sup> The 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: A.C.A. § 6-18-503 (b)

Last Revised: 5/23/2019

### **4.40- HOMELESS STUDENTS**

The Westside 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.<sup>1</sup>

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 nonhomeless 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.<sup>2</sup>

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
2. 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;
  3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  4. 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.<sup>3</sup>

Notes: LEA liaisons who receive appropriate training may now affirm that a child or youth who is eligible for and participating in a program provided by the LEA, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered under Title IV of the McKinney – Vento Homeless Education Assistance Improvements Act without further determinations from other governmental entities.

<sup>1</sup>42 U.S.C. § 11432(g)(1)(I) requires that SEAs and LEAs demonstrate they have developed policies to remove barriers to the identification, enrollment, and retention of homeless children and youths, including barriers to enrollment and retention due to outstanding fees or fines, or absences. The policy language is designed to provide as much flexibility as possible to allow a homeless student to succeed while still

holding the homeless student responsible for circumstances that are unrelated to the student's living situation.

<sup>2</sup>The District's liability for transportation is more fully covered by 42 U.S.C. § 11432(g)(1)(J)(iii)(I) and (II), which read as follows:

*(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.*

*(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.*

<sup>3</sup> The prohibition on the release of a student's homeless status is from 42 U.S.C. § 11432(g)(3)(G).

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  
 Commissioner's Memo COM-18-044

Last Revised: 1-31-18

#### **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 with a reasonable period of time that would provide the parent and opportunity to object. Parents of a student whose IHP covers an invasive physical examination have granted permission for that specific type of exam as part to 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 student 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>.

Legal References: A.C.A. § 6-18-701 (b), (c), (e)  
Last Revised: 5/23/2019

## 4.41 F—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 screening of the student named below.

Physical examination or screening 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)

IS AVAILABLE IN THE  
OFFICE  
(USE AS APPLICABLE)

## 4.42 —STUDENT HANDBOOK

It shall be the policy of the Westside 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 DESE 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.

Notes: ASBA recommends making this page a “pocket” page and inserting your student handbook into the pocket.

The DESE Standards Assurance unit has said there has been a problem with some committees making changes out of alignment with board policy which can make them out of alignment with statutory and/or DESE Rules which creates a probationary cite in a Standards review. They suggest districts should make sure Handbook Committees’ changes align with the student board policy changes. We have not changed the policy regarding the resolution of a conflict between a policy and the handbook because that is accepted legal prioritization.

Last Revised: 5/23/2019

## 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 "cheating" 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 (5<sup>th</sup>) 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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

Last Revised: 5/23/2019

#### **4.44-ATTENDANCE REQUIREMENTS FOR STUDENTS IN GRADES 6-12**

This policy has been removed by the state.

#### **4.45 —SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2020**

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*<sup>1</sup> will be sent home with students prior to their enrolling in seventh (7<sup>th</sup>) grade, or when a seventh (7<sup>th</sup>) through twelfth (12<sup>th</sup>) 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.<sup>2</sup> 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 process<sup>3</sup> 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:<sup>4</sup>

- 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.<sup>5</sup>

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—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 1 unit to graduate for a total of 23 units. The additional required unit is to be obtained in Computer Business Applications/Survey of Business.<sup>6</sup> 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.<sup>7</sup> 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.

#### **SMART CORE: Sixteen (16) units**

English: four (4) units – 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>

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.<sup>8</sup>

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.<sup>9</sup>

### **CORE: Sixteen (16) units**

English: four (4) units – 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>

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:
  - 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 (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.<sup>8</sup>

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.<sup>9</sup>

Notes: <sup>1</sup> The Smart Core Information Sheet and the Smart Core Waiver Forms are available on the ADE website at [arkansased.gov/divisions/learning-services/curriculum-support/arkansas-graduation-requirements](http://arkansased.gov/divisions/learning-services/curriculum-support/arkansas-graduation-requirements) under the "Related Links" heading.

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> Schools are required to retain documentation procedures and methods used.

<sup>5</sup> 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.

<sup>6</sup> 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.

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

<sup>8</sup> 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.

<sup>9</sup> 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

Last Revised: 5/23/2019

#### **4.45.1 —SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS 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*<sup>1</sup> will be sent home with students prior to their enrolling in seventh (7<sup>th</sup>) grade, or when a seventh (7<sup>th</sup>) through twelfth (12<sup>th</sup>) 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.<sup>2</sup> 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 process<sup>3</sup> 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:<sup>4</sup>

- 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.<sup>5</sup>

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—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 1 unit to graduate for a total of 23 units. The additional required unit is to be obtained in Computer Business Applications/Survey of Business.<sup>6</sup> 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.<sup>7</sup> 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 – 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>

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.)

5) Algebra I or Algebra A & B\* which may be taken in grades 7-8 or 8-9;

6) 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.

7) Algebra II; and

8) 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

d. DESE approved biology – 1 credit;

e. DESE approved physical science – 1 credit; and

f. 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.<sup>8</sup>

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.<sup>9</sup>

### **CORE: Sixteen (16) units**

English: four (4) units – 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>

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:
  - 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 (½) unit
- World history, one (1) unit
- American History, one (1) unit
- Other social studies – one-half (½) unit

Physical Education: one-half (½) unit

**Note:** While one-half (½) 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 (½) unit

Economics – one half (½) 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.<sup>8</sup>

Fine Arts: one-half (½) 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.<sup>9</sup>

Notes: <sup>1</sup> The Smart Core Information Sheet and the Smart Core Waiver Forms are available on the ADE website at [arkansased.gov/divisions/learning-services/curriculum-support/arkansas-graduation-requirements](http://arkansased.gov/divisions/learning-services/curriculum-support/arkansas-graduation-requirements) under the "Related Links" heading.

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> Schools are required to retain documentation procedures and methods used.

<sup>5</sup> 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.

<sup>6</sup> 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.

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

<sup>8</sup> 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.

<sup>9</sup> 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

Last Revised: 5/23/2019



#### **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, retaliations, or disciplinary action.

Legal reference: A.C.A. 6-16-108

Last Revised: 09/13/2005

#### **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 (IEP) or individual health plan;<sup>1</sup> 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.

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 IEP 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.<sup>2</sup> Students have no right of privacy as to the content contained on any electronic devices that have been confiscated.<sup>3</sup> 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 expulsion.<sup>4</sup>

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.<sup>5</sup>

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.

<sup>1</sup> The 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.

<sup>2</sup> ASBA 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.

<sup>3</sup> To 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 4<sup>th</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> A.C.A. § 27-51-1603 makes it illegal for anyone under the age of eighteen (18) to use a wireless communication device for any 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:      A.C.A. § 6-15-2907  
                                  A.C.A. § 6-18-515  
                                  A.C.A. § 27-51-1602  
                                  A.C.A. § 27-51-1603  
                                  A.C.A. § 27-51-1609  
                                  DESE Test Administration Manual

Last Revised: 5/23/2019

#### **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 erased<sup>1</sup> 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;<sup>2</sup> 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.

<sup>1</sup> 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)

<sup>2</sup> The issues involved in parental rights to viewing videos are complicated, but the Family 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: 20 USC 1232g  
 20 U.S.C. 7115  
 34 CFR 99.3, 4, 5, 7, 8, 10, 12, 31

Last Revised: 3-20-14

#### **4.49- SPECIAL EDUCATION**

The district shall provide a free appropriate public education and necessary related services to all children with disabilities 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.

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.<sup>1</sup> Among the coordinator responsibilities shall be ensuring district enforcement of the due process rights of students with disabilities and their parents.

Note: <sup>1</sup> 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.

Legal References: 34 C.F.R. 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. 108-446 The 2004 Reauthorization of the Individuals with  
 Disabilities Act

A.C.A. § 6-41-102  
 A.C.A. § 6-41-103  
 A.C.A. § 6-41-201 et seq.

Last Revised: 5-23-17

#### **4.50 —SCHOOL MEAL MODIFICATIONS**

The district only provides modified meal components on menus to accommodate students with a disability. A parent/guardian wishing to request dietary accommodations for their student with a disability must submit to the district's Director of Child Nutrition<sup>1</sup> a medical statement completed by a State licensed healthcare professional, which includes:<sup>2</sup>

- 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 medical statement should include:

1. A description of the student's disability that is sufficient to understand how the disability restricts the student's diet;
2. An explanation of what must be done to accommodate the disability, which may include:
  - a. Food(s) to avoid or restrict;
  - b. Food(s) to substitute;
  - c. Caloric modifications; or
  - d. The substitution of a liquid nutritive formula.

If the information provided in the medical statement is unclear, or lacks sufficient detail, the district's Director of Child Nutrition<sup>1</sup> shall request additional information so that a proper and safe meal can be provided.

When choosing an appropriate approach to accommodate a student's disability, the District will consider the expense and efficiency of the requested accommodations. The District will offer a reasonable modification that effectively accommodates the child's disability and provides equal opportunity to participate in or benefit from the program, which may include a generic version of a product.

Parents may file a grievance regarding the request for accommodations with the District's 504 Coordinator<sup>3</sup>, who will schedule a hearing on the grievance to be held as soon as possible. The 504 coordinator shall provide a copy of the procedures governing the hearing, including that the parent has the right to be accompanied by counsel, and the appeal process upon request.

The district will not prepare meals outside the normal menu to accommodate a family's religious or personal health beliefs.

Notes: <sup>1</sup> Insert the title of the person handling this responsibility for your district.

<sup>2</sup> A Registered Dietitian Nutritionist may make recommendations for alternate foods for children whose disability restricts their diet, but the medical statement must be signed by one of the professionals listed in this policy.

<sup>3</sup> You are not required to have parents file grievances directly to the 504 coordinator, but we believe the 504 coordinator would be the most knowledgeable about the process and in the best position to handle any grievances.

Legal References: Commissioner's Memo FIN-09-044  
 Commissioner's Memo FIN-15-122  
 Commissioner's Memo CNU-17-051  
 Commissioner's Memo CNU-18-008  
 Commissioner's Memo CNU-18-023  
 Commissioner's Memo CNU-18-025  
 7 CFR 210.10(g)

Last Revised: 1-31-18

## 4.51 — FOOD SERVICE PREPAYMENT

### Meal Charges<sup>1</sup>

The District participates in Provision 2<sup>2</sup> and provides meals to all students at no charge. The District does not provide credit to charge for food and beverage items available in the school food service areas.

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, 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.

<sup>1</sup> 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.

<sup>2</sup> Insert the applicable USDA Special Assistance Provision. Examples include, but are not limited to, the USDA's CEP or Provision 2.

Legal References: Commissioner's Memo CNU-17-003  
 Commissioner's Memo CNU-17-024  
 A.C.A. § 6-18-715

Last Revised: 5/23/2019

## **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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup>



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:<sup>5</sup>

1. The public school or District has reached the maximum student-to-teacher ratio allowed under federal law, state law, rules for standards of accreditation, or other applicable rule or 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 of 2004;
  - 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: <sup>1</sup> 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.

<sup>2</sup> While A.C.A. § 9-28-113(b)(4) encourages districts to "arrange for transportation," there is no explanation of costs or methods.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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

Last Revised: 5-23-17

## 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 6 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 start of the school year;  
and

- After consulting with each classroom teacher in which the 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

Last Revised: 6/7/2011

/s/ Mike Estes

/s/ Lucas Skaggs

#### **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. It 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/school Gifted and Talented Program Coordinator who shall convene the individuals necessary to make an informed decision which shall include the student's parents or guardians.

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 Program Coordinator 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 Coordinator. The District's GT Coordinator and the Acceleration Placement Committee will again thoroughly review the case study that was completed on the student. 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. Legal Reference: ADE Gifted and Talented Rules

Note: <sup>1</sup> 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.

Legal Reference: DESE Gifted and Talented Rules

Last Revised: 1-1-13

#### **4.54A - ADVANCED PLACEMENT**

Students who take advanced placement courses, International Baccalaureate courses, or honors courses approved for weighted credit by the Arkansas Department of Education shall be graded according to the following schedule. A = 100 – 90 B = 89 – 80 C = 79 – 70 D = 69-60 F = 59 and below For the purpose of determining grade point averages, the numeric value of each letter grade shall be A = 5 points B = 4 points C = 3 points D = 2 point F = 0 points Students taking AP or International Baccalaureate courses shall receive weighted credit as described in this policy. Credit shall be given for each grading period during the course of the year, but shall be retroactively removed from a student's grade for any course in which the student fails to complete both semesters and take the applicable AP exam. Students who do not take the AP exam shall receive the same numeric value for the grade he/she receives in the course as if it were a non-AP course. Students who transfer into the district will be given weighted credit for the Advanced Placement courses, International Baccalaureate courses, honors course approved by the Arkansas Department of Education, and concurrent college courses taken for weighted credit at his/her previous school(s) according to the preceding scale. Semester tests will be given in all academic classes each semester. The test will count for 20% of the semester grade.

#### **4.54A2 - CONCURRENT CREDIT**

Any ninth through twelfth grade student who successfully completes a college course from an institute approved by the AR Department of Education shall be given 1 credit for each 3 semester hours. The 1 credit shall be applied toward graduation requirements as an elective unless approved by the principal in advance of taking the course. Any and all costs of higher education courses taken for concurrent credit are the student's responsibility. Honors or college courses will be marked as such on the student's transcripts.

#### **4.54 A3 - GIFTED AND TALENTED**

Appropriate identification of gifted and talented students is essential in many ways. Just as Special Education students need programs to meet their special needs, G/T students have special needs which stem from their special aptitudes, interests, and abilities, G/T students deserve to be appropriately identified and given the differentiated opportunities and challenges to help them to achieve their fullest potentials. Also, the success of the G/T program hinges on the appropriate identification and placement of students who will benefit from the program's differentiated curriculum. (A GT handbook can be picked up at the office or found on the school website for further information.)

#### **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 (8<sup>th</sup>) 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.<sup>1</sup> 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 with 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 student<sup>2</sup> 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:<sup>3</sup>

- 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<sup>2</sup> 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/retention or graduation of students with an IEP shall be based on their successful attainment of the goals set forth in their IEP or completion of the Alternate Pathway to Graduation when applicable.

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.<sup>4</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.<sup>5</sup>

Notes: <sup>1</sup> Insert the criteria your district uses for promotion/retention.

<sup>2</sup> The 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 (8<sup>th</sup>) grade and beyond and DESE will only cite a district if a student does not have an SSP by the end of eighth (8<sup>th</sup>) 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 (8<sup>th</sup>) 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 (8<sup>th</sup>) grade or above and also have to know to ask for the Response to Intervention plan for the student who is below the eighth (8<sup>th</sup>) 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 (8<sup>th</sup>) 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.

<sup>3</sup> 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.

<sup>4</sup> 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 #45.

<sup>5</sup> 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  
Murphy v. State of Ark., 852 F.2d 1039 (8<sup>th</sup> Cir. 1988)

Last Revised: 5/23/2019

## HIGH SCHOOL POLICY CONCERNING PROMOTION AND RETENTION

6<sup>th</sup> - 8<sup>th</sup> grade students who fail one (1) core subject will be considered for retention. 6<sup>th</sup> - 8<sup>th</sup> grade students who fail no more than two (2) core subjects have the option to attend summer school, if offered, and earn a promotion to the next grade level.

Prior to a student being retained "twice" in 6<sup>th</sup> – 8<sup>th</sup> grade, a conference must be conducted with the parent, principal, 504 or special education representative (if applicable) and counselor in attendance. A decision will be made regarding the potential benefit/drawback to that student's future if that student is retained a second time. All factors/circumstances will be considered and a decision made which is reasonable and appropriate for the student in question.

9<sup>th</sup> through 12<sup>th</sup> grade students earning passing marks and fulfilling the requirements of a course will receive that course's designated credit. Students earning failing marks or failing to fulfill the requirements in a course will be required to repeat that course or a satisfactory substitute course until a passing mark is earned.

## 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 Division of Elementary and Secondary Education (DESE). Any of the courses for which concurrent high school credit is earned may be from an institution of higher education recognized by DESE. 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/interscholastic 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.<sup>1</sup>

“Interscholastic Activities” means athletic or non-athletic/academic activities where students compete with students from within the same school.<sup>1</sup>

“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)<sup>2</sup>. 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 wave this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.<sup>3</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.<sup>4</sup>

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.<sup>5</sup>

#### **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 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.<sup>6</sup>

### **Intrascholastic Activities**

### **AAA Governed Activities**

Students participating in interscholastic 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 interscholastic activity. The District will abide by the AAA Handbook for such activities to ensure District students are not disqualified from participating in interscholastic activities.<sup>7</sup>

### **AAA Governed Activities**

Unless made ineligible by District policies, all students shall be eligible to participate in non-AAA governed interscholastic extracurricular activities. Interscholastic 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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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

Last Revised: 5-23-2019

#### 4.56 A - EXTRACURRICULAR ADDITIONAL

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). All students will ride to and from activities on transportation approved by the school. A student may be signed out after an activity by their parent, guardian, grandparent, or sibling who is 18 or older or who has graduated. It will be the responsibility of the athlete to provide names of individuals who will be able to sign students out to the coaches prior to the season. Furthermore, because of problems with insurance and school liability, the only passengers allowed to ride a bus to school activities are: Bus driver and spouse, Sponsors, Coaches and family, participants, Cheerleaders, Score keepers, Managers, and/or Chaperones.

Eligibility for participating in extracurricular activities will be based on the rules, regulation, and eligibility requirement of the Arkansas Activities Association (AAA) and a signed athletic commitment form. Students must attend the entire school day in order to attend or participate in extracurricular activities.

#### **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/interscholastic 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.

“Interscholastic 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 activity<sup>1</sup> (tournaments or other similar events excepted with approval of the administration) 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.<sup>3</sup>

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 wave this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.<sup>4</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.<sup>5</sup>

A student who enrolls in the district and meets the definition of "eligible child" in Policy 4.2—ENTRANCE REQUIREMENTS shall be eligible to tryout 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.

Notes: <sup>1</sup> 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.

<sup>2</sup> Fill in the blank with the position of the person you wish to make responsible for the decision, e.g. principal or superintendent.

<sup>3</sup> Make sure your student handbook matches this language.

<sup>4</sup> 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 or parent'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.

<sup>5</sup> 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.

Cross References: 4.55—STUDENT PROMOTION AND RETENTION  
4.56 —EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS

Legal References: 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 LS-18-015

Last Revised: 5-23-2019

#### **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 schools subject to 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.

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 zone 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 2015-2016 provisions of this policy, AAA Rules, and applicable Arkansas statutes shall have an equal opportunity to try out and participate in 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 course 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;
- 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 (7<sup>th</sup>) 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: <sup>1</sup> 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.

<sup>2</sup> Only include "or their applicable attendance zone's school" if your district has more than one school per grade configuration.

<sup>3</sup> You can only **require** one course, but a district may permit a student to register for more than one course.

<sup>4</sup> 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

Division of Elementary and Secondary Education Rules Governing Home Schools

Last Revised: 5-23-2019



#### 4.56.2F— HOME SCHOOLED STUDENTS' LETTER OF INTENT TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY AT RESIDENT DISTRICT

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 30<sup>th</sup> percentile or better in the previous 12 months on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test approved by the State Board of Education. \_

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 \_\_\_\_\_

Last Revised: 5-23-17

(USE AS APPLICABLE)

# 4.56.2F2— HOME SCHOOLED STUDENTS' LETTER OF INTENT TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY AT NON-RESIDENT DISTRICT

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 30<sup>th</sup> percentile or better in the previous 12 months on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test approved by the State Board of Education. \_\_\_\_\_

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 \_\_\_\_\_

As the superintendent of the above student's resident district, I agree that the above student may participate in extracurricular activities at \_\_\_\_\_ School District.

Resident Superintendent's Signature: \_\_\_\_\_

As the superintendent of the \_\_\_\_\_ School district, where the above student desires to participate in extracurricular activities, I agree to allow the student to participate in extracurricular activities at \_\_\_\_\_ School District.

Non-resident Superintendent's Signature: \_\_\_\_\_

Last Revised: 5-23-17

## 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 against<sup>1</sup>:

- Poliomyelitis;
- Diphtheria;
- Tetanus;
- Pertussis;
- Red (rubeola) 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.

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. 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 1<sup>st</sup> 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 twenty-one (21) days or

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.<sup>2</sup>
- 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.<sup>3</sup>

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:

- The number of students in the District that were granted an exemption by the Department of Health from an immunization;
- The percentage of students in the District that were granted an exemption by the Department of Health from an immunization; and
- The percentage of a population that must receive an immunization for herd immunity to exist.

Notes: <sup>1</sup> 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 regulations.

<sup>2</sup> You can amend this sentence to reflect your school's practice for when teacher's are required to have their lesson plans ready in advance.

<sup>3</sup> 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 12<sup>th</sup> Grade Immunization Requirements in Arkansas Public Schools

ADH Rules Pertaining to Immunization Requirements

Last Revised: 5-23-2019

## 4.58 —FOOD SHARING AND ITS REMOVAL FROM FOOD SERVICE AREA

### Food Sharing Table

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);<sup>1</sup>
- Milk; and
- Juice.<sup>2</sup>

Fruit and vegetables to be shared are to be placed into a designated container on the table.<sup>3</sup> 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<sup>4</sup> 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.

Notes: Whether or not to have a food sharing table or to permit students to remove food items from the cafeteria are two distinct issues. Selecting Option 1 does not mean you are required to select Option A and vice versa; similarly, selecting Option 2 does not mean you have to select Option B or vice versa.

<sup>1</sup> The Arkansas Department of Health requires all manufacturers' instructions on temperature controls be followed. Most vegetables are manufactured in some way and are required to be kept cold. Items required to be kept cold that are allowed to be placed on the sharing table **MUST** be discarded no later than four (4) hours after being served.

<sup>2</sup> While Commissioner's Memo FIN 08-076 specifically applies to milk, similar procedures for juice are necessary. If you do not wish to use a formalized sharing method for juice, remove the uses of "juice" from the policy except for the prohibition on juice being removed from the cafeteria.

<sup>3</sup> The container(s) used for food sharing should be able to be washed, rinsed, and sanitized in the kitchen and must be cleaned at least daily, if not following each meal period.

<sup>4</sup> The number of district provided food items a student may remove from the cafeteria is up to the district. The purpose behind letting students take items outside the cafeteria is to allow the students additional time to finish eating rather than to provide students with extra food; therefore, the number of items should be low.

<sup>5</sup> Consider the following when developing your protocol for school provided food items removed from the food service area:

- a) Will your district food service system need to establish a different protocol for elementary and high school or can it establish a standard protocol throughout the district?
- b) Will you provide time in the afternoon for students to consume the removed food?
- c) Will you provide a place for students to keep the removed food items until the student has time to consume them? If so, how will you make sure the student is the one who gets the food the student removed?
- d) How will you make sure students take removed food items not consumed by the end of the day home with them instead of leaving them in desks/lockers?

Legal References: Commissioner's Memo FIN 08-076  
Commissioner's Memo FIN 15-052

Last Revised: 2-23-15

## **4.59 —ACADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOLED STUDENTS**

The District allows private school and home schooled students whose parents, legal guardians, or other responsible adult with whom the student resides are residents of the District to attend academic courses offered 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:<sup>1</sup>

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 schooled 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:<sup>1</sup>

- 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:<sup>2</sup>

- 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 schooled 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 schooled 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 schooled 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.

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.

<sup>1</sup> The dates provided here are only suggestions and are not set by statute. You may advertise your course offerings for a shorter or longer period of time; or set the deadline for applications to match the traditional student enrollment deadlines.

<sup>2</sup> 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. DESE Rules Governing Distance and Digital Learning DESE Rules Governing Kindergarten Through 12 <sup>th</sup> Grade Immunization Requirements in Arkansas Public Schools Commissioner’s Memo COM-19-021
Last Revised: 5/23/2019	

#### **4.6–Johnson County Westside School District Act of Terrorism and School Safety Procedures /Protocol**

##### **General Recommendations:**

Specific needs and protocol will be based on location, local issues and impact of unique factors influencing each school and school community.

1. Communicate, prepare and practice our crisis procedures on a regular basis.
2. Follow procedures listed in our crisis manual.
3. School personnel will maintain a "heightened awareness" for suspicious activity and to report same. This may include suspicious vehicles, people, packages, etc.
4. Building principals will set perimeter security and access control issues.
5. Maintain a protective effort of visitor access and control.
6. Verify and identify all service personnel and vendors visiting the school.
7. Transporting of students/staff in school vehicles if needed will be coordinated with the principals; superintendent; and transportation director.
8. Secure access to utilities, boiler rooms and other maintenance/facilities operations locations.

##### **Biological and Chemical Threats; Including Anthrax and Mail Handling**

1. All mail opening should be handled by one staff member with appropriate precautions.
2. Follow US Postal Service recommendations on suspicious mail.
3. Custodians/Maintenance will quickly shut off all heating, air conditioning and ventilation systems if necessary.
4. Any suspicious items should be taken to a safe area and authorities notified.
5. Review lockdown/evacuation procedures as necessary for the threat involved.
6. Follow guidelines for evacuations depending on the threat.
7. For periods of extended detainment procedures will be followed for beverage and food service during normal and after hours.
8. School nurse will be on site to participate in the process.
9. Check emergency communication equipment.
10. Identify all non-school personnel at the site.
11. Remain calm and use the procedures and protocol as developed for each situation.

**WESTSIDE ELEMENTARY HANDBOOK**  
**WESTSIDE ELEMENTARY MISSION STATEMENT**

Westside Elementary – “Inspiring Leaders One Child at a Time”

**WESTSIDE ELEMENTARY SCHOOL CREED**

I am a Rebel.

Westside Elementary is MY school.

Leadership is my tool.

I am capable and dependable.

I am full of possibilities and potential.

I accept the challenge to become the best that I can be.

I will be a good school citizen.

I will take care of those around me, my school, and myself.

Today, I will do my best to be my best.

I am proud to be a Westside Rebel.

Rebels Rock!

**WES STUDENT HANDBOOK COMMITTEE**

John M. Elms, Principal  
Kimberly Owen, Counselor  
Valarie Judah, Parent / Teacher  
Christina Payne, Parent / Teacher  
Kasey Sisk, Parent/ Teacher  
Denise East, School Secretary  
Naomi Jennings, Student

## GRADING

Students' grades will be evaluated on the basis of the following system:

A - means superior and therefore should only be given in cases where students demonstrate achievement at the highest level when weighed against course objectives and course requirements. 90 - 100%

B - means above average and should be given for achievement above the average but not equal to the superior, compared and weighed as in "A" above. 80 - 89%

C - means average and should be given when the achievement is equal to average compared and weighed as in "A" above. 70 - 79%

D - means below average and should be given when achievement falls below the average but is not failing when compared and weighed as in "A" above 60 - 69%

F - means failing and should be given when achievement falls below course requirements when compared and weighed against the course objectives and course requirements. 59 - below.

I - means incomplete and may be given when the student is given an extension of time to complete course requirements. Incomplete grade will automatically become an "F" two (2) weeks after the end of the grading period unless the student has received an extension of time from the teacher,

A progress report will be sent on each student regardless of grade at the fourth week of each 9 weeks.

## CURRICULUM COURSES

Westside Elementary School will adopt and implement School Board approved courses and textbooks. Elementary students are required to participate in the offered courses (exception being an IDEA student with an IEP stating otherwise). Math, literacy (language arts / reading), science, social studies, physical education, music, and art compose the courses offered by the School.

## HOMEWORK POLICY

Teachers are to coordinate homework assignments with the other teachers the student shares. No more than one hour (that the average student can complete) of homework will be assigned. Note that some students work at a slower pace and others at a faster pace. It is recommended that parents monitor their child's progress. Homework is due the next scheduled class date or by the date assigned by the teacher. Homework not turned in on the due date will receive a zero grade (there are exceptions due to excused absences-see make up policy and/or for IDEA students if in the IEP).

## GIFTED AND TALENTED PROGRAM

The G/T Program is designed to serve high potential – high performing students who demonstrate above average intellectual ability, high task commitment and above average

creativity. A student may be referred for G/T by a parent, a teacher, or by him/herself. The selection process will consist of a committee of teachers, parents, and the G/T coordinator. A student may be withdrawn from the program by a parent or by the G/T coordinator.

## ALTERNATIVE SCHOOL

Westside Elementary School provides an alternative school for students in grades 1 through 6 who are considered at risk (ACA 6-18-508/509). Parents, teachers, administrators, or the students themselves may make referral to this program. Once the referral process is completed, the student must undergo an academic and social screening. The student, if placed in the alternative school, must stay a minimum of one semester and can earn their grades during that time. A student may be placed in the Alternative Learning School (ALE) program during the semester if necessitated by circumstances that can be regarded as beneficial to the student. Upon evaluation of academic progress, behavior, attendance, and other pertinent information, the student may be returned to the general school class. In extenuating circumstances, the student may be exited before the end of the semester.

## PARTIES AT SCHOOL

Class parties will be limited and controlled to meet the guidelines set by the principal. State Department of Education rules and regulations must be followed regarding nutrition and snacks. The District Wellness and Nutrition Policy will be followed. In accordance to these policies, food and/or beverages may not be brought into the school by parents/guardians outside of school identified non-nutritional days. **Individual student birthday parties will be prohibited and are not considered school-identified non-nutritional days.**

## FIELD TRIPS

Field trips will be of an educational experience and should meet the guidelines set by the school administration. For attending a field trip, the student must have written permission from the parent/guardian and pay any debts owed to District. There will be a deadline with no exceptions for the return of the permission form. If a student does not have the permission form signed by the parent/guardian allowing the student to attend or have any necessary money turned in by the deadline, the student will not attend the field trip and will remain at school. Students are required to ride the bus to a fieldtrip unless special arrangements have been made with the administration. After the fieldtrip, parents may sign out students with the teacher, and the student may leave with the parent prior to returning to school.

Westside School must consider the overall safety of all students when attending field trips; an unruly student can interfere with the safety and well-being of the other students. Students may be excluded from fieldtrips if they have five or more office referrals, ISS three (3) times or more in a semester, out of school suspension during the semester, currently suspended from riding school buses/vehicles, for misbehavior that could endanger the student or others on the field trip, or place an unnecessary burden upon the teachers/staff in order to maintain discipline. Any student who initiates or engages in misbehavior or violates rules/policies at school sponsored events may be prohibited from attending future events for a length of time determined by the administration.

## WESTSIDE HIGH SCHOOL HANDBOOK

### Handbook Committee

Brad Kent- Superintendent

Dennis Fisher, Principal

Gerald Haltom-Teacher

Teresa Jackson, Administrator

Virga Hayes-Educational Mentor

Students:

### Bell Schedule

First Bell	7:40
1st Period	7:43-8:34
2nd Period	8:36-9:27
3rd Period	9:29-10:20
4th Period	10:22-11:13
5th Period A	11:15-12:06
Lunch A	11:15-11:45
5 <sup>th</sup> Period B	11:47-12:38
Lunch B	12:08-12:38
6 <sup>th</sup> Period	12:40-1:31
7 <sup>th</sup> Period	1:33-2:24
Rebel Ready	2:26-3:08
8 <sup>th</sup> Period	3:10-4:01

## 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.

## 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 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 requirements if they would experience proven financial hardships if required to attend a full day of school. For the purpose of this policy, proven financial hardships 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 hardships.

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

## CHECK-OUT POLICY

Students may "check-out" and leave the school only under one of the following circumstances:

1. A parent comes to the office and requests the student to leave.
2. Prior written arrangements have been made with the administration.
3. Emergencies will be handled on an individual basis.

Students are expected to remain on campus during the school hours unless approval is given by the administration to leave campus.

Any student who arrives at school late or leaves early during the school hours must sign "in" and "out" in the principal's office.

## TRUANCY

Any time a student is absent without the knowledge of his/her parent or guardian he/she is considered to be truant. Truancy will result in disciplinary action by an administrator, possible



consultation of parent, failing grades in all work missed, and if necessary the case may be referred to the County Juvenile Court.

## SCHOOL REPORTING OF STUDENT'S PERFORMANCE

Report cards will be issued every nine (9) weeks. Progress reports will be sent home during the middle of the reporting period to let the parents know how each student is doing in each class. Parent-teacher conferences will be held at the end of the first 4 1/2 weeks of each semester. Parents should call the school if additional conferences are needed.

## HONOR GRADUATES, VALEDICTORIAN, SALUTATORIAN & AP CLASSES

To be considered an honor graduate at Westside a Student must have a cumulative grade point average (GPA) of 3.25 or higher on a 4.0 grading scale. The student must be a member in good standing of his/her graduating class.

Honor graduates must earn at least four credits from the following course list and maintain a 3.25 GPA through the first semester of the senior year.

Anatomy/Physiology	Any AP Class	Any ADE Honors
One CTE Completer(3	Chemistry	Concurrent Credit Classes
Classes)		
Foreign Language	Physics	Pre Cal/Trig

The honor graduate with the highest GPA will be the Valedictorian; and the honor graduate with the second-highest GPA will be the Salutatorian Honor Graduates, Valedictorian(s), and Salutatorian(s) are determined based upon a seven semester transcript of those candidates for graduation who are enrolled at Westside High School at the end of the first semester of their graduating year.

For the purpose of honors, valedictorian, and salutatorian an in house weighted GPA will be used: A=5 points; B=4 points; C= 3 points; D= 2 points; F=0 points.

All official transcripts will reflect non-weighted GPA's.

In order for a student to be placed on the nine-week and/or semester Honor roll no grade below a "B" may be earned in any non-AP class.

Westside High School offers four Advanced Placement courses: AP English, AP History, AP Calculus, and AP Science. An exam is given in late May for each course taken. Scores range from 1 to 5. Transcript grades in these classes reflect a weighted scale with an A being worth 5 points; a B is worth 4 points; a C is worth 3 points; a D is worth 2 points toward the 5.0 GPA and an F receiving no points. If, however, the student chooses to take the course and not the AP exam, high school GPA will be calculated following the traditional 4.0 scale

## BETA CLUB

The Beta Club is an honor and service society which promotes scholarship, leadership, and good citizenship at Westside High School. Standards of membership in the local chapter of the National Beta Club conform to the general features of the National constitution and are approved

by the principal of Westside High School. Students in grades 6-8 are eligible for membership in Junior Beta. Students in grades 9-12 are eligible for membership in Senior Beta.

The academic requirement for Jr. Beta will be according to the constitution and bylaws.

The academic requirement for membership in Senior Beta will be according to the constitution and bylaws plus maintaining a 3.25 cumulative GPA each semester for students following the honor graduate course requirements. Should a member's GPA fall below 3.25 they will be placed on probation for one semester. If the GPA is not brought up by the end of the suspension period, membership is forfeited. Other membership requirements shall be worthy character and commendable attitude. Any out-of-school suspension in that school year shall result in a student's forfeiture of an invitation to join or the loss of membership.

## CLASSIFICATION

To be eligible for classification as a sophomore a student must have completed five (5.5) credits.

To be eligible for classification as a junior a student must have completed (11) credits.

To be eligible for classification as a senior a student must have completed (16.5) credits.

Credit may be denied for a course that a student has already taken and received credit for.

## COURSE OFFERING FOR GRADES 9-12

### LANGUAGE

#### ARTS/COMMUNICATIONS

English I, II, III &

IV

AP English

Journalism I, II, III, & IV

Oral Communications

Transitional English

Critical Reading

#### MATHEMATICS

Algebra I

Algebra II

Bridge to Algebra II

Geometry

Pre-Calculus/Trigonometry

AP Calculus

Transitional Math

Survey of Math/College Algebra

#### SCIENCE

Physical Science

Biology

AP Chemistry

Chemistry

Physics

Environmental Science

#### SOCIAL SCIENCE

Civics

Government

World History

American History

AP US History

Psychology/Sociology

#### FINE ARTS

Art I, II, III, & IV

Vocal Music I, II, III, & IV

Advanced Vocal Music (Seniors Only)

Instrumental Music I and II (II only offered if there is sufficient interest)

Drama (ELA)

#### FOREIGN LANGUAGE

Spanish I

Spanish II

#### CAREER FOCUS

Computer Business Applications

Digital Communications III, and IV

Senior Seminar

Web Design

Social Media

Food and Nutrition  
 Food Safety  
 Child Development  
 Parenting  
 Family and Consumer Science  
 Survey of Agriculture  
 Agricultural Structures  
 Animal Science  
 Plant Science

Agricultural Mechanics  
 Orientation to Teaching I & II  
**OTHER**  
 Health & Safety  
 Physical Education  
 Concurrent Courses from U of O or ATU-  
 Ozark

One half unit of credit is obtained each semester with a minimum seat time of 60 hours. Students not meeting the 60-hour seat time/half credit may have credit removed from the course and be required to repeat the course.

### REQUIREMENTS FOR GRADE 7 & 8:

7th grade: English 7, Math 7, Geography 7 with AR History, Science 7, Health, PE, Art, Music, Keyboarding 7

8th grade: English 8, Math 8, World History 8, Science 8, Career Development, PE, Health, Music, Art

### SCHEDULE CHANGES

No schedule will be changed after the first week of the Fall semester. The principal has final approval or disapproval for each change. Schedule changes for the spring semester will be done the last week of the Fall semester or the first week of the Spring semester. If you quit an athletics class during the semester, you will receive an F for the semester. A student may be placed in a non-core course but ONLY with the approval of the teacher and principal.

### BACKPACKS, BOOK BAGS, BLANKETS, PILLOWS, AND PURSES

Backpacks, book bags, blankets, pillows, and purses may be used to transport items to and from school only. They may be transported to the gym or field house for physical activities.

### GRADING

Students' grades will be evaluated on the basis of the following system:

A - means superior and therefore should only be given in cases where students demonstrate achievement at the highest level when weighed against course objectives and course requirements. 90 - 100%

B - means above average and should be given for achievement above the average but not equal to the superior, compared and weighed as in "A" above. 80 - 89%

C - means average and should be given when the achievement is equal to average compared and weighed as in "A" above. 70 - 79%

D - means below average and should be given when achievement falls below the average but is not failing when compared and weighed as in "A" above 60 - 69%

F - means failing and should be given when achievement falls below course requirements when compared and weighed against the course objectives and course requirements. 59 - below.

I - means incomplete and may be given when the student is given an extension of time to complete course requirements. Incomplete grade will automatically become an "F" two (2) weeks after the end of the grading period unless the student has received an extension of time from the teacher,

Special Education class are denoted with an SE.

A progress report will be sent on each student regardless of grade at the fourth week of each 9 weeks.

## ASSIGNMENT POLICY

Assignment in grades 6 -12 will be given in accordance with the following principles and guidelines:

1. Assignments will be made to provide either massed practice for skill/concept recently learned or distributive practice for a skill/concept, which was learned earlier, but review is needed to maximize retention.
2. Massed practice of new skill/concept is essential to achieve a high degree of mastery.
3. Distributive practice (review) of previously learned skills/concepts is essential to promote maximum retention and recall.
4. Practice is most effective if it is provided in short, frequent sessions.
5. Guided practice under the supervision of a teacher prior to independent practice is essential to ensure that the student practices the skills/concepts correctly.
6. The more specific the linkage of practice to the skill/concept being taught for mastery review, the more likely positive results will be achieved.
7. The level of difficulty and complexity of practice must be at or below the level at which the student may proceed without supervision and guidance.
8. Increases meaningfulness of the practice increases the probability of effectiveness.
9. Practice of specific and small bits of learning is most effective as long as meaning is not compromised.
10. The more immediate the result of the practice is made known to the student, the higher the probability of effectiveness.

Failure to complete assignments will be addressed by each individual teacher. Parents are encouraged to sign up for Home Access Center (HAC) notifications in order to monitor student progress.

## EXEMPTION POLICY

All teachers for grades 6 - 12 must give comprehensive semester exams in the first and second semesters of the school year. The final week of each semester will be devoted to semester exams. Students in grades 6 - 12 will be granted an exemption to first & second semester tests for any subject provided the following conditions exist in that subject.

1. A "C" average, or better, with 2 absences or less.
2. A "B" average, or better, with 3 absences or less.
3. An "A" average, or better, with 4 absences or less.

Students may choose to take the semester exam in an attempt to raise his/her grade, but it will not lower their grade.

Any student with 3 or more referrals to detention hall will not be exempt from semester testing.

Any student that has been assigned 2 Friday schools and/or 2 corporal punishments or a combination of the two will not be exempt from semester testing.

Any student receiving ISS or OSS any time during the semester for disciplinary reasons will not be exempt from a semester test.

All regular and customary rules and policies will continue to remain in effect during semester exams in regard to Westside High School's closed campus policy. .

Students who transfer into the district during the semester will only be able to exempt semester tests if they meet all the exemption criteria and their attendance record is provided by the district from which they transferred.

## GRADUATION

Only a student who has successfully completed all graduation requirements, paid fines, and has turned in all books and materials prior to graduation will be allowed to participate. Furthermore, the student must have attended Westside High School the last semester of their graduating year before they will be allowed to participate in the graduation ceremonies and receive a diploma.

Any student wishing to appeal this policy must submit a written request to the Superintendent stating the reason for the appeal and why a waiver should be granted. Decisions will be made on a case by case basis and the Superintendent will have final authority.

## FIELD TRIPS

No school field trips will be scheduled or permitted during Semester Test week or during state mandated testing for students being tested. Arkansas Activities Association (AAA) sanctioned events will be the only exception. The principal has the final decision on going on any and all field trips.

Field trips that are scheduled during the school day must be for educational purposes only. The trip must be scheduled at least one (1) week in advance, and the principal has the final decision on this type of request. All field trip requests must be submitted by April 30<sup>th</sup>.

If a student is suspended or has more than three office referrals - the student will not be allowed to go on any field trips for the semester in which the suspension and/or referrals occurred. If a student has missed more than 8 days during the semester, has been excessively tardy, or is failing one or more classes, the student shall not attend field trips unless approved by the principal. Toward the end of the semester, students must have all fundraising money, library books, and

athletic uniforms and practice gear turned in and class dues paid in full before the student will be allowed to go on the field trip. AAA events are not considered field trips.

## FUND RAISERS

Fundraisers during school hours must be for educational purposes only. The principal has the final decision on this type of request.

## SENIORS POST-SECONDARY PLANNING DAY

Senior college days will be scheduled with the counselor or the principal. Seniors will be allowed one (1) college day, which will not be counted against their absences. Students must have written verifications from the college or entity upon their return. Exceptions may be granted by the principal for special conditions (scholarship visits, etc.) if the student and parent present a written request. If a senior has attendance problems or failing grades in core classes, he/she may not be allowed to take a college day.

## CLASS DUES

Each year that a student attends Westside class dues will be collected. The money will be used for class-sponsored functions such as Junior/Senior Prom, graduation items, memorials, etc. The purpose for collecting dues is to phase out other types of fund raising for the class. Any money left in the account at the end of the senior year will be used for something school oriented (landscaping, monuments, etc.) as chosen by the class.

Dues will be \$10.00 a year for grades 7 - 10. Dues will be \$20.00 a year for grades 11-12. The money will be paid to the class sponsors, and will be held in an account for that class (i.e. "Class of 2013"). Dues are to be paid in full by the end of the 3rd nine weeks of each year for the class they are currently in. If a student transfers to another school, the money is not refunded or moved to another school. If a student transfers in to Westside, that student will pay dues as follows for that year: enters 1st semester - \$10.00; 2nd semester - \$5.00; 4th nine weeks - no charge.

If a student does not pay their class dues, that student will not be allowed to participate in class-sponsored functions (i.e. Junior/Senior Prom) until back dues have been paid. The student also will not be allowed to participate or vote in class meetings, or hold class office.

Students must pay ½ of current dues and all past dues to vote or run for football homecoming. Students must have all dues paid to vote or run for basketball homecoming.

## HALL CONDUCT

Students are responsible for proper conduct and behavior at all times. The following are examples of conduct to be avoided:

1. General horseplay.
2. Eating in hallways.
3. Running.

#### 4. Congregating or loitering in hallways.

### HALL PASSES

Students should be in class learning. Students that are in the hall during class must have a pass from the teacher that indicates where they are going.

### ALTERNATIVE LEARNING ENVIRONMENT

Alternative learning environment assignments will be made by the principal/superintendent in coordination with the ALE Committee. Assignments may be for those students who do not fit into the regular school setting for reasons such as, but not limited to i.e. behavioral problems, social problems, failure to achieve at expected level, etc. Assignments are for a minimum of the remainder of the grading period.

### GENERAL REGULATIONS

1. Students who drive or walk are to refrain from arriving at school before 7:15 a.m. especially on bad weather days. Those who do arrive early should expect to stay outside. When they are allowed to go in, it should be with proper conduct.
2. Do not loiter on private property.
3. Respect for classmates and teachers and their property is expected of each student in Westside School.
4. Students will not bring guests to school. All visitors must obtain a pass at the office.
5. All school functions will be supervised by members of the teaching staff and will be governed by the same rules and regulations applicable to regular class.
6. Harassment in any and all manner is prohibited.
7. Hall passes: No student will be out of his or her assigned class without a pass from that teacher.
8. Do not enter behind the counter in the office without permission.
9. Phone calls: school phones are not for student use. Messages will be taken in the office if an emergency arises. Students needing to use the school phone must do so between classes or at lunch.
10. Students who ride a bus to school are considered to be "on campus" upon their arrival at the bus stop. When they debark from the bus they may not leave campus unless proper handbook procedures are followed for "checking out".
11. Students who walk or ride to school with parents or other students are considered to be on campus when they arrive. If they leave campus the "check out" procedure should be followed.

### BUS TRANSPORTATION

School buses are operated by the school for the purpose of transporting students who live too great a distance to walk to and from school.

Bad conduct on buses is to be reported by the bus driver to the principal. The buses will run as nearly on schedule as possible. Students will only be picked up and dropped off at designated bus stops. Students who continually cause trouble while riding a bus may have that privilege removed.

## RULES FOR CONDUCT ON SCHOOL BUSES

1. Be at the bus stop at the scheduled time. Stand back about ten (10) feet from the bus stop and wait until the door is opened before moving closer to the bus. Do not play on the road or highway while waiting for the bus.
2. While waiting for the bus, pupils must remain in a safe place away from traffic. If you miss the bus, elementary students should not attempt to hitchhike a ride or walk to or from school.
3. While loading or unloading, enter or leave the bus orderly and quickly. Do not try to get on or off the bus while it is moving. Enter and leave the bus by the front door ONLY, except in an EMERGENCY.
4. Students are expected to conduct themselves in a manner that will not distract attention from their driver or disturb other riders on the bus.
5. Do not change seats while the bus is in motion. Seats may not be changed without permission of the bus driver.
6. You are not to tamper with any of the safety devices such as door latches, fire extinguishers, etc.
7. Pupils are not to put their hands, arms, heads or bodies out of the windows.
8. Students are not to deface the bus or any school property. Do not write on the bus, cut the seats, etc. Do not throw paper or objects on the floor of the bus. No tobacco of any form may be used while riding a bus. Keep aisle of bus clear of books, lunches, coats, etc.
9. Do not ask the driver to let you off the bus at the store or to get mail out of the box.
10. If a pupil must cross the highway to enter the bus, wait until the bus has come to a complete stop and the driver has signaled for you to cross in front of the bus.
11. Pupils who must cross the road after leaving the bus in the afternoon must go to a point on the shoulder of the road ten (10) feet in front of the bus. Cross the highway only after the driver has signaled you to do so.
12. Bus students will be subject to all conduct regulations that pertain on campus or in the classroom while being afforded transportation, and all children shall be held responsible for their conduct in going to and from school as it affects school organization and school moral.
13. While riding the bus, students are under the supervision of the driver and must obey the driver at all times. The bus driver has the authority to assign seats.
14. Do not leave the bus without the driver's consent, except on arrival at home and at school.
15. Permission must be obtained from the principal to visit school buses after they are parked at school.
16. Refer to Arkansas Law Act 264, 1993, and Act 567, 19995, in this handbook under Weapons dealing with weapons on school buses.
17. No food or drinks should be consumed on the bus at any time.
18. Backpacks must be closed at all times while on the bus.
19. Any food brought home from school must remain unopened.



20. Boys and girls are not allowed to sit in the same seat unless directed to do so by the bus driver. The bus driver will designate one side of the bus for seating for the boys and one side for the girls.

### **Unsatisfactory Bus Conduct**

Bus drivers will report students who fail to obey bus rules to the principal. The following policy of unsatisfactory bus conduct will then apply:

Bus discipline incidents will follow guidelines set forth in the handbook for prohibited conduct and Level 1,2 and 3 offenses and consequences. Bus transportation is a privilege and not a right. Students may be suspended from riding for continued or severe inappropriate behavior.

### **ATHLETIC POLICIES**

1. (re-number) In order to be eligible, a student must meet AAA guidelines.
1. All players will ride the bus to all games away from home. Unless other arrangements are made with the coach, athletic director, or principal.
2. Players will be expected to be at the place where they are to be picked up by the bus by the time designated.
3. Players will return from the games on the bus unless permission is secured. It will be the responsibility of the athlete's parent/guardian to provide names of individuals who will be able to sign students out to the coaches prior to the start of the season.
4. Players will conduct themselves in an orderly manner, which will bring credit to them, and their school at all times.
5. Each player will be responsible for the care of his/her equipment, including proper cleaning and drying of uniforms. All school athletic equipment and uniforms must be returned within a week of the close of the season.
6. Sportsmanship will be displayed at all times.
7. Players, when on trips, will remain in the building until all games are finished, unless properly excused by notifying the coach.
8. Players will not give argument to anyone who is in charge of them on trips, including bus drivers.
9. Players on athletic trips are not only subject to these rules but also to all rules and regulations of Westside High School.
10. Violation of one or all of these rules can bring about suspension from the team or such action as the coach or duly authorized school official shall deem necessary to correct the situation.
11. Players will be expected to dress in such a manner as to reflect credit on them and their school.
12. In order for any student to participate in an athletic event that student must be in attendance a minimum of four (4) periods during the day of the event. This will be checked and monitored by the head coach and the director of the activity involved. Exceptions may be made with prior approval from the coach and principal.

13. Athletic managers are required to meet the same academic criteria as the student athlete. There may be no more than one (1) student manager assigned, per team, during the regular school day. A student may be an athletic manager no more than one (1) period per day.
14. These rules are subject to change at any time the school officials feel they should be changed.
15. The only passengers allowed to ride a bus to school activities are: bus drivers, the bus drivers spouse, sponsors, coaches, the coaches family members, participating cheerleaders, score keepers, managers, and/or chaperones.

## ATHLETIC EVENTS

During athletic events in our gymnasium or at our athletic fields, Westside students are asked to remain inside the gym or field until the event is over. If students must leave they should not return. Any student leaving the gym or field shall be required to pay before reentering. All necessary facilities and refreshments are provided within the gymnasium or field for all visitors and students.

## WESTSIDE SPORTSMANSHIP CREED

The purpose of athletic fans is to watch, to support, and to cheer for the teams. Athletic fans should refrain from intimidation or ridicule and should enjoy watching skill and competition.

Be Positive: Cheer for the teams.

Be Courteous: Reflect a positive attitude of yourself, your school and your opposing team.

Be Respectful: Show respect to the players, the coaches, the officials, and other fans.

Thank you for your continued support of our students, staff, and community.

## EXTRACUTTICULAR ACTIVITIES

In the event that scheduling conflicts are unavoidable, the choice will be made by the student and parents. No penalty shall result from a student choosing one activity over another.

## CHEMICAL SCREEN TEST POLICY

The Johnson County Westside School District recognizes that chemical abuse or misuse is a significant health problem for students, and that all students who represent the District in extracurricular activities should be encouraged and supported in their efforts to develop a chemical free lifestyle. The Johnson County Westside Board of Education is determined to help students by providing another option for them to say "no". Chemical abuse includes, but is not limited to, the use of illegal drugs, alcohol, and the misuse of legal drugs and medications.

### **Purpose**

1. Assist students to resist peer pressure to use drugs.
2. To allow students of the Johnson County Westside Schools to know that the school is concerned about their total wellbeing. The school district is interested in helping the students who may be having problems.
3. To emphasize concerns for the health of students in areas of safety while they are participating in activities as well as the long-term physical and emotional effects of chemical use on their health.

4. To confirm and support State Laws which restrict the use of mood-altering chemicals.
5. To establish standards of conduct for students of Johnson County Westside Schools who are considered leaders among their peers.
6. To work cooperatively with parents by assisting them in keeping their children free from mood-altering chemicals.
7. To assist students who need to be referred for assistance or evaluation regarding their use of illegal drugs.
8. To deter chemical abuse or misuse by all students through the use of random drug testing.

### **Scope**

The provisions of this policy apply to students in the Johnson County Westside School District in grades seven through twelve. No student will be allowed to participate in any extracurricular school activity (any activity outside the regular curriculum) until the consent form has been signed by both student and custodial parent/guardian and returned to the Superintendent or his/her designee. Positive screening results are considered cumulative and follow this student for the duration of enrollment in the Westside School District.

### **Definition**

Illegal drugs are defined as any substance, including alcohol, considered illegal by Arkansas statutes or which is controlled by the Food and Drug Administration unless prescribed by a licensed physician.

### **Prescription Medication**

The existence of lawfully prescribed medication in the student's sample is not a violation of this policy when taken in accordance with a physician's recommendation or prescription to a specific student. Some over-the-counter medications may have similarities to unlawful drugs when tested. Students who are taking prescription medication may provide a copy of the prescription or a doctor's verification in a sealed envelope to school personnel at the time the sample is collected. The specific name of over-the-counter medication should also be disclosed to the school official. Students who refuse to provide verification and test positive will be subject to the actions specified in this policy for "positive test".

### **Consent Form**

Each student must have a signed student/parental/guardian consent form as a requirement for participation in any extra-curricular activity and the drug testing program. Failure to provide the signed consent form will result in the student being prohibited from participating in such activities until the form is signed and submitted to the school. Consent forms for students participating in extra-curricular activities must be signed and returned the first two weeks of school. Students moving into the District during the school year must sign the consent form during the first two weeks of enrollment.

### **Selection Process**

While students are in school, they will be subject to random selection for testing. Particular days will be selected for testing. If a student is selected for testing but is absent on that day, he/she will be tested upon his return to school. The number of names drawn will be no less than (2%) or greater than (15%) of the students in grades seven through twelve participating in an Arkansas Activities Association sponsored activity. A urinalysis will be the method utilized to test for the presence of chemicals in the body. All students selected must report to the designated testing site.

## **Testing Agency**

The district will choose a qualified agency for the purpose of processing samples and maintaining privacy with respect to test results and related matters. Testing protocol will be determined by the contracted testing agency.

## **Cost**

The cost of the test to be given during random selection will be paid by the district. Any test administered to a student to regain eligibility will be at the district's expense.

## **Refusal to Consent to Testing**

Students not consenting to be tested (in the random pool) are allowed to join clubs or organizations but are not allowed to attend after school meetings, or participate in any activities.

## **Refusal to Submit to Testing**

Any participant who refuses to submit to random drug testing, and/or retesting, is considered having tested positive.

## **Results and Notification**

Test results will be reported to the Superintendent or his/her designee. All reports will be in writing. All specimens testing negative on the initial test or negative on the confirmation test will be reported as negative. Only specimens confirmed as positive will be reported as positive for a specific drug(s).

## **Records**

All records concerning chemical abuse testing will be maintained by the Superintendent or his/her designee in a separate, locked file. The records will not be kept in a student's regular file. Only the Superintendent or his/her designee will have access to the files. The files on each student will be destroyed upon graduation or two years after termination of enrollment. A student and the student's custodial parents/legal guardians may obtain a copy of his chemical abuse testing records upon written request.

## **First Positive Test**

Upon receipt of a positive test result for any student, a custodial parent or legal guardian will be notified and a meeting will be scheduled with the superintendent or his/her designee, the student, the custodial parent or legal guardian, the student's principal, and the student's head coach or sponsor, when possible. Counseling/rehabilitation for the student will be strongly recommended for the student who tests positive. A referral/resource list will be made available to the student and parent/legal guardian. Any counseling/rehabilitation service costs will be the responsibility of the student and/or parent. The student will be placed on probation for thirty days. During probation the student may not participate or practice until a negative test, according to policy guidelines. During the probation time, the student will not be allowed to participate and/or attend any curricular or extracurricular activities which occur outside the regular school day. In order to regain eligibility after the thirty-one-day probationary period, the 175 student must be tested again at the district's expense and a written copy of the results will be given to the Superintendent or his/her designee. If the test is negative, the probation will be lifted. If the test is positive, the student will not be allowed to participate in or attend extracurricular activities for one calendar year. A positive retest at the end of the thirty-day probation period will be considered a second positive test. To regain eligibility for participation in activities, a student must have a negative Chemical Screening Test. This will be administered by the district's chemical screening company and at the district's expense.

*Exception: A student must be retested on day thirty-one. However, certain chemicals that take more than thirty days to leave the student's system will be considered differently if a doctor's written opinion details said residual effects of that particular substance.*

## **Second Positive Test**

For the second positive test, the student will not be allowed to participate in or attend extracurricular activities for one calendar year. To regain eligibility for participation in activities, a student must have a negative Chemical Screening Test. This will be administered by the district's chemical screening company and at the district's expense.

## **Third Positive Test**

For the third positive result, the student will be permanently suspended from participating in or attending any activity program for the remainder of his enrollment with the school. A third positive screen could come from a third positive test from the random pool or a result of a rescreen at the end of a probation period.

## **Nature of Policy**

No student will be penalized academically for testing positive for illegal drugs. The results of any drug test pursuant to this policy will not be documented in any student's academic records.

## **Other Disciplinary Measures**

The district, by accepting this policy, is not precluded from utilizing other disciplinary measures set forth in the student handbook and this policy does not preclude the district from taking disciplinary procedure and resulting action when founded upon reasonable belief and suspicion that a student has participated in drug-related activities.

## **HOMEcoming**

1. Athletic Homecoming: The following policy will be in effect for homecoming activities--
  - A. All participants must have a 2.0-grade point average from the previous semester to be eligible. You must be willing to sign a drug test waiver to be eligible.
  - B. The homecoming maids must be Westside students from the previous semesters and does not have to be in athletics.
  - C. One escort per maid starting from Senior boys (athletic team) then moving down to Juniors if needed. The maid will be escorted by the athlete and one family member at the night ceremony. (Student council sponsor will choose the athlete escort for each maid.)
  - D. Basketball Homecoming the players and cheerleaders will be dressed in uniform and stand on the baselines or the court during the evening ceremony.
  - E. Students & teachers will nominate 2 girls from their expected classes 9th-11th. The 12th grade will nominate 3 girls. The top nominees will represent their classes.
  - F. Maids (9th-11th grades) are only eligible for one basketball homecoming and one football homecoming (not the same year). Unless there are not enough girls in the class then all girls will become available once again.
  - G. 12th-grade year all girls are eligible to be nominated. Seniors maids may serve in only one homecoming football or basketball.
  - H. 9th, 10th, 11th, and 12th-grade student body shall vote for a queen from the three 12th-grade maids.
  - I. Captain of the Basketball(s)/ Football/ Cheer Team team will crown the Queen.
  - J. Little attendees will be voted on by the athletic team from a list of nominees of the staff's personal children or grandchildren who attend Westside Schools.
  - K. Maids evening attire: Maids may choose dresses from any of the following colors: Royal Blue, Silver, Black, Gray, or White. Evening Escorts need to dress in Sunday best.

## SCHOOL DANCES

All dances scheduled must meet the following guidelines:

1. All dances must be scheduled at least two (2) weeks ahead of time and sponsored by a recognized school organization.
2. All dances will be chaperoned by certified school employees. The principal will set the beginning and ending times of all dances.
3. Proceeds from the dance will go to the sponsoring organization to pay for all expenses incurred.
4. The sponsoring organization will be responsible for cleaning the facility used for the dance before the next school day begins.
5. These guidelines are subject to change at any time school officials feel they need to be changed.

Students attending school-sponsored dance must comply with the following request, and any other request deemed necessary, which may be made at a later date and relayed to all students:

1. Students must pay the required fee to enter the dance.
2. Students who leave before the dance is over do so with the understanding that they will not be allowed back into the dance and their money will not be refunded. Students must leave the school premises upon leaving the dance.
3. Unless directed otherwise, all dances will be for WHS students only and their dates which may or may not be WHS students. Any student wishing to bring a date who is not a WHS student must complete a date approval form by the required deadline and receive approval from the principal. Dances are not open to the general public. Students have to be in good standing to attend.
4. Students bringing dates who are not students of WHS are responsible for the actions of their dates. If problems should arise, a WHS student whose date is involved will not be allowed to bring another non-WHS person to any future dance.
5. Use of tobacco and alcoholic beverages or any form of illegal drug is prohibited at all school functions. Students who, in the judgment of certified personnel at the dance, are under the influence of alcohol or drugs will not be admitted to the dance and must leave the school grounds. Parents and Law Enforcement will be notified. Students caught using, or who are under the influence of, drugs or alcohol will be suspended from school for a minimum of time prescribed as outlined in the student policy handbook and must leave the dance and school grounds immediately.
6. There will be no loitering on school grounds during the time any dance is scheduled.
7. Students involved in disorderly conduct or any conduct which may be out of line in the judgment of any certified person chaperoning the dance will be asked to leave the dance and school premises. The student's money will not be refunded.
8. Neither WHS students, nor their dates will be allowed on stage with the performing groups without the permission of a certified person on duty.

## ORGANIZATIONAL MEETINGS

Students have the right to join existing clubs and organizations if they meet the requirements of the club or organization. No student will be restricted on the basis of race, sex, national origin, or

other arbitrary criteria. Students may, however, be restricted to membership on the basis of their sex, but only if the organization is entitled to Title IX exemption under the Bayh Amendment. School fraternities and secret societies are banned in Arkansas public schools. The office must know at least one (1) day in advance of all meetings. Meetings will be set up by sponsors only. Meetings should be conducted before school, at lunch, or after school and should not interfere with class time.

Students are not permitted to hold the same office in more than one (1) organization or class. They will be allowed to hold only two (2) offices.

## LIBRARY

The library at Westside High School is as complete and helpful as we can make it at the present time. In order to keep it this way, students and teachers must observe some regulations.

1. Students and teachers must check out all materials that they take from the library so that these materials will not be lost. We want very much for the library materials to be used, but please return them on time so that others may also use them.
2. Student coming to the library from a classroom must have a signed Library Permit from their teacher. No student will be permitted to leave the library the last five (5) minutes of a period.
3. All classroom groups visiting the library must be scheduled in advance, and the supervising teacher must accompany them and sit with the group.
4. Videos must be checked out and returned by teachers only.
5. When you arrive in the library give your classroom pass to the librarian. If leaving by teacher request, pick up your library permit with the time recorded on it and return to your classroom.
6. The card catalog is the directory to the books, tapes, filmstrips, records and collector's items that are in our library.

### **Library materials consist of:**

1. Two-week books: Most books may be kept for two (2) weeks. Students are encouraged to return the books as soon as they are finished with them. This will prevent paying fines and losing any books. You may renew these books as often as needed.
  2. Reference books: These books may be checked out overnight with special permission. Reference books are to be returned first period the following day. Other arrangements for use of reference materials may be made between classroom teachers and librarian.
  3. Reserve books: Arrangements for use of this material will vary according to the requirements of classroom teachers.
  4. Magazines: Current magazines are located in the magazine rack. Students may use a magazine and return it to the rack. Do not leave them on the tables. Do not take them from the library. Please treat them well. A large number of periodicals are kept on file for research work. Back issues of magazines may be checked out for one (1) period for use in the classroom.
  5. Students may check out back issues of magazines for three (3) days.
  6. Vertical file: These files contain information on various subjects. Files are to be used in the library only unless arrangements are made with the librarian.
- The charge for a lost book will be the replacement cost of that book. Fines will be charged as follows:

1. Two week books: Five (5) cents a day
2. Reference books: Fifty (50) cents a day
3. After one (1) month, fines will double

It is the student's responsibility to return the books on time. Sending overdue notices is a service to students and not an obligation to them. Bring these notices with you to the library for settlement.

## SCHOOL NEWSPAPER AND OFFICIAL PUBLICATIONS

The journalism class of Westside School is encouraged to maintain a school newspaper for the purpose of reporting school news. The annual staff is responsible for preparing a school yearbook for the district. Students have the right to editorialize. Students must refrain from printing anything which might contain obscene language or libelous material.

## GRADE CHANGE POLICY

When grades are given for any course of instruction taught in Westside School District, the grade given to each pupil will be the grade determined by the teacher of that course.

A. If after 21 consecutive days, from the time the grade is issued on the report card, a grade is unquestioned the grade stands as assigned by the teacher.

B. If for some reason a teacher is incapacitated during the 21-day period, a special committee will review the grade. This committee will be made up of the following:

1. An administrator of that school.
2. Two teachers within the field of study of the course that the grade was given and mutually agreed upon by the student or parents and the administrator of that school. If two teachers cannot be found that are in the same field of study, two mutually agreed upon teachers in any field will be selected.

## DETENTION HALL GUIDELINES

1. Detention Hall will be held during lunch.
2. Assignments will be minimum length of one day and a maximum of five days. Two additional days will be added for refusing to sign D-Hall slip.
3. Detention hall assignments should be made if a student is tardy, small classroom disruptions (talking, no materials or inappropriate language) or any other small offenses whether in the classroom, hall, lunchroom or anywhere students are under our supervision.
4. Friday School will be assigned for students that exceed 5 referrals for D-Hall in a nine-week period.
5. Students will receive two additional days for every unexcused day they miss in Detention Hall.
6. Every student starts over each nine weeks.
7. Administration reserves the right to add additional discipline.
8. Swats may be taken one time per nine weeks in lieu of D-Hall.



## ENTRANCE TO AND FROM THE BUILDING

Anyone entering or leaving the building should be allowed to use ONLY the front doors by the office, and all exterior doors should remain locked from the outside at all times during the day. The only exceptions should be during lunch periods, in which a designated exterior door will be used to exit the cafeteria; and in case of emergencies such as fire, etc. In which case the students should exit to the rear of the building and remain seated at the football stadium.

## TEACHER'S LOUNGE

No students are allowed in teacher's lounge. Any student caught in the teacher's lounge will be subject to disciplinary action.

## INTERCOM POLICY

Announcements may be read only during the first five minutes of first hour and during the last five minutes of fifth hour except during emergencies. Staff and designated students may use the intercom. During semester and standardized exams, no use will be allowed unless the principal or his designee has granted use otherwise or in the case of emergency.

## SECTION 504

It is the policy of the Board of Education to provide a free and appropriate public education to each handicapped student within its jurisdiction, regardless of the nature or severity of the handicap. It is the intent of the district to ensure that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be handicapped under this policy even though they do not require services pursuant to the individuals with Disabilities Education Act (IDEA). Due process rights of handicapped students and their parents under Section 504 will be reinforced including (1) notice, (2) opportunity of parent/guardian to examine relevant records, (3) opportunity for impartial hearing, and (4) a review procedure. John Elms, Principal, is the coordinator of Section 504 activities and may be contacted at (479) 497-1088.