

# **DIERKS SCHOOL DISTRICT**

## **POLICIES**

**2017-2018**

**SECTION 1—BOARD GOVERNANCE and OPERATIONS**

# **BOARD GOVERNANCE AND OPERATIONS**

## **1.1—LEGAL STATUS OF THE BOARD OF DIRECTORS**

By the authority of Article 14 of the Arkansas Constitution, the General Assembly has provided that locally elected school boards will be responsible for the lawful operation and maintenance of its local schools.

While the Board has a broad range of powers and duties, its individual members only have authority when exercising their responsibilities in a legally convened meeting acting as a whole. The sole exception is when an individual member has been delegated authority to represent the Board for a specific, defined purpose. In matters such as personnel discipline, expulsions, and student suspensions initiated by the superintendent, the Board serves as a finder of fact, not unlike a jury. For this reason, the board should not be involved in or, to the extent practicable, informed of the facts or allegations of such matters prior to a board hearing on those disciplinary matters in which the Board could become involved.

It is the policy of the Dierks School Board that its actions will be taken with due regard for its legal responsibilities and in the belief that its actions shall be in the best interests of its students and the District as a whole.

Legal Reference:       A.C.A. § 6-13-620

Date Adopted: 7/13/2015

Last Revised: 8/18/2015

## **1.2—BOARD ORGANIZATION and VACANCIES**

### **Election of Officers**

The Board shall elect a president, vice president, and secretary at the first regular meeting following the later of the certification of the results of the annual September school election or if there is a runoff election, at the first regular meeting following the certification of the results of a run-off election. The secretary need not be a member of the Board. Officers shall serve one-year terms and perform those duties as prescribed by policy of the Board. The Board shall also elect one of its members to be the primary board disbursing officer and may designate one or more additional board members as alternate board disbursing officers.

When the position of an officer of the board becomes vacant, the officer's position shall be filled for the remainder of the year in the same manner as for the annual election of officers after the annual school election. Election of Board officers shall not occur except on a once per year basis or to fill an officer vacancy.

### **Vacancies**

A vacancy shall exist on the Board due to a board member's resignation, felony conviction, the board member no longer residing in the district, or other statutory reason resulting in a board member's removal from the board. The vacated position shall be filled in the manner prescribed by statute and this policy; the successor to the vacated position shall serve until the annual school election following the appointment.

A temporary vacancy exists when a Board member is called to active military service. When such a vacancy occurs, The temporary vacancy shall be filled in the manner prescribed by statute and this policy. The appointee shall serve until either the Board member who has been called to active military service returns and notifies the Board secretary of his/her desire to resume service on the Board or the Board member's term expires. Should the still active military Board member's term expire, that member may run for re-election. If re-elected, the re-elected Board member's temporary vacancy shall be filled again in the manner prescribed in this policy.

The position of any Board member who misses three (3) or more regular and consecutive board meetings due to the member's illness shall not be considered vacant provided the Board member verifies by a written, sworn statement from his/her attending physician that illness is the cause of the member's repeated absences.

Provided at least a quorum of the Board remains, the Board has thirty (30) days in which to appoint a successor to a vacated position on the Board. If less than a quorum of the Board remains or the Board fails to

fill the vacancy within 30 days of the vacancy, the position shall be filled by the county quorum court.

- Legal References:
- A.C.A. § 6-13-611
  - A.C.A. § 6-13-612
  - A.C.A. § 6-13-613
  - A.C.A. § 6-13-616
  - A.C.A. § 6-13-618
  - A.C.A. § 6-13-619

Date Adopted: 7/13/2015

Last Revised:

### **1.3—DUTIES OF THE PRESIDENT**

The duties of the president of the Board of Education shall include, but shall not be limited to:

1. Presiding at all meetings of the Board;
2. Calling special meetings of the Board;
3. Working with the Superintendent to develop Board meeting agendas;
4. Signing all official documents that require the signature of the chief officer of the Board of Education;
5. Appointing all committees of the Board and serving as ex-officio member of such committees; and
6. Performing such other duties as may be prescribed by law or action of the Board.

The president shall have the same right as other members to offer resolutions, make or second motions, discuss questions, and to vote.

Legal Reference:       A.C.A. § 6-13-619 (a) (1)

Date Adopted: 7/13/2015

Last Revised:

## **1.4—DUTIES OF THE VICE-PRESIDENT**

The duties of the Vice President of the Board shall include:

1. Serving as presiding officer at all school board meetings from which the president is absent; and
2. Performing such other duties as may be prescribed by action of the Board.

Date Adopted: 7/13/2015

Last Revised:

## **1.5—DUTIES OF THE SECRETARY**

The duties of the Secretary of the Board shall include:

1. Being responsible to see that a full and accurate record of the proceedings of the Board are permanently kept and shall;
  - a. Record in the minutes, the members present, by name, at the meeting including the time of any member's late arrival to, or early departure from, a meeting;
  - b. Record the outcome of all votes taken including the time at which the vote is taken.
2. Serving as presiding officer in the absence of the President and the Vice President;
3. Being responsible for official correspondence of the Board;
4. Signing all official documents that require the signature of the Secretary of the Board of Education;
5. Calling special meetings of the Board; and
6. Performing such other duties as may be prescribed by the Board.

Legal Reference:       A.C.A. § 6-13-619 (a)(1)(b)

Date Adopted: 7/13/2015

Last Revised:

## **1.6—BOARD MEMBER VOTING**

### **Establishment of a Quorum**

A quorum of the Board is a majority of the membership of the Board. No vote or other board action may be taken unless there is a quorum present. Except as provided in Policy 1.6.1—ATTENDING MEETINGS REMOTELY, a Board member must be physically present at a meeting to be counted toward establishing a quorum or to be eligible to vote. A majority of the quorum voting affirmatively is necessary for the passage of any motion. A quorum must be physically present for a board to enter executive session.

### **Voting and failure to vote**

Except as provided in Policy 1.6.1—ATTENDING MEETINGS REMOTELY, all Board members, including the President, shall vote on each motion, following a second<sup>2</sup> and discussion of that motion.

Failure of any Board member to vote, while physically present in the meeting room, shall be counted as a “no” vote, i.e., a vote against the motion.

Only those votes taken by the Board in open session are legally binding. No motion made or vote taken in executive session is legally binding, although a non-binding, unofficial and non-recorded vote may be taken in executive session to establish consensus or further discussion.

### **Abstentions from Voting**

In order for a Board member to abstain from voting, he must declare a conflict and remove himself from the meeting room during the vote. A Board member who removes himself/herself from a meeting during a vote due to a conflict of interest shall not be considered present at the meeting for the purpose of establishing a quorum until the member returns to the meeting after the vote.

Cross Reference: 1.6.1—ATTENDING MEETINGS REMOTELY

Legal Reference: A.C.A. § 6-13-619

Date Adopted: 7/13/2015

Last Revised: 8/18/2015

## **1.6.1—ATTENDING MEETINGS REMOTELY**

The Board of Directors permits members who would be otherwise unable to physically attend a board meeting to attend the meeting remotely. Except where prohibited by this policy, a board member who attends remotely shall have the same rights and privileges as if the board member were physically present. A board member who will be unable to physically attend a board meeting is responsible for notifying the superintendent at least one (1) hour prior to the scheduled meeting time that the member will be unable to physically attend the meeting and intends to attend remotely.

The method used to permit members of the board of directors to attend remotely shall:

- 1) Provide a method for the president or secretary of the board of directors to verify the identity of the member(s) attending remotely;
- 2) Allow the members of the Board physically present and members of the public to hear the member(s) attending remotely at all times; and
- 3) Allow the member(s) attending remotely to hear the members of the board of directors physically present at the meeting at all times and any public comment.

A board member attending remotely shall not:

- a) Attend an executive session or closed hearing; or
- b) Vote on an issue that is the subject of an executive session or closed hearing.

The Board minutes shall indicate if a board member is attending remotely and the method used to permit the member to attend remotely. If an executive session occurs during a meeting when a board member is attending remotely, the minutes will treat the board member attending remotely as though the member had left the room for any vote on a subject discussed in the executive session.

Up to three (3) times per calendar year, the board of directors may count a board member attending remotely for the purpose of establishing a quorum. A board member attending remotely used to establish a quorum shall not be counted to determine if the board may enter executive session.

Legal Reference:           A.C.A. § 6-13-619

Date Adopted: 8/18/2015

Last Revised:

## **1.7—POWERS AND DUTIES OF THE BOARD**

The Dierks Board of Education, operating in accordance with state and federal laws, assumes its responsibilities for the operation of Dierks Public Schools. The Board shall concern itself primarily with the broad questions of policy as it exercises its legislative and judicial duties. The administrative functions of the District are delegated to the Superintendent who shall be responsible for the effective administration and supervision of the District.

Some of the duties of the Board include:

1. Developing and adopting policies to effect the vision, mission, and direction of the District;
2. Understanding and abiding by the proper role of the Board of Directors through study and by obtaining the necessary training professional development;
3. Electing and employing a Superintendent and giving him/her the support needed to be able to effectively implement the Board's policies;
4. Conducting formal and informal evaluations of the Superintendent annually or no less often than prior to any contract extension;
5. Employing, upon recommendation of the administrative staff and by written contract, the staff necessary for the proper conduct of the schools;
6. Approving the selection of curriculum and seeing that all courses for study and educational content prescribed by the State Board or by law for all grades of schools are offered and taught;
7. Reviewing, adopting, and publishing the District's budget for the ensuing year;
8. Being responsible for providing sufficient facilities, grounds, and property and ensuring they are managed and maintained for the benefit of the district;
9. Monitoring District finances and receiving, reviewing, and approving each annual financial audit;
10. Understanding and overseeing District finances to ensure alignment with the District's academic and facility needs and goals;
11. Visiting schools and classrooms when students are present no less than annually;
12. Setting an annual salary schedule;
13. Being fiscally responsible to the District's patrons and maintaining the millage rate necessary to support the District's budget;
14. Involving the members of the community in the District's decisions to the fullest extent practicable; and
15. Striving to assure that all students are challenged and are given an equitable educational opportunity.

Legal References: A.C.A. § 6-13-620, 622

Date Adopted: 7/13/2015

Last Revised:

## **1.8—GOVERNANCE BY POLICY**

The district shall operate within the legal frameworks of the State and Federal Constitutions, and appropriate statutes, regulations, and court decisions. The legal frameworks governing the district shall be augmented by policies adopted by the board of directors which shall serve to further define the operations of the district.

When necessitated by unforeseen circumstances, the Superintendent shall have the power to decide and take appropriate action for an area not covered by the legal frameworks or a policy of the Board. The Superintendent shall inform the members of the Board of such action. The Board shall then consider whether it is necessary to formulate and adopt a policy to cover such circumstances.

The official copy of the policy manual for the District shall be kept in the Superintendent's office. Copies of the manual within the District shall be kept current, but if a discrepancy occurs between manuals, the Superintendent's version shall be regarded as authoritative.

Administrative regulations shall be formulated to implement the intentions of the policies of the Board. Regulations may be highly specific. The Board shall review administrative regulations prior to their implementation.

Date Adopted: 7/13/2015

Last Revised:

## **1.9—POLICY FORMULATION**

The Board affirms through its policies and its policy adoption process, its belief that:

- 1) The schools belong to the people who create them by consent and support them by taxation;
- 2) The schools are only as strong as an informed citizenry and knowledgeable school staff allow them to be; and
- 3) The support is based on knowledge of, understanding about, and participation in the efforts of its public schools.

The following shall be the guidelines for policy adoption for the Dierks School District.

### **General Policies**

Policies that are not personnel policies may be recommended by:

- The Board or any member of the Board;
- The Superintendent, Assistant Superintendent, any other administrator or employee of the District
- Committee appointed by the Board; or
- Any member of the public.

Policies adopted by the Board shall be within the legal framework of the State and Federal Constitutions, and appropriate statutes, rules, and court decisions.

Except for personnel policies, when reviewing a proposed policy, the Board may elect to adopt, amend, refer back to the person proposing the policy for further consideration, take it under advisement, reject it, or refuse to consider the proposal.

### **Licensed and Classified Personnel Policies**

Personnel policies (including employee salary schedules) shall be created, amended, or deleted in accordance with State law:

(1) Board Proposals:

The Board may adopt a proposed personnel policy by a majority vote. Such policies may be proposed to the Board by a Board member or the Superintendent. The Board may choose to adopt the proposal, as a proposal only, by majority vote.

Following the adoption of a proposed personnel policy, the proposal must be presented to the appropriate Personnel Policy Committee (PPC). Such presentation shall be in writing, to all members of the Committee.

When the PPC has possessed the proposed personnel policy for a minimum of ten (10) working days from the date the PPC received the proposed policy (i.e., ten (10) workdays, not including weekends or state or national holidays), the Chairman of the PPC, or the Chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board to address the proposed policy. Following the presentation, the Board may vote at the same meeting at which the proposal is made, or, in any case, no later than the next regular Board meeting to:

- (a) Adopt the Board's original proposed policy as a policy;
- (b) Adopt the PPC's counter proposed policy as a policy ; or
- (c) Refer the PPC's counter proposed policy back to the PPC for further study and revision. Any such referral is subject to the same adoption process as a proposed policy originating from the board.

(2) Personnel Policies Committee Proposals:

Either PPC may recommend changes in personnel policies to the Board. When making such a proposal, the Chairman of the PPC, or the Chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board.

The Board may vote on the proposed policy at the same meeting at which the proposal is made, or, in any case, no later than the next regular Board meeting. In voting on a proposed policy from the Personnel Policies Committee, the Board may:

- (a) Adopt the proposal;
- (b) Reject the proposal; or
- (c) Refer the proposal back to the Personnel Policies Committee for further study and revision.

When the Board is revising the licensed and classified personnel salaries, the Board of Directors shall, as required by Arkansas law, review and approve by a written resolution any employee's salary increase of five percent (5%) or more for the employee.

A copy of all personnel policies shall be signed by the president of the Board of Directors and kept in a central records location.

All personnel policies must be sent to the PPC for the minimum ten (10) days regardless of the intended effective date of the policy.

**Effective date of policy changes:**

All personnel policy changes enacted during one fiscal year will become effective on the first day of the following fiscal year, July 1. This specifically includes any changes made between May 1 and June 30 to ensure compliance with state or federal laws, rules, or regulations or the Arkansas Department of Education Commissioner's Memos. In addition, changes to policies to maintain compliance with state or federal laws, rules, regulations, or Commissioner's Memos that are after June 30 but are adopted within ninety (90) days

from the effective date of the legal change that created the need for the policy adoption shall become effective on the final date of adoption.

Changes made to personnel policies between May 1 and June 30 that are **not** made to ensure compliance with state or federal laws or regulations will take effect on July 1 of the same calendar year provided no later than five (5) working days after final board action, a notice of the change is sent to each affected employee by first class mail to the address on record in the personnel file.<sup>2</sup> The notice of the change must include:

- a. The new or modified policy or policies provided in a form that clearly shows the additions underlined and the deletions stricken;
- b. A statement that due to the change(s), the employee has the power to unilaterally rescind his/her contract for a period of thirty (30) days after the school board took final action on the policy (policies). The rescission must be in the form of a letter of resignation within the thirty (30) day period.

Except for policy changes to ensure compliance with changes in the law that are adopted within the ninety (90) day window, for a policy change to be made effective prior to July 1 of the following fiscal year, a vote must be taken of all licensed personnel or all classified personnel, as appropriate, with the vote conducted by the appropriate PPC.

If, by a majority vote, the affected personnel approve, the policy becomes effective as of the date of the vote, unless otherwise specified by the Board in requesting such vote. No staff vote taken prior to final board action will be considered effective to make a policy change.

All non-personnel policy changes may become effective upon the Board's approval of the change, unless the Board specifies a different date.

Student discipline policies shall be reviewed annually by the District's personnel policy committees and may recommend changes to such policies to the Board of Directors.

Parents, students, and school district personnel, including teachers, shall be involved in the development of student discipline policies.

Cross References:        Policy 3.1—LICENSED PERSONNEL SALARY SCHEDULE;  
                                  Policy 8.1—CLASSIFIED PERSONNEL SALARY SCHEDULE

Legal References:        A.C.A. § 6-13-619(c)  
                                  A.C.A. § 6-13-635  
                                  A.C.A. § 6-17-201 et seq.  
                                  A.C.A. § 6-17-2301 et seq.  
                                  A.C.A. § 6-18-502(b)(1)(2)

Date Adopted: 7/13/2015

Last Revised: 8/18/2015

## **1.10—ASSOCIATION MEMBERSHIPS**

The Board shall be a member of the Arkansas School Boards Association and may be a member of the National School Boards Association and other organizations which, in the opinion of the Board, will be beneficial to the Board in carrying out its duties more effectively.

Legal Reference:       A.C.A. § 6-13-107

Date Adopted: 7/13/2015

Last Revised:

## **1.11—BOARD MEMBER TRAINING**

Board members who have served on the board for twelve (12) or more consecutive months are required to obtain a minimum of six (6) hours of training by December 31 of each calendar year. Effective with the 2006 school election, board members who are elected to serve an initial or non –continuous term shall obtain a minimum of nine (9) hours of training by December 31 of the year following their election and six (6) hours of training by December 31 of each calendar year thereafter. Hours obtained in excess of the required minimums may be carried forward through December 31 of the third calendar year following the year in which the hours were earned.

The training shall be focused on topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors. The responsibilities include, but are not limited to legal requirements, role differentiation, financial management, improving student achievement, reading and interpreting an audit report, and the duties and responsibilities of the various levels of employees within the district as well as those of the board of directors.

The district is responsible for maintaining a record of the hours of training received by each board member. Board members shall make a concerted effort to submit documentation of training they have received to the superintendent or his/her designee. In the absence of such documentation, the district shall attempt to obtain records of training received from training providers.

Such training may be obtained from an institution of higher learning, from instruction provided by the Arkansas Department of Education or the Arkansas School Boards Association, or from other providers approved by the Arkansas Department of Education.

A statement regarding the number of hours of training received each preceding calendar year shall be:

- Part of the district’s comprehensive school plan and goals;
- Published in the same way as other components of the comprehensive plan and goals are required to be published;
- Part of the annual school performance report required to be submitted to, and published by the Arkansas Department of Education.

Legal References:       A.C.A. § 6-13-629

ADE Rule Governing Required Training for School Board Members

Date Adopted: 7/13/2015

Last Revised:

## **1.12—COMMITTEES**

From time to time, in order to obtain and/or encourage public participation in the operation of the District, the Board may appoint committees, which may include members of the public, students, parents, and school employees, as well as members of the Board.

Any committee, which includes among its members a member of the School Board, shall operate according to the requirements of the Arkansas Freedom of Information Act.\*

\* Legal Reference:      A.C.A. § 25-19-106

Date Adopted: 7/13/2015

Last Revised:

## **1.13—SUPERINTENDENT/ BOARD RELATIONSHIP**

The Board's primary responsibility is to develop, working collaboratively with the community, a vision and mission for the District. The Board formulates and adopts policies to achieve that vision and elects a Superintendent to implement its policies. The Board and the Superintendent and the relationship between them set the tone for the district to follow. The relationship is enhanced when both parties understand their roles and carry them out in an ethical and professional manner working to develop a relationship of mutual trust and respect.

The Superintendent and staff are responsible for administering the Board's policies and will be held responsible for the effective administration and supervision of the District. The Superintendent is authorized to develop and implement administrative regulations to fulfill the Board's policies, provided such regulations are consistent with the intent of the Board's policies.

Date Adopted: 7/13/2015

Last Revised:

## 1.14—MEETING AGENDA

The agenda guides the proceedings of the Board meeting. The Superintendent shall prepare the agenda with consultation from the Board President. Other members of the Board who desire to have an item placed on the monthly agenda may do so by contacting the Superintendent or, in writing, the Board President by the date established in this policy and the item will be duly considered for inclusion.

The chairman of the PPC, or the chairman's designee, shall be placed on the Board of Director's meeting agenda to make an oral presentation to the Board to address either a personnel policy proposed by the Board that the PPC committee has possessed for no less than ten ( 10) work days or a personnel policy that the PPC wishes to propose to the Board.

District patrons wishing to have an item placed on the Board meeting's agenda must submit their requests, in writing to the Superintendent, at least five (5) days prior to the meeting of the Board. The written request must be sufficiently descriptive to enable the Superintendent and Board President to fully understand and evaluate its appropriateness to be an agenda item. Such requests may be accepted, rejected, or referred back to the individual for further clarification.

The Superintendent shall notify the Board President of all written requests to be placed on the agenda along with the Superintendent's recommendation concerning the request. No item shall be placed on the agenda that would operate to prejudice the Board concerning a student or personnel matter that could come before the Board for disciplinary or employment considerations or that is in conflict with other District policy or law.

Patrons whose written request to be placed on the meeting's agenda has been accepted shall have no more than 10 minutes to present to the Board unless specifically granted additional time by a motion approved by a majority of the Board. The speaker shall limit his/her comments to the approved topic/issue or forfeit his/her right to address the Board. The members of the Board will listen to the patron's presentation, but shall not respond to the presenter during the meeting in which the presentation is made. The Board may choose to discuss the issue presented at a later meeting, but is under no obligation to do so.

The Superintendent shall be responsible for Board members receiving copies of the Agenda with all accompanying pertinent information at least 2 days prior to the meeting.

This policy's advance notice requirements do not apply to special or called board meetings.

Legal References:       A.C.A. § 6-13-619(a)(2)

A.C.A. § 6-17-205(c)

Cross Reference: 1.9—POLICY FORMULATION

Date Adopted: 7/13/2015

Last Revised:

## **1.15—TORT IMMUNITY**

The District, as well as its agents, officers, employees, and volunteers are immune from liability for negligence, pursuant to A.C.A. § 21-9-301. When allegations of negligence are raised, whether in litigation or not, the statutory grant of immunity will be asserted.

Date Adopted: 7/13/2015

Last Revised:

## **1.16 —DUTIES OF BOARD DISBURSING OFFICER**

The disbursing officer, along with the superintendent, shall be responsible for signing, manually or by facsimile, all warrants and checks other than those issued for food service and activity funds.

Legal Reference:       A.C.A. § 6-13-618(c)

Date Adopted: 7/13/2015

Last Revised:

## 1.17—NEPOTISM

### DEFINITIONS:

“Family or family member” means:

- a. An individual’s spouse;
- b. Children of the individual or children of the individual’s spouse;
- c. The spouse of a child of the individual or the spouse of a child of the individual’s spouse;
- d. Parents of the individual or parents of the individual’s spouse;
- e. Brothers and sisters of the individual or brothers and sisters of the individual’s spouse;
- f. Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual’s spouse; or
- g. Anyone acting or serving as an agent of the individual or acting or serving as an agent of the individual’s spouse.

“Initially employed” means:

- A. Employed in either an interim or permanent position for the first time or following a severance in employment with the school district;
- B. A change in the terms and conditions of an existing contract, excluding:
  - I. Renewal of a teacher contract under A.C.A. § 6-17-1506;
  - II. Renewal of a noncertified employee’s contract that is required by law; or
  - III. Movement of an employee on the salary schedule which does not require board action.

### NEW HIRE OF SCHOOL BOARD MEMBER’S RELATIVE AS SCHOOL EMPLOYEE

The district shall not initially employ a present board member’s family member for compensation in excess of \$10,000 unless the district has received approval from the Commissioner of the Department of Education. The employment of a present board member’s family member shall only be made in unusual and limited circumstances. The authority to make the determination of what qualifies as “unusual and limited circumstances” rests with the Commissioner of the Department of Education whose approval is required before the employment contract is effective, valid, or enforceable.

Initial employment for a sum of less than \$10,000 per employment contract or, in the absence of an employment contract, calendar year does not come under the purview of this policy and is permitted.

The board member whose family member is proposed for an employment contract, regardless of the dollar amount of the contract, shall leave the meeting until the voting on the issue is concluded and the absent member shall not be counted as having voted.

## **EXCEPTION: SUBSTITUTES**

Qualified family members of board members may be employed by the district as substitute teachers, substitute cafeteria workers, or substitute bus drivers for a period of time not to exceed thirty (30) days per fiscal year.

A family member of a school board member having worked as a substitute for the district in the past does not “grandfather” the substitute. The thirty (30) day maximum limit is applied in all cases.

## **EXISTING EMPLOYEES WHO ARE FAMILY MEMBERS OF SCHOOL BOARD MEMBERS—RAISES, PROMOTIONS OR CHANGES IN COMPENSATION**

Any change in the terms or conditions of an employment contract including length of contract, a promotion, or a change in the employment status of a present board member’s family member that would result in an increase in compensation of more than \$2,500, and that is not part of a state mandated salary increase for the employee in question, must be approved by the Commissioner of the Department of Education before such changes in the employment status is effective, valid, or enforceable.

## **QUALIFICATIONS FOR RUNNING FOR SCHOOL BOARD MEMBER UNCHANGED**

The employment status of a citizen’s family member does not affect that citizen’s ability to run for, and, if elected, serve the school board provided he/she meets all other statutory eligibility requirements.

Legal References:       A.C.A. § 6-24-102, 105

Date Adopted: 7/13/2015

Last Revised: 8/18/2015

## **1.18—DISTRICT AUDITS**

The District's annual audit serves as an important opportunity for the Board of Directors to review the fiscal operations and health of the district. As such, it is vital Board members receive sufficient explanation of each audit report to enable the members to understand the report's findings and help them better understand the District's fiscal operations.

The District shall have an audit conducted annually within the timelines prescribed by law. The audit shall be conducted by the Division of Legislative Audit or through the audit services of a private certified public accountant(s) approved by the Board.

The Board of Directors shall review each annual audit at the first regularly scheduled board meeting following the receipt of the audit if the District received the audit prior to ten (10) days before the regularly scheduled meeting. If the audit report is received less than ten (10) days prior to a regularly scheduled board meeting, the board may review the report at the next regularly scheduled board meeting following the ten (10) day period.

The Superintendent shall present sufficient supporting/background information relating to the report's findings and recommendations which will enable the Board of Directors to direct the Superintendent to take appropriate action in the form of a motion or motions relating to each finding and recommendation contained in the audit report. Actions to be taken will be in sufficient detail to enable the Board of Directors to monitor the District's progress in addressing substantial findings and recommendations and subsequently determine that they have been corrected. The minutes of the Board's meeting shall document the review of the audit's findings and recommendations along with any motions made by the Board or actions directed to be taken by the Superintendent or designee.

The Board of Directors is responsible for presenting the audit's findings each year to the public .

Legal References: A.C.A. § 6-1-101(d)(1)(2)(3)

A.C.A. § 6-13-620(6)(F)

Date Adopted: 7/13/2015

Last Revised:

## **1.19—BOARD MEMBER LENGTH OF TERM and HOLDOVERS**

The District has 5 Board of Directors members. Each member is elected for a term of service of 5 years. Members may be re-elected to serve consecutive terms so long as the member continues to meet the eligibility requirements for board service.

A board member remains in office until the member's successor has been sworn into office. In the event a board member's term of office has expired and no one is elected to replace the member, or the individual elected fails to receive the oath of office within the time set in statute, the board member becomes a "holdover" and is treated as having been re-elected to office for another term; Board members may only serve one term as a holdover and may be re-elected to the board at the expiration of his/her term. Consequently, should no individual be elected to the position at the expiration of the holdover term, the position shall be declared to be vacant and filled in accordance with Policy 1.2—BOARD ORGANIZATION AND VACANCIES and Arkansas law. Board members not wishing to continue as a holdover may resign from office and the position is to be filled in accordance with Policy 1.2.

Cross Reference: Policy 1.2—BOARD ORGANIZATION AND VACANCIES

Legal References: A.C.A. § 6-13-608

A.C.A. § 6-13-611

A.C.A. § 6-13-616

A.C.A. § 6-13-617

A.C.A. § 6-13-630

A.C.A. § 6-13-631

A.C.A. § 6-13-634

Arkansas Constitution Article 19, Section 5

Date Adopted: 8/18/2015

Last Revised:

## **1.20—DUTIES OF THE LEGISLATIVE LIAISON**

The Board of Directors recognizes the needs of the District require the Board to take an active role in the legislative process as it relates to legislation affecting this district and public education in general. To aid the Board in this endeavor, the Board shall elect one of its members to hold the office of Legislative Liaison. The duties of the legislative liaison are to:

- Be the primary contact person for legislative updates from the Arkansas School Boards Association (ASBA);
- Keep the other members of the Board up to date on legislative issues;
- Make arrangements for the legislators whose representation zones cover the District to be contacted by either the liaison him/herself or by another board member on pending issues that would impact the District.

Cross Reference:        1.2—BOARD ORGANIZATION and VACANCIES

Date Adopted: 8/18/2015

Last Revised:

**Employee contracts will be considered at the following meetings:**

Superintendent	January
Principals	February
Certified Personnel	March
Classified Personnel	April

**ACT 59 – NATIONAL SCHOOL LUNCH ACT**

NSLA funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation required by Ark Code Ann. §6-15-21 et. Seq. and the Arkansas Minimum Teacher Salaries required by Ark Code Ann. §6-17-2403. NSLA funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of NSLA identified students at risk of not meeting challenging academic standards either existing or new.

**EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

The board of education recognized that implementation of its responsibility to provide an effective educational program depends on the full and effective utilization of qualified employees. The board directs that its employment and personnel policies guarantee equal opportunity for everyone. Discrimination has no place in any component of the Dierks School System. Therefore, all matters relating to recruitment, selection, placement, compensation, benefits, educational opportunities, promotion, termination, and working conditions shall be free from discrimination practices. Dierks Public School does not discriminate. Race, sex, age, gender, handicapping condition, or marital status will not be used to exclude prospective employees. All applicants will be viewed based on their individual abilities, certifications, and qualifications.

**BOARD APPROVED**  
**COORDINATORS**

504 & Equity	Nancy Alsabrook	286-3234	P.O. Box 124; Dierks
504 & Equity	Jana Strode	286-2015	P.O. Box 70; Dierks
ESL	Crystal Neal	286-3234	P.O. Box 124; Dierks
Crises Intervention	Jody Cowart	286-3234	P.O. Box 124; Dierks
Safety	Sally Sharp	286-3234	P.O. Box 124; Dierks
Safety	Greg Janes	286-2191	P.O. Box 124; Dierks
Equity	Holly Cothren	286-2191	P.O. Box 124; Dierks

## SECTION 2—ADMINISTRATION

### DUTIES OF THE SUPERINTENDENT

The Superintendent, as the chief executive officer of the Board and the school system, shall be the administrative head of all departments in the District. The Superintendent shall be responsible to the Dierks Board of Education for administering the school system according to the mandates of the laws, Arkansas Department of Education, other agencies of jurisdiction, and policies governing school operations. While the Superintendent may delegate his/her duties when and where necessary and appropriate, he/she shall be responsible to the Board for the results of those duties delegated.

The Superintendent shall be the Ex officio financial secretary as provided for in A.C.A. § 6-17-918(a).

Some of the Superintendent's duties include:

- 1) Implementing the policies of the Board;
- 2) Being responsible for the planning and implementation of an educational program in accordance with State and Federal requirements and the needs of the District;
- 3) Reporting to the Board concerning the status of the educational program, personnel, and operations, and making recommendations for improving instruction, activities, services, and facilities;
- 4) Acting as a liaison between the Board and school personnel;
- 5) Making recommendations to the Board concerning personnel employment, discipline, and termination;
- 6) Communicating the District's vision and mission to staff, students, parents, and the community;
- 7) Being responsible for the development of short- and long-term goals for the District;
- 8) Preparing and presenting an annual budget for the District to the Board for its consideration;
- 9) Administering the District's budget and regularly reporting to the Board on the financial condition of the District;
- 10) Attending and participating in all meetings of the Board except when his employment is being considered;
- 11) Preparing, in consultation with the Board President, the agenda for all Board meetings;
- 12) Being responsible for the planning and implementation of an effective personnel evaluation system that is aligned with the goals of the District; and
- 13) Maintaining a current knowledge of developments in curriculum and instruction, as well as pertinent legal changes, and advising the professional staff and Board of such information.

Date Adopted: 7/13/2015

Last Revised:

## **2.2—SUPERINTENDENT COMPENSATION**

The salary and employment benefits of the Superintendent shall be determined by the Board. This includes such benefits as insurance, transportation allowances, annual vacations, holidays, and any other entitlements as deemed appropriate.

Date Adopted: 7/13/2015

Last Revised:

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# **LICENSED PERSONNEL**

## **3.1—LICENSED PERSONNEL SALARY SCHEDULE**

DIERKS SCHOOL DISTRICT CERTIFIED SALARY SCHEDULE  
2017-2018

<u>STEP</u>	<u>YRS EXP</u>	<u>BACHELOR</u>	<u>BACH +15</u>	<u>MASTER</u>	<u>MASTER +15</u>
1	0	32,975	35,475	37,266	39,766
2	1	33,425	35,925	37,766	40,266
3	2	33,875	36,375	38,266	40,766
4	3	34,325	36,825	38,766	41,266
5	4	34,775	37,275	39,266	41,766
6	5	35,225	37,725	39,766	42,266
7	6	35,675	38,175	40,266	42,766
8	7	36,125	38,625	40,766	43,266
9	8	36,575	39,075	41,266	43,766
10	9	37,025	39,525	41,766	44,266
11	10	37,475	39,975	42,266	44,766
12	11	37,925	40,425	42,766	45,266
13	12	38,375	40,875	43,266	45,766
14	13	38,825	41,325	43,766	46,266
15	14	39,275	41,775	44,266	46,766
16	15	39,725	42,225	44,766	47,266
17	16	40,175	42,675	45,266	47,766
18	17	40,625	43,125	45,766	48,266
19	18	41,075	43,575	46,266	48,766
20	19	41,525	44,025	46,766	49,266
21	20	41,975	44,475	47,266	49,766

Superintendent	\$84,259	Band Director	230 days
High School Principal	Salary Schedule + .65 factor*	Vocational Business	210 days
Elementary Principal	Salary Schedule + .50 factor*	Vocational Business	190 days
Elementary Counselor	210 days	Vocational Agriculture	240 days
H.S.Couns/Dist.Test.Co	240 days	Vocational Family/Consumer Science	210 days
Basketball Coaches	210 days	Football Coaches	210 days
Basketball Coaches	230 days	Football Coaches	230 days

ADDITIONAL STIPENDS

Jr. Cheer Coach	\$800	Sr. Cheer Coach	\$1000	Yearbook Sponsor	\$1000
Head Football Coach	\$5500	Asst.Football Coach	\$1000	Golf Coach	\$200
Sr. Basketball Coach	\$3664	Jr. Basketball Coach	\$3664	Baseball Coach	\$2000
Softball Coach	\$2000	Asst.Softball Coach	\$1000	Asst.Baseball Coach	\$1000
Girls Track Coach	\$1000	Boys Track Coach	\$1000	Athletic Director	\$4500

- Certified Substitutes \$75 Daily
- Non-Certified Substitutes \$65 Daily
- Substitute Pay will be calculated in half-day increments.
- Long-term Certified Substitute \$150 Daily (30+ sequential Days)
- Summer School/ACT School Teachers \$25 per hour
- Other Non-Teaching Duties Assigned by the Superintendent \$15 per hour
- \*Factors are based on the first step Master Schedule and includes 240 day contract.
- +15 hours must be graduate hours.

Approved April 28, 2017

For the purposes of the salary schedule, a teacher will have worked a “year” if he/she works at least 160 days.

For the purposes of this policy, a master’s degree or higher is considered “relevant to the employee’s position” if it is related to education, guidance counseling, or the teacher’s content area and has been awarded for successful completion of a program at the master’s level or higher by an institution of higher education accredited under Arkansas statutory requirements applicable at the time the degree was awarded.

Documentation of completion of a Master’s Degree from a College or University must be presented to the Superintendent’s office before the first day of each semester for students in order for employee to be placed on the Master’s Degree salary schedule for that school year or the remainder of that school year. Those who complete Master’s degree programs after student’s first day of the semester will not receive Master’s Degree pay until the next semester. The same rule applies if you acquire 15 or more graduate hours beyond your current degree.

### **Arkansas Professional Pathway to Educator Licensure (APPEL) Program**

Each employee newly hired by the district to teach under the Arkansas Professional Pathway to Educator Licensure (APPEL) Program shall initially be placed on the salary schedule in the category of a bachelor’s degree with no experience, unless the APPEL program employee has previous teaching experience which requires a different placement on the schedule. Upon receiving his/her initial or standard teaching license, the employee shall be moved to the position on the salary schedule that corresponds to the level of education degree earned by the employee which is relevant to the employee’s position. Employee’s degrees which are not relevant to the APPEL program’s position shall not apply when determining his/her placement on the salary schedule. A teacher with a non-traditional provisional license shall be eligible for step increases with each successive year of employment, just as would a teacher possessing a traditional teaching license.

### **Licensed employee, seeking additional area or areas of licensure**

Licensed employees who are working on an alternative licensure plan (ALP) to gain licensure in an additional area are entitled to placement on the salary schedule commensurate with their current license, level of education degree and years of experience. Degrees which are not relevant to the employee’s position shall not apply when determining his/her placement on the salary schedule.

### **3.1 D Certified Staff Attendance Policy**

In an effort to increase the educational experience of the students, the PPC recommends a Certified Staff Attendance Bonus Policy. Attendance will be measured in semesters, with the first semester ending Christmas break and the second semester ending the last day of school. After each semester, the days absent will be reset according to the bonus policy, so that if a teacher missed 3 days in the fall semester and 0 days in the spring semester, they would be eligible for a bonus in the spring, although they were not eligible for the bonus in the fall. Bonuses will be awarded for the following days absent:

**0 days = \$500**

**½ day = \$450**

**1 day = \$300**

**1 ½ days = \$250**

**2 days = \$200**

The attendance policy pertains to the 178 student interaction days. The first semester attendance period will end on the 15<sup>th</sup> of December. The end of the 2<sup>nd</sup> semester attendance period will be on the 15<sup>th</sup> of June.

The only exception to this policy is for school related absences, jury duty, and vacation days for 12 month employees.

Legal References:      A.C.A. § 6-17-201, 202, 2403  
                              A.C.A. § 6-20-2305(f)(4)  
                              ADE Rules Governing School District Requirements for Personnel Policies, Salary  
                              Schedules, Minimum Salaries, and Documents Posted to District Websites

Date Adopted: 4/26/16

Last Revised:

## **3.2—LICENSED PERSONNEL EVALUATIONS**

### **Definitions**

"Beginning building level or district level leader" means a building level or district level leader who has not completed three (3) years of experience as a building level or district level administrator.

"Building level or district level leader" means an individual employed by the District whose job assignment is that of a building level or district level administrator or an equivalent role, including an administrator licensed by the State Board of Education, an unlicensed administrator, or an individual on an Administrator Licensure Completion Plan. Building level or district level leader does not include the superintendent, deputy superintendents, associate superintendents, and assistant superintendents.

"Inquiry category" is a category in which the building level or district level leader consistently demonstrates progressing, proficient, and/or exemplary performance on standards and functions in the Leader Excellence and Development System (LEADS) rubric.

"Intensive Category" is a category in which a building level or district level leader receives a rating of not meeting standards on the summative evaluation rubric as defined by the LEADS Rules.

"Novice teacher" is a teacher who has less than three (3) years of public school classroom experience.

"Teacher" has the same definition as A.C.A. § 6-17-2803(19).

### **Teachers**

Teachers will be evaluated under the provisions and timelines of the Teacher Excellence and Support System (TESS).

The superintendent or designee(s) shall develop procedures to govern the evaluation process and timelines for the evaluations.

Teachers will be evaluated under the schedule and provisions required by TESS. All teachers, other than novice teachers, will have a summative evaluation over all domains and components at least once every four (4) years. To establish the initial four (4) year rotation schedule for teachers, other than novice teachers, to be summatively evaluated, at least one-quarter (1/4) of each school's teachers, other than novice teachers, will be selected for evaluation by \_\_\_\_.<sup>2</sup> Novice teachers will receive a summative evaluation in the year following the completion of their novice period and will be added to the four (4) year summative evaluation rotation for following years.

All teachers shall develop a Professional Growth Plan (PGP) annually that identifies professional growth outcomes to advance the teacher's professional skills and clearly links personalized, competency-based professional learning opportunities to the professional growth outcomes. The teacher's PGP must be approved by the teacher's evaluator. If there is disagreement between a teacher and the teacher's evaluator concerning the PGP, the decision of the evaluator shall be final.

Following a summative evaluation, the teacher shall receive an overall performance rating that is derived from:<sup>3</sup>

1. A written evaluation of the teacher's performance on all evaluation domains as a whole;
2. The evaluation framework and evaluation rubric appropriate to the teacher's role;
3. Multiple sources of evidence of the teacher's professional practice including, but not limited to:
  - a. Direct observation;
  - b. Indirect observation;
  - c. Artifacts; and
  - d. Data; and
4. Presentations of evidence chosen by the teacher, the evaluator, or both.

The Summative evaluation shall provide an opportunity for the evaluator and the teacher to discuss the review of the evidence used in the evaluation and provide feedback that the teacher can use to improve his/her teaching skills and student learning.

While teachers are only required to be summatively evaluated once every four years, the teacher's evaluator may conduct a summative evaluation in any year.

A teacher shall continue to demonstrate a commitment to student learning in formative years by furthering the teacher's professional growth and development as guided by the teacher's PGP. The teacher's evaluator, or one or more individuals selected by the evaluator, shall support the teacher on an ongoing basis throughout the formative years by:

- **Providing teachers with immediate feedback about teaching practices;**
- **Engaging teachers in a collaborative, supportive learning process; and**
- Helping teachers use assessment methods supported by evidence-based research that inform the teacher of student progress and provide a basis for adapting teaching practices.

An overall performance rating is not required in a formative year.

### **Building Level or District Level Evaluations**

Building level or district level leaders will be evaluated under the schedule and provisions required by LEADS.

The superintendent or designee(s) shall develop procedures to govern the evaluation process and timelines for the evaluations.

Building level or district level leaders who have been placed in the Intensive category and building level or district level leaders who have not had a summative evaluation the previous three (3) years will have a summative evaluation. To establish the initial four-year rotation schedule for inquiry category building level or district level leaders to be summatively evaluated, at least one quarter (1/4) of each school's inquiry category building level or district level leaders will be selected for evaluation by \_\_\_\_.<sup>2</sup> Beginning building level or district level leaders shall have a summative evaluation in the year following the completion of their beginning building level or district level leader period and will be added to the four (4) year summative evaluation rotation for following years.

The building level or district level leader shall annually revise his/her PGP and associated documents required under

LEADS. In a non-summative evaluation year, his/her job performance will be measured on how well the PGP's goals have been met.

When the Superintendent or designee conducts a summative evaluation, he/she will base the building level or district level leader's continuing employment recommendation on:

- The level of performance based on the performance functions and standards of the evaluation rubric;
- The evidence of teacher performance and growth applicable to the building- or district-level leader; and
- The building- or district-level leader's progression on his or her professional growth plan.

While building level or district level leaders are required to be summatively evaluated once every four-years, the Superintendent or designee may conduct a summative evaluation in any year.

Legal References:       A.C.A. § 6-17-2801 et seq.  
                              ADE Rules Governing the Teacher Excellence and Support System  
                              ADE Rules Governing the Leader Excellence and  
                              Development System (LEADS)

Date Adopted: 4/26/16  
Last Revised: 9/25/17

### **3.3—EVALUATION OF LICENSED PERSONNEL BY RELATIVES**

No person shall be employed in, or assigned to, a position which would require that he be evaluated by any relative, by blood or marriage, including spouse, parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, or first cousin.

Date Adopted: 4/26/16

Last Revised:

### **3.4 D—LICENSED PERSONNEL REDUCTION IN FORCE**

#### **REDUCTION IN FORCE POLICY (ACT 2149) FOR CERTIFIED EMPLOYEES**

Reduction in Force (RIF) is a policy to guide the Dierks Public School District, if it becomes necessary, to reduce certified staff members due to a decline in pupil enrollment, financial conditions, program revision or elimination, the closing of facilities, and/or school district reorganization. A balance will be sought in the reduction of teaching, supervisory, and administrative positions within the accreditation standards of the state and the North Central Association. The method used for selection of employees to be laid off is to be based on identifiable job-related objective factors unrelated to race, sex, national origin, religion, age, handicapping condition or marital status. When a reduction in certified staff members becomes necessary in the opinion of the Board of Education, upon the recommendation of the Superintendent of Schools, the following policy will be utilized to accomplish the necessary reduction action.

#### **I. DEFINITION**

- A. Reduction in force (RIF) – RIF as used in this policy will mean district-wide reduction in certified staff members.
- B. Seniority – Seniority as used in this policy will mean the employee’s years of teaching experience in the Dierks School District.
- C. Attrition – Attrition is defined as a position left vacant when a teacher voluntarily resigns, retires, or is dismissed from the district.

#### **II. PROVISIONS**

- A. The Board of Education, upon a recommendation by the Superintendent of Schools, shall determine the number of staff members to be placed on RIF leave and the subject area(s), field(s), and/or program(s) to be affected.
- B. To the fullest extent possible, normal attrition will be considered first prior to reduction in force. Part-time teachers in identified areas of specialization shall be released prior to reduction of teachers on full-time contracts.
- C. A teacher placed on RIF leave may engage in teaching or another occupation during the period of such leave.
- D. The selection of certified staff to be recommended for reduction in force shall be made by the Superintendent of Schools on the basis of the following criteria:
  - 1. Seniority – The certified staff in the Dierks School District will be placed on RIF based on the least seniority in the Dierks School District. This will be determined by the month, day and year of the initial employment date.
  - 2. Certification- If two or more certified staff members have the same seniority in the Dierks School District, the one with a master’s degree or a National Board Certification will be considered as having the most seniority. If seniority status and certification are equal, a person certified in more

than one teaching area will be given precedence. If all other criteria are equal, total years in the field of education will be considered.

3. A certified staff member involved in staff reduction may, if all other employment attributes are equal, exercise seniority and displace or place on layoff another certified staff member with the least seniority in the School District performing in the same assignment for which the teacher is certified.
- E. Specially funded programs such as Adult Education, Federal Programs and Chapter I may be modified or eliminated independent of this policy. All employees will be notified in writing of this provision at the time of employment.
- F. The implementation of a reduction in force shall not be used to allow certified teaching employees to move to administrative appointment unless selected for such an appointment through the usual selection process.

### **III. PROCEDURE**

- A. Reduction in certified staff members will be made on a district-wide basis (grades K-12) rather than on a building-by-building basis whenever reduction in force occurs.
- B. The personnel office will prepare and maintain a seniority list of certified personnel. The list will include the certified staff members' name, number of years of teaching experience in the Dierks School District, total number of years teaching in all, and all areas of certification.
- C. When a RIF is recommended by the Superintendent of Schools and approved by the Board of Education, a written notice will be provided to each certified staff member in the Dierks School District stating a RIF is necessary. Each certified staff member will be provided a seniority list.
- D. This written notice will be provided five (5) business days prior to a certified staff member being placed on RIF.
- E. In the event a certified staff member, not being considered for RIF, desires to volunteer for RIF-leave status, he/she would request RIF status, in writing, to the personnel office within five (5) working days of the announced RIF action. Approval of a RIF volunteer would be made considering the match of the volunteer to the subject area(s), field(s) and/or program(s) affected by the RIF action. If placed on RIF-leave status, the volunteer would be subject to all provisions, procedures, recall and rights of this policy.
- F. Written notification to staff members affected by reduction in force will be provided as early as possible, but no later than, thirty (30) calendar days prior to the layoff.
- G. Certified staff members will be selected for reduction according to the provisions and the procedures of this policy. Staff members on leave of absence or sabbatical will be considered in the same manner.

A staff member reduced from employment through the provisions of this policy will be considered to be on

RIF leave.

1. RIF-leave status will be maintained for a period of one (1) year (unless re-employed sooner by the Dierks Schools). If the RIFed employee wishes to remain on RIF-leave status for the additional one (1)-year period, he/she must notify the District in writing not later than the one (1)-year anniversary date of layoff.
2. A RIF-leave status shall not continue beyond two (2) years, unless the leave status is extended by Board action. (See Section III-C for the individual's responsibilities while on RIF-leave status.)
3. RIF-leave status will not be affected by employment in another school district or in another occupation.

#### **IV. RECALL AND RIGHTS**

- A. After reduction-in-force action has occurred and the need for the reduction in certified personnel has diminished, RIFed personnel will be offered employment in their certified area prior to employment being offered to teacher applicants. However, the eligible RIFed personnel must be fully certified for the available position as reflected in their current Arkansas Teaching Certificate. The School district will notify employees of the upcoming expiration date of their certification. When positions are to be filled through the recall process personnel on RIF leave will be recalled in the reverse order of layoff.
- B. The person being recalled will be offered employment by certified mail from the Dierks Public Schools. Recall notice will be sent to the person's last known address on file in the Superintendent's Office. It shall be the responsibility of the RIFed person to supply the district with his/her current address.
- C. Within ten (10) business days of postmark of the recall notice, the recalled person must accept the offer by replying by certified mail or in person to the Dierks Public Schools. Rejection of the offer or failure to respond within ten (10) days removes the recalled person's rights to any further employment consideration under the provisions of this policy.
- D. Failure to report to work in a position that the RIFed person has accepted, unless said employee presents proof of sickness or injury, shall be construed to be a default. If said RIFed person has secured employment elsewhere, he/she will be allowed a fourteen (14)-day period from the date of the acceptance before being required to report to work. A person on RIF leave who has contracted with another public school district may opt to complete his/her existing teacher contract. In this case, the person will be hired to fill a position at the beginning of the next school year.
- E. All fringe benefits to which an employee was entitled at the time of the RIF leave, including sick leave, personal business days, etc., will be restored to him/her upon returning to full-time employment with the Dierks School District. Benefits accrue only during the following provisions: A year's experience credit will be awarded for each year (or major portion thereof) teaching service rendered by an employee when employed by another accredited school system accredited by a state department of education or similar accrediting agency.
- F. Persons on RIF leave who choose to become substitute teachers will be given priority consideration. On the substitute teacher call list, the name of persons on RIF-leave status will be so designated. Those designated will be given priority when calling substitutes for duty. A year's experience credit will be

awarded for any academic year in which an employee on involuntary leave of absence serves as a substitute teacher for at least 120 days in the Dierks Public Schools.

- G. When a reduction in force is declared, and certified personnel are placed on layoff (RIF) status, the personnel office will prepare and maintain a seniority list of certified personnel. The list will include the certified staff member's name, number of years of teaching experience in the Dierks School District, total number of years teaching in all, and all areas of certification.

The list will be maintained in the personnel office for review by the appropriate school officials, the personnel involved, and a classroom teacher association representative.

Legal Reference: A.C.A. § 6-17-2407

Date Adopted: 4/26/16

Last Revised:

### **3.5—LICENSED PERSONNEL CONTRACT RETURN**

An employee shall have thirty (30) days from the date of the receipt of his contract for the following school year in which to return the contract, signed, to the office of the Superintendent. The date of receipt of the contract shall be presumed to be the date of a cover memo which will be attached to the contract.

The teacher shall have the right to unilaterally rescind any contract no later than ten (10) working days after the end of the school year.

Legal Reference:       A.C.A. § 6-17-1506(c)(1)

Date Adopted: 4/26/16

Last Revised:

### 3.6—LICENSED PERSONNEL EMPLOYEE TRAINING

For the purposes of this policy, professional development (PD) means a set of coordinated, planned learning activities for District employees who are required to hold a current license issued by the State Board of Education as a condition of employment that:

- Is required by statute or the Arkansas Department of Education (ADE); or
- Meets the following criteria:
  - Improves the knowledge, skills, and effectiveness of teachers;
  - Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies and methods;
  - Leads to improved student academic achievement; and
  - Is researched-based and standards-based.

All employees shall attend all local PD training sessions as directed by his/her supervisor.

The District shall develop and implement a professional development plan (PDP) for its licensed employees. The District's PDP shall, in part, align District resources to address the PD activities identified in the school's Arkansas Comprehensive School Improvement Plan (ACSIP) and incorporate the licensed employee's professional growth plan (PGP). The PDP shall describe how the District's categorical funds will be used to address deficiencies in student performance and any identified academic achievement gaps between groups of students. At the end of each school year, the District shall evaluate the PD activities' effectiveness at improving student performance and closing achievement gaps.

Each licensed employee shall receive a minimum of thirty-six (36) hours of PD annually to be fulfilled between July 1 and June 30.<sup>2</sup> A licensed employee may be required to receive more PD than the minimum when necessary to complete the licensed employee's PGP.<sup>3</sup> All licensed employees are required to obtain thirty-six (36) hours of approved PD each year over a five-year period as part of their licensure renewal requirements. PD hours earned in excess of each licensed employee's required number of hours in the designated year cannot be carried over to the next year.

\*3.6D The state requires 36 hours of professional development with 18 of those hours connected to your PGP. The district has elected for each licensed employee to obtain an additional 24 hours.

Licensed employees who are prevented from obtaining the required PD hours due to their illness or the illness of an immediate family member as defined in A.C.A. § 6-17-1202 have until the end of the following school year to make up the deficient hours. Missed hours of PD shall be made up with PD that is substantially similar to that which was missed and can be obtained by any method, online or otherwise, approved by ADE. This time extension does not absolve the employee from also obtaining the following year's required hours of PD. Failure to obtain required PD or to make up missed PD could lead to disciplinary consequences, up to termination or nonrenewal of the contract of employment.

The goal of all PD activities shall be improved teaching and learning knowledge and skills that result in individual, team, school-wide, and District-wide improvement designed to ensure that all students demonstrate proficiency on the state's academic standards. The PDP plan shall be research-based and standards-based and in alignment with applicable ADE Rules and/or Arkansas code.

Teachers, administrators, and paraprofessionals shall be involved in the design, implementation, and evaluation of the plan for their own PD offerings. The results of the evaluation made by the participants in each program shall be used to continuously improve the PDP offerings and to revise the school improvement plan.

Flexible PD hours (flex hours) are those hours that an employee is allowed to substitute PD activities, different than those offered by the District, but are still aligned to the employee's PGP or the school's ACSIP. The District shall determine on an annual basis how many, if any, flex hours of PD it will allow to be substituted for District scheduled PD offerings. The determination may be made at an individual building, a grade, or by subject basis. The District administration and the building principal have the authority to require attendance at specific PD activities. Employees must receive advance approval from the building principal for activities they wish to have qualify for flex PD hours. To the fullest extent possible, PD activities are to be scheduled and attended such that teachers do not miss their regular teaching assignments. Six (6) approved flex hours credited toward fulfilling the licensed employee's required hours shall equal one (1) contract day. Hours of PD earned by an employee that are in excess of the employee's required hours, but are either not at the request of the District or not pre-approved by the building principal, shall not be credited toward fulfilling the required number of contract days for that employee.<sup>4</sup> Hours earned that count toward the licensed employee's required hours also count toward the required number of contract days for that employee. Employees shall be paid their daily rate of pay for PD hours earned at the request of the District that necessitate the employee work more than the number of days required by their contract.<sup>5</sup>

Teachers and administrators who, for any reason, miss part or all of any scheduled PD activity they were required to attend, must make up the required hours in comparable activities which are to be pre-approved by the employee's appropriate supervisor.

To receive credit for his/her PD activity, each employee is responsible for obtaining and submitting documents of attendance, or completion for each PD activity he/she attends. Documentation is to be submitted to the building principal or designee. The District shall maintain all documents submitted by its employees that reflect completion of PD programs, whether such programs were provided by the District or an outside organization.

To the extent required by ADE Rules, employees will receive up to six (6) hours of educational technology (PD) that is integrated within other PD offerings, including taking or teaching an online or blended course.

The following PD shall count toward a licensed employee's required PD hours to the extent the District's or school's PD includes such training, is approved for flex hours, or is part of the employee's PDP and it provides him/her with knowledge and skills for teaching:

- Students with intellectual disabilities, including Autism Spectrum Disorder;
- Students with specific learning disorders, including dyslexia;
- Culturally and linguistically diverse students;
- Gifted students.

Beginning in the 2013-14 school-year and every fourth year thereafter, all mandated reporters and licensed personnel shall receive two (2) hours of PD related to child maltreatment required under A.C.A. § 6-61-133. For the purposes of this training, "mandated reporters" includes school social workers, psychologists, and nurses.

Beginning in school-year 2014-15 and every fourth year thereafter, teachers shall receive two (2) hours of PD designed to enhance their understanding of effective parental involvement strategies.

Beginning in school-year 2014-15 and every fourth year thereafter, administrators shall receive two (2) hours of PD designed to enhance their understanding of effective parental involvement strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parental participation.

Beginning in the 2015-16 school-year and every fourth year thereafter, all licensed personnel shall receive two (2) hours of PD in teen suicide awareness and prevention which may be obtained by self-review of suitable suicide prevention materials approved by ADE.

Beginning in the 2016-17 school-year and every fourth year thereafter, teachers who provide instruction in Arkansas history shall receive at least two (2) hours of PD in Arkansas history as part of the teacher's annual PD requirement.

Beginning with the 2018-2019 school year, the District shall provide professional development for one (1) of the prescribed pathways to obtaining a proficiency credential in knowledge and practices in scientific reading instruction for teachers licensed at the elementary level or in special education and professional development for one (1) of the prescribed pathways to obtaining an awareness credential in knowledge and practices in scientific reading instruction for teachers licensed in an area other than the elementary level or in special education. The professional development will be designed so that, by the beginning of the 2021-2022 school year, all teachers employed in a teaching position that requires an elementary education license or special education license shall demonstrate proficiency in knowledge and practices of scientific reading instruction and all other teachers shall demonstrate awareness in knowledge and practices of the scientific reading instruction.

Anticipated rescuers shall receive training in cardiopulmonary resuscitation and the use of automated external defibrillators as required by ADE Rule. Such training shall count toward the required annual hours of PD.

At least once every three (3) years, persons employed as athletic coaches shall receive training related to the recognition and management of concussions, dehydration, or other health emergencies; students' health and safety issues related to environmental issues; communicable diseases, and sudden cardiac arrest. The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.

All licensed personnel shall receive training related to compliance with the District's antibullying policies.

For each administrator, the thirty six (36) hour PD requirement shall include training in data disaggregation, instructional leadership, and fiscal management. This training may include the Initial, Tier 1, and Tier 2 training required for Superintendents and other designees by ADE's Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

Building level administrators shall complete the credentialing assessment for the teacher evaluation PD program prior to conducting any summative teacher evaluations.

Teachers' PD shall meet the requirements prescribed under the Teacher Evaluation and Support System (TESS).

By the end of the 2014-15 school-year, teachers shall have received professional awareness on the characteristics of dyslexia and the evidence-based interventions and accommodations for dyslexia.

Teachers required by the superintendent, building principal, or their designee to take approved training related to teaching an advance placement class for a subject covered by the College Board and Educational Testing Service shall receive up to thirty (30) hours of credit toward the hours of PD required annually.

Licensed personnel may earn up to twelve (12) hours of PD for time they are required to spend in their instructional classroom, office or media center prior to the first day of student/teacher interaction provided the time is spent in accordance with state law and current ADE rules that deal with PD. Licensed personnel who meet the requirements of this paragraph, the associated statute, and ADE Rules shall be entitled to one (1) hour of PD for each hour of approved preparation.

Licensed personnel shall receive five (5) PD hours for each credit hour of a graduate level college course that meets the criteria identified in law and applicable ADE rules. A maximum of fifteen (15) such hours may be applied toward the thirty six (36) hours of PD required annually for license renewal.

The District shall make available annually to licensed personnel at least thirty (30) minutes of professional development on recognizing the warning signs that a child is a victim of human trafficking and reporting a suspicion that a child is a victim of human trafficking.

**\*\*3.6D** Teachers may receive tuition reimbursements for taking six (6) credit hours every (6) years in the person's specific field.

In addition to other required PD, personnel of Alternative Learning Environments shall receive PD on classroom management and on the specific needs and characteristics of students in alternative education environments.

District administrators as well as licensed personnel selected by the superintendent or building principal shall receive training on the appropriate use of restraint and seclusion in accordance with ADE's Advisory Guidelines for the Use of Student Restraints in Public School or Educational Settings.

Employees who do not receive or furnish documentation of the required annual PD jeopardize the accreditation of their school and academic achievement of their students. Failure of an employee to receive his/her required annual hours of PD in any given year, unless due to illness as permitted by law, ADE Rule, and this policy, shall be grounds for disciplinary action up to and including termination.

Approved PD activities may include:

- Conferences/workshops/institutes;
- Mentoring/peer coaching;
- Study groups/learning teams;
- National Board for Professional Teaching Standards Certification;
- Distance and online learning (including Arkansas IDEAS);
- Micro-credentialing approved by ADE;
- Internships;
- State/district /school programs;
- Approved college/university course work;
- Action research; and
- Individually guided (to be noted in the employee's PGP).

Approved PD activities that occur during the instructional day or outside the licensed employee's annual contract days may apply toward the annual minimum PD requirement.

PD activities shall relate to the following areas:

- Content (K-12);
- Instructional strategies;
- Assessment/data-driven decision making;
- Advocacy/leadership/fiscal management;
- Systemic change process;
- Standards, frameworks, and curriculum alignment;
- Supervision;
- Mentoring/peer coaching;
- Next generation learning/integrated technology;
- Principles of learning/developmental stages/diverse learners;
- Cognitive research;
- Parent involvement/academic planning and scholarship;
- Building a collaborative learning community;
- Student health and wellness; and
- The Code of Ethics for Arkansas Educators.

Additional activities eligible for PD credit, as included in the District, school, and licensed employee's PGP, include:

- School Fire Marshall program (A.C.A. § 6-10-110);
- Tornado safety drills (A.C.A. § 6-10-121);
- Statewide student assessments (A.C.A. § 6-15-2912);
- Test security and confidentiality (A.C.A. § 6-15-2907);
- Emergency plans and the Panic Button Alert System (A.C.A. § 6-15-1302
- TESS (A.C.A. § 6-17-2806);
- Student discipline training (A.C.A. § 6-18-502);
- Student Services Program (A.C.A. § 6-18-1004);
- Training required by ADE under The Arkansas Educational Support and Accountability Act and fiscal and facilities distress statutes and rules; and
- Annual active shooter drills (6-15-1303).

Legal References: Arkansas State Board of Education: Standards of Accreditation 15.04

ADE Rules Governing Professional Development

ADE Rules Governing the Arkansas Financial Accounting and Reporting System  
and Annual Training Requirements

ADE Rules Governing Student Special Needs Funding

ADE Advisory Guidelines for the Use of Student Restraints in Public School or  
Educational Settings

A.C.A. § 6-10-121

A.C.A. § 6-10-122

A.C.A. § 6-10-123  
A.C.A. § 6-15-1004(c)  
A.C.A. § 6-15-1302  
A.C.A. § 6-15-1303  
A.C.A. § 6-15-1703  
A.C.A. § 6-15-2907  
A.C.A. § 6-15-2911  
A.C.A. § 6-15-2912  
A.C.A. § 6-15-2913  
A.C.A. § 6-15-2914  
A.C.A. § 6-15-2916  
A.C.A. § 6-16-1203  
A.C.A. § 6-17-429  
A.C.A. § 6-17-703  
A.C.A. § 6-17-704  
A.C.A. § 6-17-708  
A.C.A. § 6-17-709  
A.C.A. § 6-17-710  
A.C.A. § 6-17-2806  
A.C.A. § 6-17-2808  
A.C.A. § 6-18-502(f)  
A.C.A. § 6-18-514(f)  
A.C.A. § 6-18-708  
A.C.A. § 6-20-2204  
A.C.A. § 6-20-2303 (15)  
A.C.A. § 6-41-608  
A.C.A. § 6-61-133

\*3.6 D The state requires 36 hours of professional development with 18 of those hours connected to your PGP. The district has elected for each licensed employee to obtain an additional 24 hours.

\*\*3.6 D Teachers may receive tuition reimbursements for taking six (6) credit hours every (6) years in the person's specific field.

Date Adopted: 4/26/16

Last Revised: 9/25/17

## **3.7—LICENSED PERSONNEL BUS DRIVER DRUG TESTING**

### **Scope of Policy**

Each person hired for a position that allows or requires the employee operate a school bus shall meet the following requirements:

1. The employee shall possess a current commercial vehicle driver's license for driving a school bus;
2. Have undergone a physical examination, which shall include a drug test, by a licensed physician or advanced practice nurse within the past two years; and
3. A current valid certificate of school bus driver in service training.

Each person's initial employment for a job entailing a safety sensitive function is conditioned upon the district receiving a negative drug test result for that employee. The offer of employment is also conditioned upon the employee's signing an authorization for the request for information by the district from the Commercial Driver Alcohol and Drug Testing Database.

### **Methods of Testing**

The collection, testing methods and standards shall be determined by the agency or other medical organizations chosen by the School Board to conduct the collection and testing of samples. The drug and alcohol testing is to be conducted by a laboratory certified pursuant to the most recent guidelines issued by the United States Department of Health and Human Services for such facilities. ("Mandatory Guidelines for Federal Workplace Drug Testing Programs").

### **Definitions**

"Safety sensitive function" includes:

- 1) All time spent inspecting, servicing, and/or preparing the vehicle;
- 2) All time spent driving the vehicle;
- 3) All time spent loading or unloading the vehicle or supervising the loading or unloading of the vehicle; and
- 4) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

"School Bus" is a motorized vehicle that meets the following requirements:

1. Is designed to carry more than ten (10) passengers;
2. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the District; and
3. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

### **Requirements**

Employees shall be drug and alcohol free from the time the employee is required to be ready to work until the employee is relieved from the responsibility for performing work and/or any time they are performing a safety-sensitive function. In addition to the testing required as an initial condition of employment, employees shall submit to subsequent drug tests as required by law and/or regulation. Subsequent testing includes, and/or is triggered by, but is not limited to:

1. Random tests;
2. Testing in conjunction with an accident;
3. Receiving a citation for a moving traffic violation; and
4. Reasonable suspicion.

## **Prohibitions**

- A. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
- B. No driver shall use alcohol while performing safety-sensitive functions;
- C. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol;
- D. No driver required to take a post-accident alcohol test under # 2 above shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- E. No driver shall refuse to submit to an alcohol or drug test in conjunction with # 1, 2, and/or 4 above;
- F. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when using any controlled substance, except when used pursuant to the instructions of a licensed medical practitioner who, with knowledge of the driver's job responsibilities, has advised the driver that the substance will not adversely affect the driver's ability to safely operate his/her vehicle. It is the employee's responsibility to inform his/her supervisor of the employee's use of such medication;
- G. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Violation of any of these prohibitions may lead to disciplinary action being taken against the employee, which could include termination or non-renewal.

## **Testing for Cause**

Drivers involved in an accident in which there is a loss of another person's life shall be tested for alcohol and controlled substances as soon as practicable following the accident. Drivers shall also be tested for alcohol within eight (8) hours and for controlled substances within thirty two (32) hours following an accident for which they receive a citation for a moving traffic violation if the accident involved: 1) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or 2) one or more motor vehicles incurs disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

## **Refusal to Submit**

Refusal to submit to an alcohol or controlled substance test means that the driver:

- Failed to appear for any test within a reasonable period of time as determined by the employer consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;
- Failed to provide a urine specimen for any required drug test;
- Failed to provide a sufficient amount of urine without an adequate medical reason for the failure;
- Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
- Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
- Failed to cooperate with any of the testing process; and/or
- Adulterated or substituted a test result as reported by the Medical Review Officer.

School bus drivers should be aware that refusal to submit to a drug test when the test is requested based on a reasonable suspicion can constitute grounds for criminal prosecution.

## Consequences for Violations

Drivers who engage in any conduct prohibited by this policy, who refuse to take a required drug or alcohol test, refuse to sign the request for information required by law, or who exceed the acceptable limits for the respective tests shall no longer be allowed to perform safety sensitive functions. Actions regarding their continued employment shall be taken in relation to their inability to perform these functions and could include termination or non-renewal of their contract of employment.

Drivers who exhibit signs of violating the prohibitions of this policy relating to alcohol or controlled substances shall not be allowed to perform or continue to perform safety-sensitive functions if they exhibit those signs during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the provisions of this policy. This action shall be based on specific, contemporaneous, articulatable observations concerning the behavior, speech, or body odors of the driver. The Superintendent or his/her designee shall require the driver to submit to “reasonable suspicion” tests for alcohol and controlled substances. The direction to submit to such tests must be made just before, just after, or during the time the driver is performing safety-sensitive functions. If circumstances prohibit the testing of the driver the Superintendent or his/her designee shall remove the driver from reporting for, or remaining on, duty for a minimum of 24 hours from the time the observation was made triggering the driver’s removal from duty.

If the results for an alcohol test administered to a driver is equal to or greater than 0.02, but less than 0.04, the driver shall be prohibited from performing safety-sensitive functions for a period no less than 24 hours from the time the test was administered. Unless the loss of duty time triggers other employment consequence policies, no further other action against the driver is authorized by this policy for test results showing an alcohol concentration of less than 0.04.

Legal References:       A.C.A. § 6-19-108  
                                  A.C.A. § 6-19-119  
                                  A.C.A. § 27-51-1504  
                                  A.C.A. § 27-23-201 et seq.  
                                  49 C.F.R. § 382.101 – 605  
                                  49 C.F.R. § part 40  
                                  49 C.F.R. § 390.5  
                                  Arkansas Division of Academic Facilities and Transportation Rules Governing Maintenance and Operations of Arkansas Public School Buses and Physical Examinations of School Bus Drivers

Date Adopted: 4/26/16

Last Revised:

## **3.8 D—LICENSED PERSONNEL LEAVE**

### **Definitions**

1. “Employee” is a full-time employee of the District.
2. “Leave” is absence from work.
3. “Current Leave” means those days of leave for the current contract year, which leave is granted at the rate of one (1) day of leave per contracted month, or major part thereof.
4. “Accumulated Leave” is the total of unused leave, up to a maximum of one hundred twenty (120) days accrued from previous contracts, but not used. Accumulated leave also includes the leave transferred from an employee’s previous public school employment.

### **Leave Days**

For the district to function efficiently and have the necessary personnel present to effect a high achieving learning environment, employee absences need to be kept to a minimum.

All leave days can be used at the discretion of the employee. Leave days should not be used the days before or after school breaks/holidays or during semester exam scheduled days. Under certain circumstances, the building administrator may make exceptions. If the employee quits before his/her contract is met and has used more leave days than he/she has earned, he/she will have to pay (be docked or reimburse district) for the days he/she has gone over. Leave days shall not be used for a second job. (Note: accumulation and accounting of leave days will remain the same.)

Pay for leave shall be at the employee’s daily rate of pay, which is that employee’s total contracted salary, divided by the number of days employed as reflected in the contract. Absences for illness in excess of the employee’s accumulated and current leave shall result in a deduction from the employee’s pay at the daily rate as defined above.

At the discretion of the principal (or Superintendent), and, if FMLA is applicable, subject to the certification or recertification provisions contained in policy 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE the District may require a written statement from the employee’s physician documenting the employee’s illness. Failure to provide such documentation of illness may result in leave not being paid, or in discipline up to and including termination.

Should a teacher be absent frequently during a school year, and said absences are not subject to FMLA leave, and if such a pattern of absences continues, or is reasonably expected to continue, the Superintendent may relieve the teacher of his assignment (with Board approval) and assign the teacher substitute duty at the teacher’s daily rate of pay. Should the teacher fail, or otherwise be unable, to report for substitute duty when called, the teacher will be charged a day of leave, if available or if unavailable, the teacher will lose a day’s wages at his/her daily rate of pay.

Temporary reassignment may also be offered or required in certain circumstances as provided in 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE.

If the employee's absences are not subject to the FMLA, or are in excess of what is protected under the FMLA, excessive absenteeism, to the extent that the employee is not carrying out his/her assigned duties to an extent that the education of students is substantially adversely affected (at the determination of the principal or Superintendent), may result in termination.

A teacher (any full-time employee who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment) shall be entitled to one day per month of leave at full pay. The leave may accumulate until a total of 120 days has accumulated. Teachers who accumulate the total maximum leave days (120 days) shall be paid \$40.00 per day up to a total of six (6) days for unused leave. 120 days accumulated and unused leave shall be credited to the employee by the district upon receipt of written proof from the school district in which the employee was formerly employed

After an employee has used up his or her leave and is not able to return to work, the employee will petition for a leave of absence, petition for leave under FMLA, petition for the sick bank (if a member) or, resign. A certified replacement will be found as soon as possible.

A record of amount of leave used and accumulated will be maintained in the school office. A sick bank has been established, and is organized and monitored by a committee.

After an individual uses their allowed number of leave days an individual's salary will be deducted at the individual's daily rate of pay.

After 15 days above individual's allowed number of leave days the individual will need to satisfy one of the following:

Request and be granted leave under FMLA, Request and be granted a leave of absence, or Resign their position

Certified employees of the Dierks School District have the option of being paid for unused leave days, including days transferred from other district, when an application for retirement through the Arkansas Teacher Retirement System has been completed by the school administration office, at the following rates:

Years in Dierks District

5 – 9	63% of \$40.00
10 – 14	75% of \$40.00
15 – 19	88% of \$40.00
20 – over	100% of \$40.00

Certified employees of the district will be given the same option to be paid for unused leave days upon entering T-DROP when the application has been completed by the school administration office. This will be a onetime payment only.

Any individual desiring to receive payment for unused leave under these guidelines must notify the district office in writing prior to May 1 of the year they wish to receive payment.

### **Professional Leave**

“Professional Leave” is leave granted for the purpose of enabling an employee to participate in professional activities (e.g., teacher workshops or serving on professional committees) which can serve to improve the school District’s instructional program or enhances the employee’s ability to perform his duties. Professional leave will also be granted when a school District employee is subpoenaed for a matter arising out of the employee’s employment with the school District. Any employee seeking professional leave must make a written request to his or her immediate supervisor, setting forth the information necessary for the supervisor to make an informed decision. The supervisor’s decision is subject to review and overruling by the superintendent. Budgeting concerns and the potential benefit for the District’s students will be taken into consideration in reviewing a request for professional leave.

Applications for professional leave should be made as soon as possible following the employee’s discerning a need for such leave, but, in any case, no less than two (2) weeks before the requested leave is to begin, if possible.

If the employee does not receive or does not accept remuneration for his/her participation in the professional leave activity and a substitute is needed for the employee, the District shall pay the full cost of the substitute. If the employee receives and accepts remuneration for his/her participation in the professional leave activity (e.g. scholastic audits), the employee shall forfeit his/her daily rate of pay from the District for the time the employee misses. The cost of a substitute, if one is needed, shall be paid by the employee/District.

### **Family Medical Leave Act (FMLA) Leave**

When an employee takes leave due to sickness, the District shall determine if the employee is eligible for FMLA leave and if the leave qualifies for FMLA leave. The District may request additional information from the employee to help make the applicability determination. If the employee is eligible for FMLA leave and if the leave qualifies under the FMLA, the District will notify the employee in writing, of the decision within five (5) workdays. If the circumstances for the leave as defined in policy 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE don’t change, the District is only required to notify the employee once of the determination regarding the applicability of leave and/or FMLA leave within any applicable twelve (12) month period. To the extent the employee has accumulated leave, any leave taken that qualifies for FMLA leave shall be paid leave and charged against the employee’s accrued leave including, once an employee exhausts his/her accumulated leave and vacation. See 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE.

### **Leave Due to Sickness and Outside Employment**

Absence from work due to sickness (e.g. leave due to sickness for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 3.44, if an employee who works a non-district job while taking district leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

#### **1. Accounting for Leave**

In the event of the absence of a teacher for less than ½ day for any reason other than school business, he/she will be reported absent for ½ day. In the event a teacher is absent for more than ½ day, he/she will be reported absent for 1 full day.

If the teacher is absent for an hour or less or 2 class periods and another teacher volunteers to cover the classes, with the building Principal's approval, the teacher will not be counted absent ½ day.

#### **2. Husband and Wife Leave**

District employees who are husband and wife may share accumulated leave. (ACA 6-17-1306)

#### **3. Leave of Absence**

The Dierks School will grant a leave of absence in certain situations. Accepting full time employment, after receiving a leave of absence, would negate the terms of the leave of absence. The Dierks School Board will consider each request individually.

Legal References:       A.C.A. § 6-17-1201 et seq.  
                                  29 USC §§ 2601 et seq.  
                                  29 CFR part 825

Legal Reference:       A.C.A. § 6-17-211

Date Adopted: 4/26/16

Last Revised:

## **3.9 D—LICENSED PERSONNEL SICK LEAVE BANK**

### **Long Term Sick Leave Bank**

**The Long Term Sick Leave Bank (LTSLB) was established in January of 1996 to help a member when personal or immediate family illness or disabilities of a catastrophic event prevent an employee from returning to work.**

**1. An employee of Dierks Public Schools may become a member of the LTSLB:**

- If the employee's job allows him/her to accumulate leave days.
- At the beginning of each school year. (No new members will be accepted after October 1 of each new school year.)

An employee with a dual contract that desires to join the sick leave bank may only contribute days from his/her primary job. The employee may only apply for and receive days for his/her primary job.

**2. A new member:**

- will contribute at the rate of 1 day per year (even if the bank is full) until their contribution equals 3 days.

**3. All members:**

- Will contribute 1 day per year until a minimum of 130 days have been accumulated. If the bank falls below 90 days, each member will add one day of sick leave per year to the bank until at least 130 days have accumulated.
- Acknowledge that any days donated to the bank will not be returned to the employee if the employee chooses to leave the bank.

If a member cannot contribute, he/she will fall back to year one eligibility until such time that the additional day(s) are contributed.

Any former member of the bank who chooses to rejoin the LTSLB will contribute one day to the bank the year that they rejoin, even if the bank is full. Any returning member who has not previously contributed at least 3 days to the bank, will donate one per year until they have done so, this is in addition to the day to rejoin the bank.

**4. A member:**

- May request days from the chairperson by phone, fax, email, or by any communication prior to exhausting his/her leave days. Verification in the form of a doctor's statement, including the approximate date you will be able to return to work, will be required.
- May request a maximum of 40 days per school year if the employee has been a member of the sick leave bank for 2 complete years.
- May request a maximum of 20 days per school year if the employee has been a member of the sick leave bank for less than 2 complete years.
- No member may receive more than 120 days from the bank in a lifetime.
- May request days for any catastrophic event that prevents an employee from returning to work except pregnancy or elective surgery.
- Will be required to use all of his/her accumulated leave days prior to using days granted from the LTSLB.
- Will only be granted the number of days needed to avoid docking a member's paycheck. Extra days granted, but not used, will automatically be returned to the LTSLB when an employee returns to work.

**5. All requests submitted to the LTSLB will be reviewed by the current committee. The number of days granted will remain at the discretion of the committee.**

- The committee's decision will be final and no grievance or appeal can be made against the committee's action.

**6. The LTSLB committee shall consist of 2 elementary teachers, 2 high school teachers, 2 classified staff members (1 elementary and 1 high school), and 3 administrators.**

**7. Terms**

- Each building will be responsible for choosing their committee members. All members will serve 2 year terms.

**8. The chairperson or designee will be responsible for:**

- Ensuring all the rules of operation are followed.
- Proper maintenance and development of records by providing a copy of all records to be kept in the superintendent's office.
- Providing minutes of each meeting to be placed in the teachers' workrooms.
- Providing a notice of the number of days at the beginning and ending of each school year to be placed in the teachers' workrooms.
- Providing a notice when a member has requested and been granted sick leave days to be placed in the teachers' workrooms.

**9. The previous year's chairperson will be responsible for organizing elections for new committee members by October 1 of each new year.**

**10. Any changes to the LTSLB policies will be voted on by the entire membership of the LTSLB. Changes require a majority vote.**

Date Adopted: 4/26/16

Last Revised:

### **3.10—LICENSED PERSONNEL PLANNING TIME**

The superintendent is responsible for ensuring master schedules are created which determine the timing and duration of each teacher’s planning and scheduled lunch periods. Planning time is for the purpose of scheduling conferences, instructional planning, and preparation. Each teacher will have the ability to schedule these activities during his/her designated planning time. Teachers may not leave campus during their planning time without prior permission from their building level supervisor.

The planning time shall be in increments of not less than forty (40) minutes and shall occur during the student instructional day. For the purposes of this policy, the student instructional day means the time that students are required to be present at school.

Legal Reference:           A.C.A. § 6-17-114 (a)(d)

Date Adopted: 4/26/16

Last Revised:

**3.11—See 3.8 D**

### **3.12—LICENSED PERSONNEL RESPONSIBILITIES IN DEALING WITH SEX OFFENDERS ON CAMPUS**

Individuals who have been convicted of certain sex crimes must register with law enforcement as sex offenders. Arkansas law places restrictions on sex offenders with a Level 1 sex offender having the least restrictions (lowest likelihood of committing another sex crime), and Level 4 sex offenders having the most restrictions (highest likelihood of committing another sex crime).

While Levels 1 and 2 place no restrictions prohibiting the individual’s presence on a school campus, Levels 3 and 4 have specific prohibitions. These are specified in Policy 6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW) and it is the responsibility of district staff to know and understand the policy and, to the extent requested, aid school administrators in enforcing the restrictions placed on campus access to Level 3 and Level 4 sex offenders.

It is the intention of the board of directors that district staff not stigmatize students whose parents or guardians are sex offenders while taking necessary steps to safeguard the school community and comply with state law. Each school’s administration should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians.

Legal References:       A.C.A. § 12-12-913 (g) (2)  
                                  Arkansas Department of Education Guidelines for “Megan’s Law”  
                                  A.C.A. § 5-14-132

Date Adopted: 4/26/16  
Last Revised:

### **3.13—LICENSED PERSONNEL PUBLIC OFFICE**

An employee of the District who is elected to the Arkansas General Assembly or any elective or appointive public office (not legally constitutionally inconsistent with employment by a public school district) shall not be discharged or demoted as a result of such service.

The employee may take personal leave or vacation (if applicable), if approved in advance by the Superintendent, during his/her absence.

Prior to taking leave, and as soon as possible after the need for such leave is discerned by the employee, he or she must make written request for leave to the Superintendent, setting out, to the degree possible, the dates such leave is needed.

Legal Reference:       A.C.A. § 6-17-115

Date Adopted: 4/26/16

Last Revised:

### **3.14—LICENSED PERSONNEL JURY DUTY**

Employees are not subject to discharge, loss of leave, loss of vacation time or any other penalty due to absence from work for jury duty, upon giving reasonable notice to the District through the employee's immediate supervisor.

The employee must present the original (not a copy) of the summons to jury duty to his or her supervisor in order to confirm the reason for the requested absence.

Employees shall receive their regular pay from the district while serving jury duty, and shall reimburse the district from the stipend they receive for jury duty, up to, but not to exceed, the cost of the substitute hired to replace the employee in his/her absence.

Legal Reference:       A.C.A. § 16-31-106

Date Adopted: 4/26/16

Last Revised:

### **3.15—LICENSED PERSONNEL LEAVE — INJURY FROM ASSAULT**

Any teacher who, while in the course of their employment, is injured by an assault or other violent act; while intervening in a student fight; while restraining a student; or while protecting a student from harm, shall be granted a leave of absence for up to one (1) year from the date of the injury, with full pay.

A leave of absence granted under this policy shall not be charged to the teacher's leave.

In order to obtain leave under this policy, the teacher must present documentation of the injury from a physician, with an estimate for time of recovery sufficient to enable the teacher to return to work, and written statements from witnesses (or other documentation as appropriate to a given incident) to prove that the incident occurred in the course of the teacher's employment.

Legal Reference:       A.C.A. § 6-17-1209

Date Adopted: 4/26/16

Last Revised:

### **3.16—LICENSED PERSONNEL REIMBURSEMENT FOR PURCHASE OF SUPPLIES**

Prekindergarten through sixth grade teachers shall be allotted the amount required by law to be used by the teacher in his/her classroom or for class activities. The amount shall be credited to an account from which the teacher shall be reimbursed for his/her covered purchases to the extent funds are available in the account. For the purposes of this policy, pre-kindergarten through sixth grade teachers shall be allotted the greater of:

1. Twenty dollars (\$20) per student enrolled in the teacher's class for more than fifty percent (50%) of the school day at the end of the first three (3) months of the school year; or
2. Five hundred dollars (\$500).

\*Seventh through twelfth grade teachers shall be allotted \$200 per year to be used by the teacher in his/her classroom or for class activities. Unused portions will roll over to the next school year.

Teachers may purchase supplies and supplementary materials from the District at the District's cost to take advantage of the school's bulk buying power. To do so, teachers shall complete and have approved by administration a purchase order for supplies which will then be purchased on the teacher's behalf by the school and subtracted from the teacher's total supply and material allocation. Teachers may also purchase materials and supplies using their own funds and apply for reimbursement by submitting itemized receipts. Supplies and materials purchased with school funds, or for which the teacher is reimbursed with school funds, are school property, and should remain on school property except to the extent they are used up or consumed or the purchased supplies and/or materials are intended/designed for use away from the school campus.

Legal Reference:       A.C.A. § 6-21-303(b)(1)

**\*3.16 D** Seventh through twelfth grade teachers shall be allotted \$200 per year to be used by the teacher in his/her classroom or for class activities. Unused portions will roll over to the next school year.

Date Adopted: 4/26/16  
Last Revised:

### **3.17—INSULT OR ABUSE OF LICENSED PERSONNEL**

Employees are protected from abusive language and conduct by state law. An employee may report to the police any language which is calculated to:

1. Cause a breach of the peace;
2. Materially and substantially interfere with the operation of the school; and/or
3. Arouse the person to whom the language is addressed to anger, to the extent likely to cause imminent retaliation.

Legal Reference:       A.C.A. § 6-17-106

Date Adopted: 4/26/16

Last Revised:

### **3.18—LICENSED PERSONNEL OUTSIDE EMPLOYMENT**

An employee of the District may not be employed in any other capacity during regular working hours.

An employee may not accept employment outside of his or her district employment which will interfere, or otherwise be incompatible with the District employment, including normal duties outside the regular work day; nor shall an employee accept other employment which is inappropriate for an employee of a public school.

The Superintendent, or his designee(s), shall be responsible for determining whether outside employment is incompatible, conflicting or inappropriate.

When a licensed employee is additionally employed by the District in either a classified capacity or by a contract to perform supplementary duties for a stipend or multiplier, the duties, expectations, and obligations of the primary licensed position employment contract shall prevail over all other employment duties unless the needs of the district dictate otherwise. If there is a conflict between the expectations of the primary licensed position and any other contracted position, the licensed employee shall notify the employee's building principal as far in advance as is practicable. The building principal shall verify the existence of the conflict by contacting the supervisor of the secondary contracted position. The building principal shall determine the needs of the district on a case-by-case basis and rule accordingly. Frequent conflicts or scheduling problems could lead to the non-renewal or termination of the classified contract of employment or the contract to perform the supplementary duties.

\*Employees are prohibited from contracting with the Dierks School System except as allowed by Act 1599 of 2002 (ACA (6-24-101)-(6-24-119) and the rules and regulations outlined by the Department of Education.

#### **Leave and Outside Employment**

Leave related absence from work (e.g. leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 3.44, if an employee who works a non-district job while taking district leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

Legal References: A.C.A. § 6-24-106, 107, 111

**\*3.18 D** Employees are prohibited from contracting with the Dierks School System except as allowed by Act 1599 of 2002 (ACA (6-24-101)-(6-24-119) and the rules and regulations outlined by the Department of Education.

Date Adopted: 4/26/16

Last Revised:

### **3.19 D—LICENSED PERSONNEL EMPLOYMENT**

All prospective employees must fill out an application form provided by the District, in addition to any resume provided; all of the information provided is to be placed in the personnel file of those employed.

#### **a. Personal Qualifications**

1. Each candidate for a teaching position should file a written application with the Superintendent of schools.
2. A personal interview with the superintendent of schools or someone appointed by him as required except in extreme cases.
3. Teaching experience, preparation, professional reputation, and personal characteristics shall be considered with knowledge of residence.
4. The school board will have the option to increase the probational period of the probational teacher from three to four years if so desired.
5. The school board will have the option of placing any teacher new to the district on a one (1) year probationary contract. This will require a unanimous vote of the board.

#### **b. State Requirements**

1. Teacher's certificate valid in State of Arkansas (a copy is required to be on file in the Superintendent's office).
2. Transcript of all college work (a copy is required to be on file in the Superintendent's office).
3. Health certificate.
4. Withholding Tax Exemption Certificates must be filed (secure this form from the Superintendent's office).
5. Preference will be given to applicants with a major in the assigned area.
6. Background checks (a copy is required to be on file in the Superintendent's office).

#### **c. Ethics for Teachers**

1. Teachers should follow the Arkansas Teachers Code of Ethics.

If the employee provides false or misleading information, or if he/she withholds information to the same effect, it may be grounds for dismissal. In particular, it will be considered a material misrepresentation and grounds for termination of contract of employment if an employee's licensure status is discovered to be other than as it was represented by an employee or applicant, either in writing on application materials or in the form of verbal assurances or statements made to the school district.

It is grounds for termination of contract of employment if an employee fails a criminal background check or receives a true report on the Child Maltreatment Central Registry check.

All teachers who begin employment in the 2021-2022 school year and each school year thereafter shall demonstrate proficiency or awareness in knowledge and practices in scientific reading instruction as is applicable to their teaching position by completing the prescribed proficiency or awareness in knowledge and practices of the scientific reading instruction credential either as a condition of licensure or within one (1) year for teachers who are already licensed or employed as a teacher under a waiver

from licensure.

An individual with a currently suspended license or whose license has been revoked by the State Board of Education is not eligible to be employed by the District; this prohibition includes employment as a substitute teacher, whether directly employed by the District or providing substitute teaching services under contract with an outside entity.

The District is an equal opportunity employer and shall not discriminate on the grounds of race, color, religion, national origin, sex, age, or disability.

Inquiries on non-discrimination may be directed to superintendent, who may be reached at (870)-286-2191.

For further information on notice of non-discrimination or to file a complaint, visit <http://wdcrocolp01.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.

In accordance with Arkansas law, the District provides a veteran preference to applicants who qualify for one of the following categories:

1. a veteran without a service-connected disability;
2. a veteran with a service-connected disability; and
3. a deceased veteran's spouse who is unmarried throughout the hiring process.

For purposes of this policy, "veteran" is defined as:

- a. A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or
- b. Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether or not the person has retired or been discharged.

In order for an applicant to receive the veterans' preference, the applicant must be a citizen and resident of Arkansas, be substantially equally qualified as other applicants and do all of the following:

1. Indicate on the employment application the category the applicant qualifies for;
2. Attach the following documentation, as applicable, to the employment application:
  - Form DD-214 indicating honorable discharge;
  - A letter dated within the last six months from the applicant's command indicating years of service in the National Guard or Reserve Forces as well as the applicant's current status;
  - Marriage license;
  - Death certificate;
  - Disability letter from the Veteran's Administration (in the case of an applicant with a service-related disability).

Failure of the applicant to comply with the above requirements shall result in the applicant not receiving the veteran preference; in addition, meeting the qualifications of a veteran or spousal category does not guarantee either an interview or being hired.

#### **d. Working Hours for Teachers**

1. All faculty members are to arrive no later than 7:45 A.M. and should not leave earlier than 3:25 P.M.
2. Teachers must be in the classroom no later than 7:55 A.M.
3. Teachers are contracted for 190 days, or additional contracted days. Work should be planned so that all students will have work and be involved in instruction until the last day of school.
4. Activities carried on by employees of the Dierks School District during work hours must be related to assigned duties.
5. Teachers must check in and out at the Principal's office when leaving the campus during the school day.

#### **e. Duties of Athletic Director**

1. Oversee all athletic events
2. Work with Principal and Superintendent on ordering equipment.
3. Assign coaches to work at all home athletic events.
4. Be responsible for evaluating all coaches and help on interviewing of new coaches.
5. Be a liaison in the different sports.
6. Encourage participation in each sport.
7. Organize and coordinate All-Sports Banquet.
8. Insure that officials are hired for all home athletic events and make sure contracts are secured and on file.
9. Work with Principal and coaches to schedule all athletic events, secure contracts, and make sure that they are on file.
10. Hold monthly athletic meetings.
11. Evaluate each sport and its progress.
12. Enforce all AAA, Department of Education, and Dierks School District athletic rules, regulations and policies pertaining to athletics.
13. Work with administration on assigning coaching and/or other duties as deemed necessary.

#### **f. Duties of all Coaches**

1. Keep well-informed of the academic achievement of each athlete.
2. Strive to keep a harmonious working relationship in the athletic program.
3. Teach the class and/or keep the study hall that is assigned by the Principal.
4. Perform any other duties assigned by the Principal.
5. Be responsible for being and working at all home athletic events and providing necessary workers.
6. Be responsible for the field, field house, gym, and track while on contract.
7. Make ready the playing field, gym, and track for games and meets.
8. Assistant coaches should work with the head coach in the assigned area.
9. Head coaches should be responsible for overseeing the off-season program.
10. Be responsible for driving bus to and from athletic events.
  
11. Students will ride the bus to and from all school events. If you want your child to ride home with another adult (not a minor), you must come to the high school office and sign

the sheet in the presence of the secretary, high school Principal or Superintendent. If a parent/guardian wants his/her child to ride home with him/her from the event, the parent/guardian must sign a prepared school release form in the presence of the responsible sponsor or coach.

12. Will be allowed two (2) professional leave days each year to attend coaching clinics.
13. Will assist booster club as needed.
14. Will adhere to all AAA, Department of Education, and Dierks School District rules/regulations and policies pertaining to athletics.
15. With the aid of the Principal and athletic director, schedule athletic events and secure all contracts for events and contracts for officials. (Note: Out of state travel and the scheduling of out-of-state events must receive board approval.)

**g. Duties of the Counselor**

1. Each counselor is responsible for individual and group counseling. However teachers, coaches, Principals, or significant others may be required at various times to counsel with students on an individual basis.
2. The counselors will assume the lead role in developing and administering each school career guidance program. The program should seek to study each pupil's needs so that individual differences in personalities, interests, and abilities may best be dealt with in an effort to foster the greatest development and personal adjustment of each child.
3. The counselors will assume the responsibility for maintaining individual pupil files. These files will contain personal and home data, health records, and other pertinent information concerning the pupil.
4. The counselors will be responsible for the test administration of the various test required of students in the normal classroom setting by federal, state, and local regulations.
5. The counselors will be responsible for the development and maintenance of each school's student service plan as set forth by the Department of Education and State Board of Education.
6. The counselors will be responsible for the Safe and Drug-Free Education program within their respective buildings.
7. The counselors will be responsible for overseeing the development and maintenance of each school's crisis plan.
8. The counselors will assist students and parents with academic planning and class scheduling.

Legal References:     A.C.A. § 6-17-410  
                              A.C.A. § 6-17-411  
                              A.C.A. § 21-3-302  
                              A.C.A. § 21-3-303  
                              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

Date Adopted: 4/26/16  
Last Revised: 9/25/17

### **3.20—LICENSED PERSONNEL REIMBURSEMENT OF TRAVEL EXPENSES**

Employees shall be reimbursed for personal and/or travel expenses incurred while performing duties or attending workshops or other employment-related functions, provided that prior written approval for the activity for which the employee seeks reimbursement has been received from the Superintendent, principal (or other immediate supervisor with the authority to make school approvals), or the appropriate designee of the Superintendent and that the teacher's attendance/travel was at the request of the district.

Reimbursement claims must be made on forms provided by the District and must be supported by appropriate, original receipts. Copies of receipts or other documentation are not acceptable, except in extraordinary circumstances.

Date Adopted: 4/26/16

Last Revised:

### 3.20F D—LICENSED PERSONNEL TRAVEL REIMBURSEMENT FORM

REQUEST FOR TRAVEL	TRAVEL POLICY																					
<p style="text-align: right; color: red; font-weight: bold;">ONLY ITEMIZED RECEIPTS WILL BE HONORED</p> <p>Name _____</p> <p>Position _____</p> <p>Date _____</p> <p>Activity _____</p> <p>Location _____</p> <p>Dates _____</p> <p>Reason _____</p> <p>Name of each Participant:</p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> <p>4. _____</p> <p>5. _____</p> <p>Substitute Needed      Yes _____ No _____</p> <p>a.m. _____ p.m. _____ both _____</p>	<p style="text-align: center; color: blue; font-weight: bold;">ALL TRAVEL IS TO BE APPROVED <i>IN ADVANCE</i> BY MRS. COTHREN.</p> <p style="color: blue; font-weight: bold;">Failure to secure <i>PRIOR</i> approval for all travel may result in non-reimbursement!</p> <p style="color: blue; font-weight: bold;">The school's VISA card will be used for hotel/motel rooms only.</p> <p style="color: blue; font-weight: bold;">The traveler will pay for meals as per the district's travel policy (\$35 per diem or \$7 for breakfast, \$10 for lunch and \$18 for dinner) if meals are not included in conference registration. Tips are reimbursed only if printed as part of the receipt.</p> <p>A copy of this form will be retained in the bookkeeper's office and the original will be returned to the person requesting permission to travel.</p> <p>The purpose of this form is to request permission to travel as well as request reimbursement for approved travel.</p> <p style="color: blue; font-weight: bold;">Reimbursement requires itemized tickets. Some credit card receipts do not itemize. It will be necessary for you to ask for an itemized ticket in order to be reimbursed.</p> <p style="color: blue; font-weight: bold;">Return this form with the proper tickets attached and with all the necessary signatures.</p> <p><i>ALL room reservations will be made by Kristi and secured with the school's VISA.</i></p>																					
<p style="text-align: center; font-weight: bold;">ESTIMATED EXPENSES</p> <p>None Required _____</p> <p style="text-align: center; font-weight: bold;">OR</p> <p>Funding provided by: _____</p> <p>Registration            \$ _____</p> <p>Meals                    \$ _____</p> <p>Transportation (_____ miles @ 43¢) \$ _____</p> <p>Lodging                 \$ _____</p> <p>Misc. Expenses        \$ _____</p> <p style="text-align: right; font-weight: bold;">TOTAL            \$ _____</p>	<p style="text-align: center; font-weight: bold;">REIMBURSEMENT REQUEST (Actual Expenditures)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">VISA</th> <th style="width: 20%; text-align: center;">Reimbursement Requested</th> </tr> </thead> <tbody> <tr> <td>Registration</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>Meals</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>Transportation (_____ miles @ 43¢)</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>Lodging</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>Misc. Expenses</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td style="text-align: right; font-weight: bold;">TOTAL</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> </tbody> </table>		VISA	Reimbursement Requested	Registration	\$ _____	\$ _____	Meals	\$ _____	\$ _____	Transportation (_____ miles @ 43¢)	\$ _____	\$ _____	Lodging	\$ _____	\$ _____	Misc. Expenses	\$ _____	\$ _____	TOTAL	\$ _____	\$ _____
	VISA	Reimbursement Requested																				
Registration	\$ _____	\$ _____																				
Meals	\$ _____	\$ _____																				
Transportation (_____ miles @ 43¢)	\$ _____	\$ _____																				
Lodging	\$ _____	\$ _____																				
Misc. Expenses	\$ _____	\$ _____																				
TOTAL	\$ _____	\$ _____																				
<p style="text-align: center; font-weight: bold;">APPROVAL SIGNATURES</p> <p><b>Building Principal</b> _____</p> <p><b>Superintendent</b> _____</p>	<p style="text-align: center; font-weight: bold;">SIGNATURE REQUIRED</p> <p><b>Traveler</b> _____</p> <p><b>Building Principal</b> _____</p>																					

MILEAGE REIMBURSEMENT FORM

DIERKS SCHOOL DISTRICT

Name \_\_\_\_\_ Approval: \_\_\_\_\_  
 Activity \_\_\_\_\_  
 Location \_\_\_\_\_  
 Date \_\_\_\_\_  
 Reason \_\_\_\_\_

Transportation ( \_\_\_\_\_ miles @ 43¢) \$ \_\_\_\_\_

Meals **[MUST HAVE ITEMIZED RECEIPT]** \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

Mileage Chart @ 43¢ per mile

DESTINATION	One-Way	Round-Trip	DESTINATION	One-Way	Round-Trip
Acorn	69	138	Little Rock	120	240
Arkadelphia	65	130	Lockesburg	18	36
Ashdown	45	90	Magnolia	100	200
Camden	93	186	Malvern	91	182
CenterPoint	41	82	Mena	65	130
Conway	150	300	Mineral Springs	25	50
DeQueen	20	40	Mt. Ida	58	116
El Dorado	130	260	Murfreesboro	30	60
Fayetteville	205	410	Nashville	20	40
Foreman	57	114	Nevada Co. School	65	130
Fort Smith	150	300	New Boston	67	134
Fouke	85	170	North Little Rock	126	252
Genoa Central	70	140	Pine Bluff	144	288
Gillham	29	58	Prescott	53	106
Glenwood	36	72	Searcy	170	340
Gurdon	68	136	Springhill	55	110
Hope	50	100	Stamps	78	156
Horatio	28	56	Texarkana	65	130
Hot Springs	70	140	Umpire	14	28
Jacksonville	169	338	Van Buren	155	310
Jessieville	110	220	Van Cove	50	100
Kirby	27	54	Wickes	40	80

**3.21—LICENSED PERSONNEL TOBACCO USE**

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, or other school vehicles is prohibited.

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

Violation of this policy by employees shall be grounds for disciplinary action up to, and including, dismissal.

Legal Reference:       A.C.A. § 6-21-609

Date Adopted: 4/26/16

Last Revised:

### **3.22—DRESS OF LICENSED EMPLOYEES**

Employees shall ensure that their dress and appearance are professional and appropriate to their positions.

Date Adopted: 4/26/16

Last Revised:

### **3.23—LICENSED PERSONNEL POLITICAL ACTIVITY**

Employees are free to engage in political activity outside of work hours to the extent that it does not affect the performance of their duties or adversely affect important working relationships.

It is specifically forbidden for employees to engage in political activities on the school grounds or during work hours. The following activities are forbidden on school property:

1. Using students for preparation or dissemination of campaign materials;
2. Distributing political materials;
3. Distributing or otherwise seeking signatures on petitions of any kind;
4. Posting political materials; and
5. Discussing political matters with students, in the classroom, in other than circumstances appropriate to the Frameworks and/or the curricular goals and objectives of the class.

Date Adopted: 4/26/16

Last Revised:

### 3.25—LICENSED PERSONNEL GRIEVANCES

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies or salary payments of this district.

#### **Definitions**

Grievance: a claim or concern related to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal or state laws and regulations, or terms or conditions of employment, raised by an individual employee of this school district. Other matters for which the means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. Specifically, no grievance may be entertained against a supervisor for directing, instructing, reprimanding, or “writing up” an employee under his/her supervision. A group of employees who have the same grievance may file a group grievance.

Group Grievance: A grievance may be filed as a group grievance if it meets the following criteria: (meeting the criteria does not ensure that the subject of the grievance is, in fact, grievable)

- A. More than one individual has interest in the matter; and
- B. The group has a well-defined common interest in the facts and/or circumstances of the grievance; and
- C. The group has designated an employee spokesperson to meet with administration and/or the board; and
- D. All individuals within the group are requesting the same relief.

Employee: any person employed under a written contract by this school district.

Immediate Supervisor: the person immediately superior to an employee who directs and supervises the work of that employee.

Working day: Any weekday other than a holiday whether or not the employee under the provisions of their contract is scheduled to work or whether they are currently under contract.

#### **Process**

Level One: An employee who believes that he/she has a grievance shall inform that employee’s immediate supervisor that the employee has a potential grievance and discuss the matter with the supervisor within ten working days of the occurrence of the grievance. The supervisor shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family present at their conference. (The ten-day requirement does not apply to grievances concerning back pay.) If the grievance is not advanced to Level Two within ten working days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

If the grievance cannot be resolved by the immediate supervisor, the employee can advance the grievance to Level Two. To do this, the employee must complete the top half of the Level Two Grievance Form within ten working days of the discussion with the immediate supervisor, citing the manner in which the specific personnel policy was violated that has given rise to the grievance, and submit the Grievance Form to his/her immediate supervisor. The supervisor will have ten working days to respond to the grievance using the bottom half of the Level Two Grievance Form which he/she will submit to the building principal or, in the event that the employee's immediate supervisor is the building principal, the superintendent.

Level Two (when appeal is to the building principal): Upon receipt of a Level Two Grievance Form, the building principal will have ten working days to schedule a conference with the employee filing the grievance. The principal shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the principal will have ten working days in which to deliver a written response to the grievance to the employee. If the grievance is not advanced to Level Three within ten working days the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

Level Two (when appeal is to the superintendent): Upon receipt of a Level Two Grievance Form, the superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.

Level Three: If the proper recipient of the Level Two Grievance was the building principal, and the employee remains unsatisfied with the written response to the grievance, the employee may advance the grievance to the superintendent by submitting a copy of the Level Two Grievance Form and the principal's reply to the superintendent within ten working days of his/her receipt of the principal's reply. The superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.

Appeal to the Board of Directors: An employee who remains unsatisfied by the written response of the superintendent may appeal the superintendent's decision to the Board of Education within ten working days of his/her receipt of the Superintendent's written response by submitting a written request for a board hearing to the superintendent. If the grievance is not appealed to the Board of Directors within ten working days of his/her receipt of the superintendent's response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

The school board will address the grievance at the next regular meeting of the school board, unless the employee agrees in writing to an alternate date for the hearing. After reviewing the Level Two Grievance Form and the superintendent's reply, the board will decide if the grievance, on its face, is grievable under district policy. If the grievance is presented as a "group grievance," the Board shall first determine if the composition of the group meets the definition of a "group grievance." If the Board determines that it is a group grievance, the Board shall then determine whether the matter raised is grievable. If the Board rules the composition of the group does not meet the definition of a group grievance, or the grievance, whether group or individual, is not grievable, the matter shall be considered closed. (Individuals within the disallowed group may choose to subsequently refile their grievance as an individual grievance beginning with Level One of the process.) If the Board rules the grievance to be grievable, they shall immediately commence a hearing on the grievance. All parties have the right to representation by a person of their own choosing who is not a member of the employee's immediate family at the appeal hearing before the Board of Directors. The employee shall have no less than 90 minutes to present his/her grievance, unless a shorter period is agreed to by the employee, and both parties shall have the opportunity to present and question witnesses. The hearing shall be open to the public unless the employee requests a private hearing. If the hearing is open, the parent or guardian of any student under the age of eighteen years who gives testimony may elect to have the student's testimony given in closed session. At the conclusion of the hearing, if the hearing was closed, the Board of Directors may excuse all parties except board members and deliberate, by themselves, on the hearing. At the conclusion of an open hearing, board deliberations shall also be in open session unless the board is deliberating the employment, appointment, promotion, demotion, disciplining, or resignation of the employee. A decision on the grievance shall be announced no later than the next regular board meeting.

### **Records**

Records related to grievances will be filed separately and will not be kept in, or made part of, the personnel file of any employee.

### **Reprisals**

No reprisals of any kind will be taken or tolerated against any employee because he/she has filed or advanced a grievance under this policy.

Legal References:       A.C.A. § 6-17-208, 210

Date Adopted: 4/26/16

Last Revised:

**3.25F—LICENSED PERSONNEL LEVEL TWO GRIEVANCE FORM**

Name: \_\_\_\_\_

Date submitted to supervisor: \_\_\_\_\_

Personnel Policy grievance is based upon:

\_\_\_\_\_

Grievance (be specific):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What would resolve your grievance?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Response

Date submitted to recipient: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Adopted: 4/26/16

Last Revised:

### **3.26—LICENSED PERSONNEL SEXUAL HARASSMENT**

The Dierks School District is committed to having an academic and work environment in which all students and employees are treated with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment 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.

Believing that prevention is the best policy, the district will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the district does not tolerate sexual harassment and that students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences.

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sexual harassment as defined in this policy. Any employee found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination.

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:

1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; and/or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creates an intimidating, hostile, or offensive academic or work environment.

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

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

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. Depending upon such circumstances, examples of sexual harassment include, but are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing 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 individual self-identifies as homosexual; and spreading rumors related to a person's alleged sexual activities.

Employees who believe they have been subjected to sexual harassment are encouraged to file a complaint by contacting their immediate supervisor, administrator, or Title IX coordinator who will assist them in the complaint process. Under no circumstances shall an employee 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. To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

Employees who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

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

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 termination.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC 2000-e, et seq.  
A.C.A. § 6-15-1005 (b) (1)

Date Adopted: 4/26/16

Last Revised:

### **3.27—LICENSED PERSONNEL SUPERVISION OF STUDENTS**

All District personnel are expected to conscientiously execute their responsibilities to promote the health, safety, and welfare of the District's students under their care. The Superintendent shall direct all principals to establish regulations ensuring faculty supervision of students throughout the school day and at extracurricular activities.

Date Adopted: 4/26/16

Last Revised:

### **3.28—LICENSED PERSONNEL COMPUTER USE POLICY**

The Dierks School District provides computers and/or computer Internet access for many employees to assist employees in performing work related tasks. Employees are advised that they enjoy no expectation of privacy in any aspect of their computer use, including email, and that under Arkansas law both email and computer use records maintained by the district are subject to disclosure under the Freedom of Information Act. Consequently, no employee or student-related reprimands or other disciplinary communications should be made through email.

Passwords or security procedures are to be used as assigned, and confidentiality of student records is to be maintained at all times. Employees must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the district's technology network security, alter data without authorization, disclose passwords to other staff members or students, or grant students access to any computer not designated for student use. It is the policy of this school district to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors. The District Information Technology Security Officer or designee may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.

Employees who misuse district-owned computers in any way, including excessive personal use, using computers for personal use during instructional time, using computers to violate any other policy, knowingly or negligently allowing unauthorized access, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, up to and including termination or non-renewal of the employment contract.

Legal References:       Children's Internet Protection Act; PL 106-554  
                                  20 USC 6777  
                                  47 USC 254(h)  
                                  A.C.A. § 6-21-107  
                                  A.C.A. § 6-21-111

Date Adopted: 4/26/16

Last Revised: 9/25/17

### 3.28F—LICENSED PERSONNEL EMPLOYEE INTERNET USE AGREEMENT

Name (Please Print) \_\_\_\_\_

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

The \_\_\_\_\_ School District agrees to allow the employee identified above (“Employee”) to use the district’s technology to access the Internet under the following terms and conditions:

1. Conditional Privilege: The Employee’s use of the district’s access to the Internet is a privilege conditioned on the Employee’s abiding by this agreement.
2. Acceptable Use: The Employee agrees that in using the District’s Internet access he/she will obey all federal and state laws and regulations. Internet access is provided as an aid to employees to enable them to better perform their job responsibilities. Under no circumstances shall an Employee’s use of the District’s Internet access interfere with, or detract from, the performance of his/her job-related duties.
3. Penalties for Improper Use: If the Employee violates this agreement and misuses the Internet, the Employee shall be subject to disciplinary action up to and including termination.
4. “Misuse of the District’s access to the Internet” includes, but is not limited to, the following:
  - a. using the Internet for any activities deemed lewd, obscene, vulgar, or pornographic as defined by prevailing community standards;
  - b. using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
  - c. posting anonymous messages on the system;
  - d. using encryption software other than when required by the employee’s job duties;
  - e. wasteful use of limited resources provided by the school including paper;
  - f. causing congestion of the network through lengthy downloads of files other than when required by the employee’s job duties;
  - g. vandalizing data of another user;
  - h. obtaining or sending information that could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
  - i. gaining or attempting to gain unauthorized access to resources or files;
  - j. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization;
  - k. using the network for financial or commercial gain without district permission;
  - l. theft or vandalism of data, equipment, or intellectual property;
  - m. invading the privacy of individuals other than when required by the employee’s job duties;
  - n. using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
  - o. introducing a virus to, or otherwise improperly tampering with, the system;
  - p. degrading or disrupting equipment or system performance;
  - q. creating a web page or associating a web page with the school or school district without proper authorization;
  - r. attempting to gain access or gaining access to student records, grades, or files of students not under their jurisdiction;

- s. providing access to the District's Internet Access to unauthorized individuals;
- t. taking part in any activity related to Internet use that creates a clear and present danger of the substantial disruption of the orderly operation of the district or any of its schools;
- u. making unauthorized copies of computer software;
- v. personal use of computers during instructional time; or
- w. Installing software on district computers without prior approval of the Information Technology Security Officer or his/her designee except for District technology personnel as part of their job duties.

5. Liability for debts: Staff shall be liable for any and all costs (debts) incurred through their use of the District's computers or the Internet including penalties for copyright violations.

6. No Expectation of Privacy: The Employee signing below agrees that in using the Internet through the District's access, he/she waives any right to privacy the Employee may have for such use. The Employee agrees that the district may monitor the Employee's use of the District's Internet Access and may also examine all system activities the Employee participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system.

7. Signature: The Employee, who has signed below, has read this agreement and agrees to be bound by its terms and conditions.

Employee's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Date Adopted: 4/26/16

Last Revised: 9/25/17

### **3.29—LICENSED PERSONNEL SCHOOL CALENDAR**

The superintendent shall present to the personnel policies committee (PPC) a school calendar which the board has adopted as a proposal. The superintendent, in developing the calendar, shall accept and consider recommendations from any staff member or group wishing to make calendar proposals. The PPC shall have the time prescribed by law and/or policy in which to make any suggested changes before the board may vote to adopt the calendar.

The District shall not establish a school calendar that interferes with any scheduled statewide assessment that might jeopardize or limit the valid assessment and comparison of student learning gains.

The Dierks School District shall operate by the following calendar on next page.

Legal References: A.C.A. § 6-15-2907(f)  
A.C.A. § 6-17-201  
ADE Rules Governing the Arkansas Educational Support and Accountability Act

Date Adopted: 4/26/16

Last Revised: 9/25/17

# Dierks School District

## 2017-2018 School Calendar

July 2017						
Su	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2017						
Su	M	Tu	W	Th	F	S
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2017						
Su	M	Tu	W	Th	F	S
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24	25	26	27	28	29	30

October 2017						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017						
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19	20	21	22	23	24	25
26	27	28	29	30		

December 2017						
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31						

January 2018						
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14	15	16	17	18	19	20
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28	29	30	31			

February 2018						
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11	12	13	14	15	16	17
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25	26	27	28			

March 2018						
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2018						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2018						
Su	M	Tu	W	Th	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June 2018						
Su	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- School Closed/ Holidays
- Parent Teacher Conf
- Prof Dev Flex Day/No Students

- Prof Dev Day (Required/no school for students)
- First and Last Day of School
- End of Quarter

### 3.30—PARENT-TEACHER COMMUNICATION

The district recognizes the importance of communication between teachers and parents/legal guardians. To help promote positive communication, parent/teacher conferences shall be held once each semester. Parent-teacher conferences are encouraged and may be requested by parents or guardians when they feel they need to discuss their child's progress with his/her teacher.

Teachers are required to communicate during the school year with the parent(s), legal guardian(s), or care-giving adult or adults in a student's home to discuss the student's academic progress unless the student has been placed in the custody of the Department of Human Services and the school has received a court order prohibiting parent or legal guardian participation in parent/teacher conferences. More frequent communication is required with the parent(s) or legal guardian(s) of students who are performing below grade level.

All parent/teacher conferences shall be scheduled at a time and place to best accommodate those participating in the conference. Each teacher shall document the participation or non-participation of parent(s)/legal guardian(s) for each scheduled conference.

If a student is to be retained at any grade level or denied course credit, notice of, and the reasons for retention shall be communicated promptly in a personal conference.

Legal References:       State Board of Education Standards of Accreditation 12.04.1, 12.04.2, and 12.04.3  
                                  A.C.A. § 6-15-1702(b)(3)(B)(ii)

Date Adopted: 4/26/16

Last Revised:

### **3.31—DRUG FREE WORKPLACE - LICENSED PERSONNEL**

The conduct of district staff plays a vital role in the social and behavioral development of our students. It is equally important that the staff have a safe, healthful, and professional environment in which to work. To help promote both interests, the district shall have a drug free workplace. It is, therefore, the district's policy that district employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, alcohol, as well as inappropriate or illegal use of prescription drugs. Such actions are prohibited both while at work or in the performance of official duties while off district property; violations of this policy will subject the employee to discipline, up to and including termination.

To help promote a drug free workplace, the district shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the district's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. (Insert substance abuse resources here.)

Should any employee be found to have been under the influence of, or in illegal possession of, any illegal drug or controlled substance, whether or not engaged in any school or school-related activity, and the behavior of the employee, if under the influence, is such that it is inappropriate for a school employee in the opinion of the superintendent, the employee may be subject to discipline, up to and including termination. This policy also applies to those employees who are under the influence of alcohol while on campus or at school-sponsored functions, including athletic events.

An employee living on campus or on school owned property is permitted to possess alcohol in his/her residence. The employee is bound by the restrictions stated in this policy while at work or performing his/her official duties.

Possession, use or distribution of drug paraphernalia by any employee, whether or not engaged in school or school-related activities, may subject the employee to discipline, up to and including termination. Possession in one's vehicle or in an area subject to the employee's control will be considered to be possession as though the substance were on the employee's person.

It shall not be necessary for an employee to test at a level demonstrating intoxication by any substance in order to be subject to the terms of this policy. Any physical manifestation of being under the influence of a substance may subject an employee to the terms of this policy. Those physical manifestations include, but are not limited to: unsteadiness; slurred speech; dilated or constricted pupils; incoherent and/or irrational speech; or the presence of an odor associated with a prohibited substance on one's breath or clothing.

Should an employee desire to provide the District with the results of a blood, breath or urine analysis, such results will be taken into account by the District only if the sample is provided within a time range that could provide meaningful results and only by a testing agency chosen or approved by the District. The District shall not request that the employee be tested, and the expense for such voluntary testing shall be borne by the employee.

Any incident at work resulting in injury to the employee requiring medical attention shall require the employee to submit to a drug test, which shall be paid at district expense. Failure for the employee to submit to the drug test or a confirmed positive drug test indicating the use of illegal substances or the misuse of prescription medications shall be grounds for the denial of worker's compensation benefits in accordance with policy 3.44—LICENSED PERSONNEL WORKPLACE INJURIES AND WORKERS' COMPENSATION.

Any employee who is charged with a violation of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances or alcohol, or of drug paraphernalia, must notify his/her immediate supervisor within five (5) week days (i.e., Monday through Friday, inclusive, excluding holidays) of being so charged. The supervisor who is notified of such a charge shall notify the Superintendent immediately.

If the supervisor is not available to the employee, the employee shall notify the Superintendent within the five (5) day period.

Any employee so charged is subject to discipline, up to and including termination. However, the failure of an employee to notify his or her supervisor or the Superintendent of having been so charged shall result in that employee being recommended for termination by the Superintendent.

Any employee convicted of any criminal drug statute violation for an offense that occurred while at work or in the performance of official duties while off district property shall report the conviction within 5 calendar days to the superintendent. Within 10 days of receiving such notification, whether from the employee or any other source, the district shall notify federal granting agencies from which it receives funds of the conviction. Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

Any employee convicted of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances, or of drug paraphernalia, shall be recommended for termination.

Any employee who must take prescription medication at the direction of the employee's physician, and who is impaired by the prescription medication such that he/she cannot properly perform his/her duties shall not report for duty. Any employee who reports for duty and is so impaired, as determined by his/her supervisor, will be sent home. The employee shall be given sick leave, if owed any. The District or employee will provide transportation for the employee, and the employee may not leave campus while operating any vehicle. It is the responsibility of the employee to contact his/her physician in order to adjust the medication, if possible, so that the employee may return to his/her job unimpaired. Should the employee attempt to return to work while impaired by prescription medications, for which the employee has a prescription, he/she will, again, be sent home and given sick leave, if owed any. Should the employee attempt to return to work while impaired by prescription medication a third time the employee may be subject to discipline, up to and including a recommendation of termination.

Any employee who possesses, uses, distributes or is under the influence of a prescription medication obtained by a means other than his/her own current prescription shall be treated as though he was in possession, possession with intent to deliver, or under the influence, etc. of an illegal substance. An illegal drug or other substance is one which is (a) not legally obtainable; or (b) one which is legally obtainable, but which has been obtained illegally. The District may require an employee to provide proof from his/her physician and/or pharmacist that the employee is lawfully able to receive such medication. Failure to provide such proof, to the satisfaction of the Superintendent, may result in discipline, up to and including a recommendation of termination.

A report to the appropriate licensing agency shall be filed within seven (7) days of:

- 1) A final disciplinary action taken against an employee resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances; or
- 2) The voluntary resignation of an employee who is facing a pending disciplinary action resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances.

The report filed with the licensing authority shall include, but not be limited to:

- The name, address, and telephone number of the person who is the subject of the report; and
- A description of the facts giving rise to the issuance of the report.

When the employee is not a healthcare professional, law enforcement will be contacted regarding any final disciplinary action taken against an employee for the diversion of controlled substances to one (1) or more third parties.

Legal References:       41 U.S.C. § 8101, 8103, and 8104  
                              A.C.A. § 11-9-102  
                              A.C.A. § 17-80-117

Date Adopted: 4/26/16

Last Revised: 9/25/17

### **3.31F—DRUG FREE WORKPLACE POLICY ACKNOWLEDGEMENT**

#### CERTIFICATION

I, hereby certify that I have been presented with a copy of the Dierks District's drug-free workplace policy, that I have read the statement, and that I will abide by its terms as a condition of my employment with District.

Signature \_\_\_\_\_

Date \_\_\_\_\_

### **3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE \***

The Family and Medical Leave Act (FMLA) leave offers job protection for what might otherwise be considered excessive absences. Employees need to carefully comply with this policy to ensure they do not lose FMLA protection due to inaction or failure to provide the District with needed information. The FMLA provides up to 12 work weeks (or in some cases 26 weeks) of job-protected leave to eligible employees with absences that qualify under the FMLA. While an employee can request FMLA leave and has a duty to inform the District as provided in this policy of foreseeable absences that may qualify for FMLA leave, it is the District’s ultimate responsibility to identify qualifying absences as FMLA or non-FMLA. FMLA leave is unpaid, except to the extent that paid leave applies to any given absence as governed by the FMLA and this policy.

#### **SECTION ONE**

##### **Definitions:**

“Eligible Employee” is an employee who has been employed by the District for at least twelve (12) months and for 1250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave.

“FMLA” is the Family and Medical Leave Act

“Health Care Provider” is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices. It also includes any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

“Instructional Employee” is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting and includes athletic coaches, driving instructors, preschool teachers, and special education assistants such as signers for the hearing impaired. The term does not include, and the special rules related to the taking of leave near the end of a semester do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include administrators, counselors, librarians, psychologists, or curriculum specialists.

“Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee’s schedule for a period of time, normally from full-time to part-time.

“Next of Kin”, used in respect to an individual, means the nearest blood relative of that individual.

“Parent” is the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or a daughter. This term does not include parents “in-law.”

“Serious Health Condition” is an injury, illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.

“Son or daughter”, for numbers 1, 2, or 3 below: is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

“Year”, the twelve (12) month period of eligibility shall begin on July first of each school-year.

### **Policy**

The provisions of this policy are intended to be in line with the provisions of the FMLA. If any conflict(s) exist, the Family and Medical Leave Act of 1993 as amended shall govern.

### **Leave Eligibility**

The District will grant up to twelve (12) weeks of leave in a year in accordance with the FMLA as amended, to its eligible employees for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. (See Section Two)
6. To care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury. (See Section Two)

The entitlement to leave for reasons 1 and 2 listed above shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

A husband and wife who are both eligible employees employed by the District may not take more than a combined total of 12 weeks of FMLA leave for reasons 1, 2, 3 and 5.

## **Provisions Applicable to both Sections One and Two**

### **District Notice to Employees**

The District shall post, in conspicuous places in each school within the District where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor.

### **Designation Notice to Employee**

When an employee requests FMLA leave or the District determines that an employee's absence may be covered under the FMLA, the District shall provide written notice within five (5) business days (absent extenuating circumstances) to the employee of the District's determination of his/her eligibility for FMLA leave. If the employee is eligible, the District may request additional information from the employee and/or certification from a health care provider to help make the applicability determination. After receiving sufficient information as requested, the District shall provide a written notice within five (5) business days (absent extenuating circumstances) to the employee of whether the leave qualifies as FMLA leave and will be so designated.

If the circumstances for the leave don't change, the District is only required to notify the employee once of the determination regarding the designation of FMLA leave within any applicable twelve (12) month period.

### **Concurrent Leave Under the FMLA**

All FMLA leave is unpaid unless substituted by applicable accrued leave. The District requires employees to substitute any applicable accrued leave (in the order of sick, personal, or vacation leave as may be applicable) for any period of FMLA leave.

### **Working at another Job while Taking FMLA for Personal or Family Serious Medical Condition**

No employee on FMLA leave for their own serious medical condition may perform work at another, non-district job while on FMLA leave. Except as provided in policy 3.44, employees who do perform work at another, non-district job while on FMLA leave for their own serious medical condition will be subject to discipline, which could include termination or nonrenewal of their contract of employment.

No employee on FMLA leave for the serious medical condition of a family member may perform work at another, non-district job while on FMLA leave. Employees who do perform work at another, non-district job while on FMLA leave for the serious medical condition of a family member will be subject to discipline, which could include termination or nonrenewal of their contract of employment.

### **Health Insurance Coverage**

The District shall maintain coverage under any group health plan for the duration of FMLA leave the employee takes at the level and under the conditions coverage would have been provided if the employee had continued in active employment with the District. Additionally, if the District makes a change to its health insurance benefits or plans that apply to other employees, the employee on FMLA leave must be afforded the opportunity to access

additional benefits and/or the same responsibility for changes to premiums. Any changes made to a group health plan which apply to other District employees, must also apply to the employee on FMLA leave. The District will notify the employee on FMLA leave of any opportunities to change plans or benefits. The employee remains responsible for any portion of premium payments customarily paid by the employee. When on unpaid FMLA leave, it is the employee's responsibility to submit his/her portion of the cost of the group health plan coverage to the district's business office on or before it would be made by payroll deduction.

The District has the right to pay an employee's unpaid insurance premiums during the employee's unpaid FMLA leave to maintain the employee's coverage during his/her leave. The District may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the District maintains health coverage for the employee by paying the his/her share. Such recovery shall be made by offsetting the employee's debt through payroll deductions or by other means against any monies owed the employee by the District.

An employee who chooses to not continue group health plan coverage while on FMLA leave, is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

If an employee gives unequivocal notice of intent not to return to work, or if the employment relationship would have terminated if the employee had not taken FMLA leave, the District's obligation to maintain health benefits ceases.

If the employee fails to return from leave after the period of leave to which the employee was entitled has expired, the District may recover the premiums it paid to maintain health care coverage unless:

- a. The employee fails to return to work due to the continuation, reoccurrence, or onset of a serious health condition that entitles the employee to leave under reasons 3 or 4 listed above; and/or
- b. Other circumstances exist beyond the employee's control.

Circumstances under "a" listed above shall be certified by a licensed, practicing health care provider verifying the employee's inability to return to work.

### **Reporting Requirements During Leave**

Unless circumstances exist beyond the employee's control, the employee shall inform the district every two weeks during FMLA leave of their current status and intent to return to work.

### **Return to Previous Position**

An employee returning from FMLA leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, and authority. Specifically, upon returning from FMLA leave, a teacher may be assigned to another position that is not necessarily the same as the teacher's former job assignment. The employee may not be restored to a position requiring additional licensure or certification.

The employee's right to return to work and/or to the same or an equivalent position does not supersede any

actions taken by the District, such as conducting a RIF, which the employee would have been subject to had the employee not been on FMLA leave at the time of the District's actions.

### **Provisions Applicable to Section One**

#### **Employee Notice to District**

##### Foreseeable Leave:

When the need for leave is foreseeable for reasons 1 through 4 listed above, the employee shall provide the District with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide the District with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If there is a lack of knowledge of approximately when the leave will be required to begin, a change in circumstances, or an emergency, notice must be given as soon as practicable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

When the need for leave is for reasons 3 or 4 listed above, the eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify the District as soon as practicable. If the employee fails to notify as soon as practicable, the District may delay granting FMLA leave for the number of days in advance that the employee should have provided notice and when the employee actually gave notice.

### Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide the District notice of the need for leave as soon as practicable given the facts and circumstances of the particular case.

Ordinarily, the employee shall notify the District within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify the District as required, unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

### Medical Certification

**Second and Third Opinions:** In any case where the District has reason to doubt the validity of the initial certification provided, the District may require, at its expense, the employee to obtain the opinion of a second health care provider designated or approved by the employer. If the second opinion differs from the first, the District may require, at its expense, the employee to obtain a third opinion from a health care provider agreed upon by both the District and the employee. The opinion of the third health care provider shall be considered final and be binding upon both the District and the employee.

**Recertification:** The District may request, either orally or in writing, the employee obtain a recertification in connection with the employee's absence, at the employee's expense, no more often than every thirty (30) days unless one or more of the following circumstances apply;

- a. The original certification is for a period greater than 30 days. In this situation, the District may require a recertification after the time of the original certification expires, but in any case, the District may require a recertification every six (6) months.
- b. The employee requests an extension of leave;
- c. Circumstances described by the previous certification have changed significantly; and/or
- d. The district receives information that casts doubt upon the continuing validity of the certification.

The employee must provide the recertification in fifteen (15) calendar days after the District's request.

No second or third opinion on recertification may be required.

The District may deny FMLA leave if an eligible employee fails to provide requested certification.

### Substitution of Paid Leave

When an employee's leave has been designated as FMLA leave for reasons 1 (as applicable), 2, 3, or 4 above, the District requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.

To the extent the employee has accrued paid vacation or personal leave, any leave taken that qualifies for FMLA leave for reasons 1 or 2 above shall be paid leave and charged against the employee's accrued leave.

**Workers Compensation:** FMLA leave may run concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation

benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a "light duty job," but is unable to return to the employee's same or equivalent job, the employee may decline the District's offer of a "light duty job." As a result, the employee may lose his/her workers' compensation payments, but for the duration of the employee's FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

### **Return to Work**

If the District's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness-for-duty" certification from a health care provider for the employee to resume work, the employee must provide such certification prior to returning to work. The employee's failure to do so voids the District's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

If the District's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness-for-duty" certification from a health care provider for the employee to resume work and the designation determination listed the employee's essential job functions, the employee must provide certification that the employee is able to perform those functions prior to returning to work. The employee's failure to do so or his/her inability to perform his/her job's essential functions voids the District's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

### **Failure to Return to Work:**

In the event that an employee is unable or fails to return to work within FMLA's leave timelines, the superintendent will make a determination at that time regarding the documented need for a severance of the employee's contract due to the inability of the employee to fulfill the responsibilities and requirements of their contract.

### **Intermittent or Reduced Schedule Leave**

To the extent practicable, employees requesting intermittent or reduced schedule leave shall provide the District with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may only take intermittent or reduced schedule leave for reasons 1 and 2 listed above if the District agrees to permit such leave upon request of the employee. If the District agrees to permit an employee to take intermittent or reduced schedule leave for such reasons, the agreement shall be consistent with this policy's requirements governing intermittent or reduced schedule leave. The employee may be transferred temporarily during the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties.

Eligible employees may take intermittent or reduced schedule FMLA leave due to reasons 3 or 4 listed above when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule for reasons 3 or 4 above that is foreseeable based on planned medical treatment, the District may temporarily transfer non-instructional, eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

If an eligible employee who meets the definition of an instructional employee requests intermittent or reduced schedule leave for reasons 3 or 4 above that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the district may require the employee to elect either

- a. to take medical leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- b. to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

If the employee chooses to transfer to an alternative position it shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

An eligible instructional employee who needs intermittent leave or leave on a reduced leave schedule for reasons 3 or 4 above may not be transferred to an alternative position during the period of the employee's intermittent or reduced leave schedule if, based on the foreseeable planned medical treatment, the employee would be on leave for 20 percent or less of the total number of working days over the period the leave would extend.

**Leave taken by eligible instructional employees near the end of the semester**

In any of the following scenarios, if the District chooses to require the eligible, instructional employee to stay on leave until the end of the semester, only the portion of the leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The required non-FMLA leave will not be considered excessive absenteeism.

**Leave more than 5 weeks prior to end of the semester**

If the eligible, instructional employee begins leave, due to reasons 1 through 4 listed above, more than 5 weeks prior to the end of the academic term, the District may require the employee to continue taking leave until the end of the semester, if

- (A) the leave is of at least 3 weeks duration; and
- (B) the return to employment would occur during the 3-week period before the end of the semester.

**Leave less than 5 weeks prior to end of the semester**

If the eligible, instructional employee begins leave, due to reasons 1, 2, or 3 listed above, during the period that commences 5 weeks prior to the end of the academic term, the District may require the employee to continue taking leave until the end of the semester, if

- (A) the leave is of greater than 2 weeks duration; and
- (B) the return to employment would occur during the 2-week period before the end of the semester.

**Leave less than 3 weeks prior to end of the semester**

If the eligible, instructional employee begins leave, due to 1, 2, or 3 listed above, during the period that commences 3 weeks prior to the end of the semester and the duration of the leave is greater than 5 working days, the District may require the employee to continue to take leave until the end of the semester.

## **SECTION TWO**

### **FMLA LEAVE CONNECTED TO MILITARY SERVICE**

#### **Leave Eligibility**

The FMLA provision of military associated leave is in two categories. Each one has some of its own definitions and stipulations. Therefore, they are dealt with separately in this Section of the policy. Definitions different than those in Section One are included under the respective reason for leave. Definitions that are the same as in Section One are NOT repeated in this Section.

#### **QUALIFYING EXIGENCY**

An eligible employee may take FMLA leave for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. Examples include issues involved with short-notice deployment, military events and related activities, childcare and school activities, the need for financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as defined by federal regulations.

#### **Definitions:**

“Covered active duty” means

- in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country under a call to order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

“Son or daughter on active duty or call to active duty status” means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

#### **Certification**

The District may require the eligible employee to obtain certification to help the district determine if the requested leave qualifies for FMLA leave for the purposes of a qualifying exigency. The District may deny FMLA leave if an eligible employee fails to provide requested certification.

## **Employee Notice to District**

### **Foreseeable Leave:**

When the necessity for leave for any qualifying exigency is foreseeable, whether because the spouse, son, daughter, or parent of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the District as is reasonable and practicable regardless of how far in advance the leave is foreseeable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

### **Unforeseeable Leave:**

When the approximate timing of the need for leave is not foreseeable, an employee shall provide the District notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify the District within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify the District as required unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

## **Substitution of Paid Leave**

When an employee's leave has been designated as FMLA leave any qualifying exigency, the District requires employees to substitute accrued vacation, or personal leave for the period of FMLA leave.

## **Intermittent or Reduced Schedule Leave**

Eligible employees may take intermittent or reduced schedule leave for any qualifying exigency. The employee shall provide the district with as much notice as is practicable.

## **Leave taken by an eligible instructional employees more than 5 weeks prior to end of the semester**

If an eligible, instructional employee begins leave due to any qualifying exigency more than 5 weeks prior to the end of the semester, the District may require the employee to continue taking leave until the end of the semester, if

- (A) the leave is of at least 3 weeks duration; and
- (B) the return to employment would occur during the 3-week period before the end of the semester.

If the District chooses to require the eligible, instructional employee to stay on leave until the end of the semester, only the portion of the leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement.

## **SERIOUS ILLNESS**

An eligible employee is eligible for leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury under the following conditions and definitions.

### **Definitions:**

“Covered Service Member” is:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Outpatient Status: used in respect to a covered service member, means the status of a member of the Armed Forces assigned to

- A) a military medical treatment facility as an outpatient; or
- B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

“Parent of a covered servicemember” is a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

“Serious Injury or Illness”:

- (A) in the case of a member of the Armed Forces, including the National Guard or Reserves, it means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating and
- (B) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard of Reserves, at any time during a period as a covered service member defined in this policy, it means a qualifying (as defined by the U.S. Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

“Son or daughter of a covered servicemember” means a covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

“Year”, for leave to care for the serious injury or illness of a covered service member, the twelve (12) month period begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 weeks of leave during one 12-month period to care for the service member who has a serious injury or illness as defined in this policy. An eligible employee who cares for such a covered service member continues to be limited for reasons 1 through 4 in Section One and for any qualifying exigency to a total of 12 weeks of leave during a year as defined in this policy. For example, an eligible employee who cares for such a covered service member for 16 weeks during a 12 month period could only take a total of 10 weeks for reasons 1 through 4 in Section One and for any qualifying exigency. An eligible employee may not take more than 12

weeks of FMLA leave for reasons 1 through 4 in Section One and for any qualifying exigency regardless of how little leave the eligible employee may take to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury.

If husband and wife are both eligible employees employed by the District, the husband and wife are entitled to a combined total of 26 weeks of leave during one 12-month period to care for their spouse, son, daughter, parent, or next of kin who is a covered servicemember with a serious injury or illness as defined in this policy. A husband and wife who care for such a covered service member continues to be limited to a combined total of 12 weeks FMLA leave for reasons 1 through 3 in Section One and for any qualifying exigency during a year as defined in this policy. For example, a husband and wife who are both eligible employees and who care for such a covered service member for 16 weeks during a 12 month period could only take a combined total of 10 weeks for reasons 1 through 3 in Section One and for any qualifying exigency.

### **Medical Certification**

The District may require the eligible employee to obtain certification of the covered service member's serious health condition to help the District determine if the requested leave qualifies for FMLA leave. The District may deny FMLA leave if an eligible employee fails to provide requested certification.

### **Employee Notice to District**

#### **Foreseeable Leave:**

When the need for leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury is clearly foreseeable at least 30 days in advance, the employee shall provide the District with not less than 30 days' notice before the date the leave is to begin of the employee's intention to take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide the District with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify the District as soon as practicable. If the employee fails to notify as soon as practicable, the District may delay granting FMLA leave for the length of time that the employee should have provided notice and when the employee actually gave notice.

When the need for leave is to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the district subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

#### **Unforeseeable Leave:**

When the approximate timing of the need for leave is not foreseeable, an employee shall provide the District notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify the District within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify the District as required

unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

### **Substitution of Paid Leave**

When an employee's leave has been designated as FMLA leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury, the District requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.

### **Intermittent or Reduced Schedule Leave**

To the extent practicable, employees requesting intermittent or reduced schedule leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury shall provide the District with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may take intermittent or reduced schedule FMLA leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury that is foreseeable based on planned medical treatment, the District may temporarily transfer non-instructional eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. Specifically, upon returning from FMLA leave, an employee may be assigned to another position that is not necessarily the same as the employee's former job assignment. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

If an eligible employee who meets the definition of an instructional employee requests intermittent or reduced schedule leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the District may require the employee to choose either

- a. to take medical leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- b. to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

If the employee chooses to transfer to an alternative position it shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. Specifically, upon returning from FMLA leave, a teacher may be assigned to another position that is not necessarily the same as the teacher's former job assignment. The employee will not be required to take more FMLA leave than necessary to address the circumstances the required the need for the leave.

An eligible instructional employee, who needs intermittent leave or leave on a reduced leave schedule leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury, may not be transferred to an alternative position during the period of the employee's intermittent or reduced leave schedule if, based on the foreseeable planned medical treatment, the employee would be on leave for 20 percent or less of the total number of working days over the period the leave would extend.

### **Leave taken by eligible instructional employees near the end of the academic semester**

In any of the following scenarios, if the district chooses to require the eligible, instructional employee to stay on leave until the end of the semester, only the portion of the leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The excess non-FMLA leave will not be considered excessive absenteeism.

#### **Leave more than 5 weeks prior to end of the semester**

If the eligible, instructional employee begins leave, for any qualifying exigency or to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury more than 5 weeks prior to the end of the semester, the District may require the employee to continue taking leave until the end of the semester, if

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of the semester.

#### **Leave less than 5 weeks prior to end of the semester**

If the eligible, instructional employee begins leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury during the period that commences 5 weeks prior to the end of the semester, the District may require the employee to continue taking leave until the end of the semester, if

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of the semester.

#### **Leave less than 3 weeks prior to end of the semester**

If the eligible, instructional employee begins leave to care for a spouse, child, parent or next of kin who is a covered servicemember with a serious illness or injury during the period that commences 3 weeks prior to the end of the semester and the duration of the leave is greater than 5 working days, the District may require the employee to continue to take leave until the end of the semester.

Legal References: 29 USC §§ 2601 et seq.  
29 CFR part 825

Date Adopted: 4/26/16

Last Revised:

### **3.33—ASSIGNMENT OF EXTRA DUTIES FOR LICENSED PERSONNEL**

From time to time extra duties may be assigned to licensed personnel by the school principal or the

Superintendent as circumstances dictate.

Legal Reference: A.C.A. § 6-17-201

Date Adopted: 4/26/16

Last Revised:

### **3.33 D Gate Duty**

All certified staff and their spouses will be admitted free of charge to home athletic events (district and below). All employees who volunteer for gate duty at home athletic events will also have free admission for their school age children.

Anytime an athletic event is played during a staff break, or an unscheduled game is added to the printed calendar, the person responsible for that event will find someone to do gate duty for the event. A holiday break begins the day after dismissal.

### **3.34—LICENSED PERSONNEL CELL PHONE USE**

Use of cell phones or other electronic communication devices by employees during instructional time for other than instructional purposes is strictly forbidden unless specifically approved in advance by the superintendent, building principal, or their designees.

District staff shall not be given cell phones or computers for any purpose other than their specific use associated with school business. School employees who use school issued cell phones and/or computers for non-school purposes, except as permitted by District policy, shall be subject to discipline, up to and including termination. School employees who are issued District cell phones due to the requirements of their position may use the phone for personal use on an “as needed” basis provided it is not during instructional time.

All employees 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 termination.

No employee shall use any 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 termination.

Legal References:       IRS Publication 15 B  
                              A.C.A. § 27-51-1602  
                              A.C.A. § 27-51-1609

Date Adopted: 4/26/16  
Last Revised:

### **3.35—LICENSED PERSONNEL BENEFITS**

The Dierks School District provides its licensed personnel benefits consisting of the following.

1. Health insurance assistance;
2. Contribution to the teacher retirement system;
3. 10 Personal days each school year. All leave days may be used at the discretion of the employee.
4. (ACA6-17-411) requires that teachers pass criminal background checks upon initial certification, when their teacher certificates are renewed and before a teacher from another district enters into a contract with the Dierks School District. The Dierks School District will pay the fee required for criminal background check and the AR child maltreatment registry check for certified personnel.

Legal Reference:       A.C.A. § 6-17-201

Date Adopted: 4/26/16

Last Revised:

### **3.36—LICENSED PERSONNEL DISMISSAL AND NON-RENEWAL**

For procedures relating to the termination and non-renewal of teachers, please refer to the Arkansas Teacher Fair Dismissal Act (A.C.A. §§ 6-17-1501 et seq.) and the Teacher Evaluation Support System (A.C.A. §§ 6-17-2801 et seq.). The Acts specifically are not made a part of this policy by this reference.

A copy of the statutes is available for review in the office of the principal of each school building.

Legal Reference:       A.C.A. § 6-17-201  
                          A.C.A. §§ 6-17-1501 et seq.  
                          A.C.A. §§ 6-17-2801 et seq.

Date Adopted: 4/26/16  
Last Revised:

### **3.37—ASSIGNMENT OF TEACHER AIDES AND SUBSTITUTES**

The assignment of teacher aides shall be made by the principal or his/her designee. Changes in the assignments may be made as necessary due to changes in the student population, teacher changes, and to best meet the educational needs of the students.

#### **3.37 D---Substitute Teachers**

Certified Teachers will be given first priority to substitute for teacher. A teacher may request an approved substitute teacher. No class of students shall be under the instruction of a substitute teacher for more than thirty (30) consecutive school days in the same class during a school year unless that teacher has a bachelor's degree awarded by an accredited college or university or has been licensed to teach by the State of Arkansas [6-15-1004 (e) (1) (A)]

The substitute teacher is to be notified by the building Principal or his/her designee as to when they are needed for work. The substitute teacher is to carry out the work assigned by the regular classroom teacher or the building Principal. The substitute is to model as closely as possible the duties and ethics of the regular teacher.

If a substitute teacher reports to work, they are to receive ½ day's pay if they stay for four periods or less. Substitutes are to be paid for a full day if they substitute for more than 4 periods.

Legal Reference:           A.C.A. § 6-17-201

Date Adopted: 4/26/16

Last Revised:

### **3.38—LICENSED PERSONNEL RESPONSIBILITIES GOVERNING BULLYING**

Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of bullying as defined in this policy, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the principal. The principal or his/her designee shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted.

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

District staff are required to help enforce implementation of the district's anti-bullying policy. The district's definition of bullying is included below. Students who bully another person are to be held accountable for their actions whether they occur on school equipment or property; off school property at a school-sponsored or school-approved function, activity, or event; or going to or from school or a school activity. 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.

A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

#### **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;

“Electronic act” means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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.

Examples of "Bullying" may include but are not limited to a pattern of behavior involving one or more of the following:

1. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes,
2. Pointed questions intended to embarrass or humiliate,
3. Mocking, taunting or belittling,
4. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
5. Demeaning humor relating to a student's race, gender, ethnicity or actual or perceived attributes,
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
7. Blocking access to school property or facilities,
8. Deliberate physical contact or injury to person or property,
9. Stealing or hiding books or belongings,
10. Threats of harm to student(s), possessions, or others,
11. Sexual harassment, as governed by policy 3.26, is also a form of bullying, and/or
12. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles or conduct.

This policy governs bullying directed towards students and is not applicable to adult on adult interactions. Therefore, this policy does not apply to interactions between employees. Employees may report workplace conflicts to their supervisor.

Legal Reference: A.C.A. § 6-18-514

Date Adopted: 4/26/16

Last Revised:

### **3.39—LICENSED PERSONNEL RECORDS AND REPORTS**

The superintendent or his/her designee shall determine, by individual or by position, those records a teacher is responsible to keep and those reports he/she is required to maintain. It is a requirement of employment that all

required records and reports be completed, submitted, or otherwise tendered, and be accepted by the principal or superintendent as complete and satisfactory, before the last month's pay will be released to the licensed employee.

Legal Reference:       A.C.A. § 6-17-104

Date Adopted: 4/26/16

Last Revised:

### **3.40—LICENSED PERSONNEL DUTY TO REPORT CHILD ABUSE, MALTREATMENT OR NEGLECT**

It is the statutory duty of licensed school district employees who have reasonable cause to suspect child abuse or maltreatment to directly and personally report these suspicions to the Arkansas Child Abuse Hotline, by calling 1-800-482-5964. Failure to report suspected child abuse, maltreatment or neglect by calling the Hotline can lead to criminal prosecution and individual civil liability of the person who has this duty. Notification of local or state law enforcement does not satisfy the duty to report; only notification by means of the Child Abuse Hotline discharges this duty.

The duty to report suspected child abuse or maltreatment is a direct and personal duty, and cannot be assigned or delegated to another person. There is no duty to investigate, confirm or substantiate statements a student may have made which form the basis of the reasonable cause to believe that the student may have been abused or subjected to maltreatment by another person; however, a person with a duty to report may find it helpful to make a limited inquiry to assist in the formation of a belief that child abuse, maltreatment or neglect has occurred, or to rule out such a belief. Employees and volunteers who call the Child Abuse Hotline in good faith are immune from civil liability and criminal prosecution.

By law, no school district or school district employee may prohibit or restrict an employee or volunteer from directly reporting suspected child abuse or maltreatment, or require that any person notify or seek permission from any person before making a report to the Child Abuse Hotline.

Legal References:       A.C.A. § 12-18-107  
                              A.C.A. § 12-18-201 et seq.  
                              A.C.A. § 12-18-402

Date Adopted: 4/26/16  
Last Revised:

### **3.41—LICENSED PERSONNEL VIDEO SURVEILLANCE AND OTHER 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, 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 district property and in or on district vehicles to notify students, staff, and visitors that video cameras may be in use. Violations of school personnel policies or laws caught by the cameras and other technologies authorized in this policy may result in disciplinary action.

The district shall retain copies of video recordings until they are erased which may be accomplished by either deletion or copying over with a new recording.

Videos, automatic identification, or data compilations containing evidence of a violation of district personnel policies 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 staff handbook; any release or viewing of such records shall be in accordance with current law.

Staff who vandalize, damage, defeat, 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.

Video recordings and automatic identification or data compilation records may become a part of a staff member's personnel record.

Date Adopted: 4/26/16

Last Revised:

### **3.42—OBTAINING and RELEASING STUDENT’S FREE AND REDUCED PRICE MEAL ELIGIBILITY INFORMATION**

#### **Obtaining Eligibility Information**

A fundamental underpinning of the National School Lunch and School Breakfast Programs (Programs) is that in their implementation, there will be no physical segregation of, discrimination against, or overt identification of children who are eligible for the Program's benefits. While the requirements of the Programs are defined in much greater detail in federal statutes and pertinent Code of Federal Regulations, this policy is designed to help employees understand prohibitions on how the student information is obtained and/or released through the Programs. Employees with the greatest responsibility for implementing and monitoring the Programs should obtain the training necessary to become fully aware of the nuances of their responsibilities.

The District is required to inform households with children enrolled in District schools of the availability of the Programs and of how the household may apply for Program benefits. However, the District and anyone employed by the district is strictly forbidden from requiring any household or student within a household from submitting an application to participate in the program. There are NO exceptions to this prohibition and it would apply, for example, to the offer of incentives for completed forms, or disincentives or negative consequences for failing to submit or complete an application. Put simply, federal law requires that the names of the children shall not be published, posted or announced in any manner.

In addition to potential federal criminal penalties that may be filed against a staff member who violates this prohibition, the employee shall be subject to discipline up to and including termination.

#### **Releasing Eligibility Information**

As part of the district’s participation in the National School Lunch Program and the School Breakfast Program, the district collects eligibility data from its students. The data’s confidentiality is very important and is governed by federal law. The district has made the determination to release student eligibility status or information as permitted by law. Federal law governs how eligibility data may be released and to whom. The district will take the following steps to ensure its confidentiality:

Some data may be released to government agencies or programs authorized by law to receive such data without parental consent, while other data may only be released after obtaining parental consent. In both instances, allowable information shall only be released on a need to know basis to individuals authorized to receive the data. The recipients shall sign an agreement with the district specifying the names or titles of the persons who may have access to the eligibility information. The agreement shall further specify the specific purpose(s) for which the data will be used and how the recipient(s) shall protect the data from further, unauthorized disclosures.

The superintendent shall designate the staff member(s) responsible for making eligibility determinations. Release of eligibility information to other district staff shall be limited to as few individuals as possible who shall have a specific need to know such information to perform their job responsibilities. Principals, counselors, teachers, and administrators shall not have routine access to eligibility information or status.

Each staff person with access to individual eligibility information shall be notified of their personal liability for its unauthorized disclosure and shall receive appropriate training on the laws governing the restrictions of such information.

Legal References:       Commissioner’s Memos IA-05-018, FIN 09-041, IA 99-011, and FIN 13-018  
                              ADE Eligibility Manual for School Meals Revised July 2012  
                              7 CFR 210.1 – 210.31  
                              7 CFR 220.1 – 220.22  
                              7 CFR 245.5, 245.6, 245.8  
                              42 USC 1758(b)(6)

Date Adopted: 4/26/16  
Last Revised:

### **3.43 D—DUTY OF LICENSED EMPLOYEES TO MAINTAIN LICENSE IN GOOD STANDING**

The office shall notify employees when they need to renew their licenses and provide needed documentation of PD hours. Afterwards, it is the responsibility of the teacher to keep his/her teaching license continuously renewed with no lapses in licensure, and in good standing with the State Board of Education. Failure of a teacher to do so will be grounds for termination.

(ACA6-17-411) requires that teachers pass criminal background checks upon initial certification, when their teacher certificates are renewed and before a teacher from another district enters into a contract with the Dierks School District. The Dierks School District will pay the fee required for criminal background check and the AR child maltreatment registry check for certified personnel.

Legal Reference:       A.C.A. § 6-17-401

Date Adopted: 4/26/16

Last Revised:

### **3.44—LICENSED PERSONNEL WORKPLACE INJURIES AND WORKERS' COMPENSATION**

The district provides Workers' Compensation Insurance, as required by law. Employees who sustain any injury at work must immediately notify their immediate supervisor, or in the absence of their immediate supervisor notify the superintendent. An injured employee must fill out a Form N and the employee's supervisor will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment or lost work time. While many injuries will require no medical treatment or time lost at work, should the need for treatment arise later, it is important that there be a record that the injury occurred. All employees have a duty to provide information and make statements as requested for the purposes of the claim assessment and investigation.

For injuries requiring medical attention, the district will exercise its right to designate the initial treating physician and an injured employee will be directed to seek medical attention, if necessary, from a specific physician or clinic. In addition, the employee shall submit to a drug test, which shall be paid at district expense. Failure for the employee to submit to the drug test or a confirmed positive drug test indicating the use of illegal substances or the misuse of prescription medications shall be grounds for the denial of worker's compensation benefits.

A Workers' Compensation absence may run concurrently with FMLA leave (policy 3.32) when the injury is one that meets the criteria for a serious health condition. To the extent that workers' compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a "light duty job," but is unable to return to the employee's same or equivalent job, the employee may decline the District's offer of a "light duty job." As a result, the employee may lose his/her workers' compensation payments, but for the duration of the employee's FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

Employees who are absent from work in the school district due to a Workers' Compensation claim may not work at a non-district job until they have returned to full duties at their same or equivalent district job; those who violate this prohibition may be subject to discipline up to and including termination. This prohibition does NOT apply to an employee whose has been cleared by his/her doctor to return to "light duty" but the District has no such position available for the employee and the employee's second job qualifies as "light duty".

To the extent an employee has accrued sick leave and a WC claim has been filed, an employee:

- Will be charged for a day's sick leave for the all days missed until such time as the WC claim has been approved or denied;
- Whose WC claim is accepted by the WC insurance carrier as compensable and who is absent for eight or more days shall be charged sick leave at the rate necessary, when combined with WC benefits, to bring the total amount of combined income up to 100% of the employee's usual contracted daily rate of pay;
- Whose WC claim is accepted by the WC insurance carrier as compensable and is absent for 14 or more days will be credited back that portion of sick leave for the first seven (7) days of absence that is not necessary to have brought the total amount of combined income up to 100% of the employee's usual contracted gross pay.

Legal References: Ark. Workers Compensation Commission RULE 099.33 - MANAGED CARE  
A.C.A. § 11-9-102  
A.C.A. § 11-9-508(d)(5)(A)  
A.C.A. § 11-9-514(a)(3)(A)(i)

Date Adopted: 4/26/16

Last Revised:

### **3.45—LICENSED PERSONNEL SOCIAL NETWORKING AND ETHICS**

#### **Definitions**

**Social Media Account:** a personal, individual, and non-work related account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, or Instagram.

**Professional/education Social Media Account:** an account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, or Instagram.

**Blogs:** are a type of networking and can be either social or professional in their orientation. Professional blogs are encouraged and can provide a place for teachers to post homework, keep parents up-to-date, and interact with students concerning school related activities. Social blogs are discouraged to the extent they involve teachers and students in a non-education oriented format.

#### **Policy**

Technology used appropriately gives faculty new opportunities to engage students. District staff are encouraged to use educational technology, the Internet, and professional/education social networks to raise student achievement and to improve communication with parents and students. Technology and social media accounts also offer staff many ways they can present themselves unprofessionally and/or interact with students inappropriately.

It is the duty of each staff member to appropriately manage all interactions with students, regardless of whether contact or interaction with a student occurs face-to-face or by means of technology, to ensure that the appropriate staff/student relationship is maintained. This includes instances when students initiate contact or behave inappropriately themselves.

Public school employees are, and always have been, held to a high standard of behavior. Staff members are reminded that whether specific sorts of contacts are permitted or not specifically forbidden by policy, they will be held to a high standard of conduct in all their interactions with students. Failure to create, enforce and maintain appropriate professional and interpersonal boundaries with students could adversely affect the District's relationship with the community and jeopardize the employee's employment with the district.

The Arkansas Department of Education *Rules Governing the Code of Ethics for Arkansas Educators* requires District staff to maintain a professional relationship with each student, both in and outside the classroom. The School Board of Directors encourages all staff to read and become familiar with the Rules. Conduct in violation of the *Rules Governing the Code of Ethics for Arkansas Educators*, including, but not limited to conduct relating to the inappropriate use of technology or online resources, may be reported to the Professional License Standards Board (PLSB) and may form the basis for disciplinary action up to and including termination. Staff members are discouraged from creating personal social media accounts to which they invite students to be friends or followers. Employees taking such action do so at their own risk and are advised to monitor the site's privacy settings regularly.

District employees may set up blogs and other professional/education social media accounts using District resources and following District guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Accessing professional/education social media during school hours is permitted.

Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience that digital dissemination presents, extra caution must be exercised by staff to ensure they don't cross the line of acceptability. A good rule of thumb for staff to use is, "If you wouldn't say it in class, don't say it online."

Whether permitted or not specifically forbidden by policy, or when expressed in an adult-to-adult, face-to-face context, what in other mediums of expression could remain private opinions, including "likes" or comments that endorse or support the message or speech of another person, when expressed by staff on a social media website, have the potential to be disseminated far beyond the speaker's desire or intention. This could undermine the public's perception of the individual's fitness to educate students, thus undermining the teacher's effectiveness. In this way, the expression and publication of such opinions could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of the contract of employment.

Accessing social media websites for personal use during school hours is prohibited, except during breaks or preparation periods. Staff are discouraged from accessing social media websites on personal equipment during their breaks and/or preparation periods because, while this is not prohibited, it may give the public the appearance that such access is occurring during instructional time. Staff shall not access social media websites using district equipment at any time, including during breaks or preparation periods, except in an emergency situation or with the express prior permission of school administration. All school district employees who participate in social media websites shall not post any school district data, documents, photographs taken at school or of students, logos, or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

Specifically, the following forms of technology based interactivity or connectivity are expressly permitted or forbidden:

### **Privacy of Employee's Social Media Accounts**

In compliance with A.C.A. § 11-2-124, the District shall not require, request, suggest, or cause a current or prospective employee to:

1. Disclose the username and/or password to his/her personal social media account;
2. Add an employee, supervisor, or administrator to the list of contacts associated with his/her personal social media account;
3. Change the privacy settings associated with his/her personal social media account; or
4. Retaliate against the employee for refusing to disclose the username and/or password to his/her personal social media account.

The District may require an employee to disclose his or her username and/or password to a personal social media account if the employee's personal social media account activity is reasonably believed to be relevant to the investigation of an allegation of an employee violating district policy, or state, federal or local laws or regulations. If such an investigation occurs, and the employee refuses, upon request, to supply the username and/or password required to make an investigation, disciplinary action may be taken against the employee, which could include termination or nonrenewal of the employee's contract of employment with the District.

Notwithstanding any other provision in this policy, the District reserves the right to view any information about a current or prospective employee that is publicly available on the Internet.

In the event that the district inadvertently obtains access to information that would enable the district to have access to an employee's personal social media account, the district will not use this information to gain access to the employee's social media account. However, disciplinary action may be taken against an employee in accord with other District policy for using district equipment or network capability to access such an account. Employees have no expectation of privacy in their use of District issued computers, other electronic device, or use of the District's network. (See policy 3.28—LICENSED PERSONNEL COMPUTER USE POLICY)

Legal References:       A.C.A. § 11-2-124  
                              RULES GOVERNING THE CODE OF ETHICS FOR ARKANSAS EDUCATORS

Date Adopted: 4/26/16  
Last Revised:

### **3.46—LICENSED PERSONNEL VACATIONS**

240 day contracted employees are credited with 10 days of vacation at the beginning of each fiscal year. This is based on the assumption that a full contract year will be worked. If an employee fails to finish the contract year due to resignation or termination, the employee's final check will be reduced at the rate of .833 days per month, or major portion of a month, for any days used but not earned.

Instructional employees may not generally take vacation during instructional time. All vacation time must be approved, in advance to the extent practicable, by the superintendent or designee. If vacation is requested, but not approved, and the employee is absent from work in spite of the vacation denial, disciplinary action will be taken against the employee, which may include termination or nonrenewal.

No employee shall be entitled to more than 15 days of vacation as of the first day of each fiscal year. The permissible carry forward includes the 10 days credited upon the start of the fiscal year. Employees having accrued vacation totaling more than 15 days as of the date this policy is implemented shall not be eligible to increase the number of days carried forward during their employment with the district. Earned but unused vacation will be paid upon resignation, retirement, termination, or nonrenewal at the employee's current daily rate of pay.

Date Adopted: 4/26/16

Last Revised:

### **3.47—DEPOSITING COLLECTED FUNDS**

From time to time, staff members may collect funds in the course of their employment. It is the responsibility of any staff member to turn in such funds they have collected in a timely manner to be deposited into the appropriate accounts for which they have been collected. The Superintendent or his/her designee shall be responsible for determining the need for receipts for funds collected and other record keeping requirements and of notifying staff of the requirements.

Staff that use any funds collected in the course of their employment for personal purposes may be subject to discipline up to and including termination.

Date Adopted: 4/26/16

Last Revised:

### **3.48—LICENSED PERSONNEL WEAPONS ON CAMPUS**

#### Firearms

Except as permitted by this policy, no employee of this school district, including those who may possess a “concealed carry permit,” shall possess a firearm on any District school campus or in or upon any school bus or at a District designated bus stop.

Employees who meet one or more of the following conditions are permitted to bring a firearm onto school property:

- He/she is participating in a school-approved educational course or program involving the use of firearms such as ROTC programs, hunting safety or military education, or before or after-school hunting or rifle clubs;
- The firearms are securely stored and located in an employee’s on-campus personal residence and/or immediately adjacent parking area;
- He/she is a registered, commissioned security guard acting in the course and scope of his/her duties;
- He/she has a valid conceal carry license and leaves his/her handgun in his/her locked vehicle in the district parking lot.

Possession of a firearm by a school district employee who does not fall under any of the above categories anywhere on school property, including parking areas and in or upon a school bus, will result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

#### Other Weapons

An employee may possess a pocket knife which for the purpose of this policy is defined as a knife that can be folded into a case and has a blade or blades of less than three (3) inches or less each. An employee may carry, for the purpose of self-defense, a small container of tear gas, pepper spray, or mace which for the purpose of this policy is defined as having a capacity of 150cc or less. Employees are expected to safeguard such items in such a way as to ensure they are not possessed by students. Such items are not to be used against students, parents or other school district employees. Possession of weapons, knives or self-defense items that do not comply with the limits contained herein, the failure of an employee to safeguard such items, or the use of such items against students, parents or other school district employees may result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

Employees who are participating in a Civil War reenactment may bring a Civil War era weapon onto campus with prior permission of the building principal. If the weapon is a firearm, the firearm must be unloaded.

Legal References:      A.C.A. § 5-73-119  
                                  A.C.A. § 5-73-120  
                                  A.C.A. § 5-73-124(a)(2)  
                                  A.C.A. § 5-73-301  
                                  A.C.A. § 5-73-306  
                                  A.C.A. § 6-5-502

Date Adopted: 4/26/16  
Last Revised:

### **3.49—TEACHERS' REMOVAL OF STUDENT FROM CLASSROOM**

Note and advisement: This policy is adopted by the Board of Directors in order to bring the District into compliance with ADE rules concerning student discipline, and to incorporate the provisions of A.C.A. § 6-18-511. However, teachers should be aware that federal law governing a student's Individual Education Program (IEP) or 504 plan, or status as an individual with a disability will supersede Arkansas law. In many cases, removing a student from a classroom due to behavioral problems, will violate a student's IEP, violate a student's 504 plan, or constitute discrimination against the student due to a disability that affects the student's ability to conform his or her behavior. Teachers have been successfully sued for IEP and 504 plan violations in other jurisdictions, and teachers need to understand that violating a student's rights is outside of the scope of his or her employment, and no insurance is available or provided by the school district for either legal defense or to pay a money judgment. Teachers who rely on this law and this policy to exclude a student with special needs or a disability are assuming a grave personal risk.

A teacher may remove a student from class whose behavior the teacher has documented to be repeatedly interfering with the teacher's ability to teach the students in the class or whose behavior is so unruly, disruptive or abusive that it interferes with the ability of the student's other classmates to learn. Students who have been removed from their classroom by a teacher shall be sent to the principal's or principal's designee's office for appropriate discipline.

The teacher's principal or the principal's designee may:

1. Place the student into another appropriate classroom;
2. Place the student into in-school suspension;
3. Place the student into the District's alternative learning environment in accordance with Policy 5.26—**ALTERNATIVE LEARNING ENVIRONMENTS**;
4. Return the student to the class; or
5. Take other appropriate action consistent with the District's student discipline policies and state and federal law.

If a teacher removes a student from class two (2) times during any nine-week grading period, the principal or the principal's designee may not return the student to the teacher's class unless a conference has been held for the purpose of determining the cause of the problem and possible solutions. The conference is to be held with the following individuals present:

1. The principal or the principal's designee;
2. The teacher;
3. The school counselor;
4. The parents, guardians, or persons in loco parentis; and
5. The student, if appropriate.

However, the failure of the parents, guardians, or persons in loco parentis to attend the conference does not prevent any action from being taken as a result of the conference.

Legal References:      A.C.A. § 6-18-511  
Arkansas Department of Education Guidelines for the Development, Review and  
Revision of School District Student Discipline and School Safety Policies

Date Adopted: 4/26/16  
Last Revised

### **3.50—ADMINISTRATOR EVALUATOR CERTIFICATION**

#### Continuing Administrators

The Superintendent or designee shall determine and notify in writing by August 31 of each year those currently employed administrators who will be responsible for conducting Teacher Excellence Support System (hereinafter TESS) summative evaluations who are not currently qualified to fulfill that role. All currently employed administrators so notified shall have until December 31 of the contract year to successfully complete all training and certification requirements for evaluators as set forth by the Arkansas Department of Education (ADE). It shall constitute just and reasonable cause for nonrenewal of the contract of employment for any administrator who is required to obtain and maintain TESS evaluator certification, as a term and condition of employment, to fail to do so by December 31 of any contract year. No administrator may conduct a summative evaluation unless they have successfully completed all training and certification requirements for evaluators required by the ADE.

#### Newly Hired or Promoted Administrators

All newly hired or newly promoted administrators, as a term and condition of their acceptance of their contract of employment for their administrative position, are required to obtain and maintain evaluator certification for TESS on or before December 31 of the initial administrative contract year, unless they are explicitly excused from such a contractual requirement by board action at the time of the hire or promotion. It shall constitute just and reasonable cause for nonrenewal of the contract of employment for any newly hired or newly promoted administrator who is required to obtain and maintain TESS evaluator certification, as a term and condition of employment, to fail to do so by December 31 of any contract year. No administrator may conduct a summative evaluation unless they have successfully completed all training and certification requirements for evaluators required by the ADE.

Legal Reference:           Arkansas Department Of Education Rules Governing The Teacher Excellence And Support System 4.07.2

Date Adopted: 4/26/16

Last Revised:

### **3.51—SCHOOL BUS DRIVER’S USE OF MOBILE COMMUNICATION DEVICES**

“School Bus” is a motorized vehicle that meets the following requirements:

1. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the District; and
2. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

Any driver of a school bus shall not operate the school bus while using a device to browse the internet, make or receive phone calls or compose or read emails or text messages. If the school bus is safely off the road with the parking brake engaged, exceptions are allowed to call for assistance due to a mechanical problem with the bus, or to communicate with any of the following during an emergency:

- An emergency system response operator or 911 public safety communications dispatcher;
- A hospital or emergency room;
- A physician's office or health clinic;
- An ambulance or fire department rescue service;
- A fire department, fire protection district, or volunteer fire department; or
- A police department;
- The school.

In addition to statutorily permitted fines, violations of this policy shall be grounds for disciplinary action up to and including termination.

Legal Reference:       A.C.A. § 6-19-120

Date Adopted: 4/26/16  
Last Revised:

### **3.52—WRITTEN CODE OF CONDUCT FOR EMPLOYEES INVOLVED IN PROCUREMENT IN THE CHILD NUTRITION PROGRAM**

For purposes of this policy, “Family member” includes:

- An individual's spouse;
- Children of the individual or children of the individual's spouse;
- The spouse of a child of the individual or the spouse of a child of the individual's spouse;
- Parents of the individual or parents of the individual's spouse;
- Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
- Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
- Anyone acting or serving as an agent of the individual or as an agent of the individual's spouse.

No District employee, administrator, official, or agent shall participate in the selection, award, or administration of a contract supported by the District Child Nutrition Program funds if a conflict of interest exists, whether the conflict is real or apparent. Conflicts of interest arise when one or more of the following has a financial or other interest in the entity selected for the contract:

1. The employee, administrator, official, or agent;
2. Any family member of the District employee, administrator, official, or agent;
3. The employee, administrator, official, or agent's partner; or
4. An organization that currently employs or is about to employ one of the above.

Employees, administrators, officials, or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements including, but not limited to:

- a) Entertainment;
- b) Hotel rooms;
- c) Transportation;
- d) Gifts;
- e) Meals; or
- f) Items of nominal value (e.g. calendar or coffee mug).

Violations of the Code of Conduct shall result in discipline, up to and including termination. The District reserves the right to pursue legal action for violations.

All child nutrition personnel and any District employees involved in purchasing for the Child Nutrition Program shall receive training on the Code of Conduct. Training should include guidance about how to respond when a gratuity, favor, or item with monetary value is offered.

Legal References: A.C.A. § 6-24-101 et seq.  
Arkansas Department of Education Rules Governing the Ethical Guidelines And Prohibitions For Educational Administrators, Employees, Board Members And Other Parties  
Commissioner's Memo FIN 09-036  
Commissioner's Memo FIN-10-048  
Commissioner's Memo FIN 15-074  
7 C.F.R. § 3016.36  
7 C.F.R. § 3019.42

Date Adopted: 4/26/16  
Last Revised:

### **3.53—LICENSED PERSONNEL BUS DRIVER END of ROUTE REVIEW**

Each bus driver shall walk inside the bus from the front to the back to make sure that all students have gotten off the bus after each trip. If a child is discovered through the bus walk, the driver will immediately notify the central office and make arrangements for transporting the child appropriately. If children are left on the bus after the bus walk through has been completed and the driver has left the bus for that trip, the driver shall be subject to discipline up to and including termination of the employee's classified contract.

Date Adopted: 4/26/16

Last Revised:



### **3.54—VOLUNTARY TEACHING DURING PLANNING PERIOD AND/OR OF MORE THAN THE MAXIMUM NUMBER OF STUDENTS PER DAY**

A fifth (5<sup>th</sup>) through twelfth (12<sup>th</sup>) grade teacher may voluntarily enter into an agreement with the District to teach:

- 1) An additional class in place of a planning period; and/or
- 2) More than one hundred fifty (150) students per day.

A teacher who agrees to teach more than the maximum number of students per day is still bound by the maximum number of students per class period in the Standards for Accreditation.

A fifth (5<sup>th</sup>) through twelfth (12<sup>th</sup>) grade teacher who enters into an agreement with the District shall receive compensation based on the teacher's:

- a) Hourly rate of pay for the loss of a planning period; and/or
- b) Basic contract that is pro-rated for every additional student they teach over the maximum number of students permitted per day.<sup>1</sup>

A teacher who wishes to volunteer for numbers 1, 2, or both above must enter into a signed agreement with the District prior to the teacher giving up his/her planning period or teaching more than the maximum number of students per day. A teacher shall not be eligible to receive compensation until after the agreement has been signed. The maximum length of the signed agreement between the teacher and the District shall be for the semester the agreement is signed.

Neither the District nor the teacher are obligated to:

- Enter into an agreement;
- Renew an agreement; or
- Continue an agreement past the semester in which the agreement is signed.

The provisions of the Teacher Fair Dismissal Act, A.C.A. § 6-17-1501 et seq., do not apply to an agreement between a teacher and the District entered into under this policy.

Notes: Standards has stated that a teacher teaching more than the maximum daily number of students will result in a flag during the cycle 2 report. If you provide Standards with a copy of the supplementary contract, Standards will go in and remove the flag.

Legal Reference: A.C.A. § 6-17-812

Date Adopted: 9/25/17

Last Revised:

# **Jo Ann Walters Elementary School 2017 - 2018**

## **Accreditation**

Jo Ann Walters Elementary School  
Is accredited by both AdvancEd  
and the Arkansas Department of Education.

## **Mission Statement**

The Jo Ann Walters Elementary Faculty and Administration will provide an educational climate promoting attainment of each student's potential in academic, physical, and social growth for the development of responsible citizens.

**D...Developing I...Independent E...Educated R...Responsible K...Kids S...Successfully**

The faculty and administration of Jo Ann Walters Elementary School strongly believe in a standards-based approach to classroom instruction. Based upon this belief, we make annual review of our core curricula a priority. This process becomes even more critical as the Common Core State Standards are introduced. The mapping process allows us to regularly address grade level student learning expectations to determine the possibility of gaps and/or unnecessary repetition. Annual review of released items and test data from a variety of sources provides the insight to make any needed adjustments in our instructional alignment.

Jo Ann Walters Elementary School  
PO Box 70  
800 Old Hwy 70 West  
Dierks, AR 71833

Karla Byrne, Principal  
Phone 870-286-2015  
Fax 870-286-3232

e-mail: [karla.byrne@dierksschools.org](mailto:karla.byrne@dierksschools.org)  
District website: <http://dierksschools.org>

Jo Ann Walters Elementary School  
Dierks, Arkansas

Dear Parent,

In compliance with Act 104 of the 1993 Special Session, we are happy to provide for you this copy of the Dierks School District's Student Discipline Policies and Parental Involvement Plan. We ask that you keep this handbook to use as a handy reference and return only this letter with your signature and the requested information to indicate that you have received your student handbook for this school year. Please complete a separate sheet for each child attending the elementary school, as we are required to keep these forms on file.

Please note that, in addition to the standard form for corporal punishment, we are now required to make you aware of our technology acceptable use policy and a recent amendment which gives parents the option to request that a student not be identified on the honor roll. These and other items are explained in further detail in this handbook.

Respectfully,

Holly Cothren  
Superintendent, Dierks Schools

\* \* \* \* \*

NAME OF STUDENT \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_ SOCIAL SECURITY #(optional) \_\_\_\_\_

TEACHER \_\_\_\_\_ GRADE \_\_\_\_\_

Corporal punishment is discussed in detail in the section titled –Items Related to Disciplinary Action. Please read and choose an option as to whether your child is to receive corporal punishment at school should the need arise. If you choose Option 2, the alternative is generally out-of-school suspension for up to three days. Parents who wish to be notified must provide reliable contact information.

\_\_\_\_\_ Option 1...I expect my child to comply with the discipline policy as written.

\_\_\_\_\_ Option 2...I do not wish for my child to receive corporal punishment, with the understanding that the alternative is to be sent home for up to three days with no opportunity to make up missed work.

\_\_\_\_\_ I do not wish to have my child identified on the school's honor roll. (Act 390, 2005) or appear in newspaper articles.

I have received my copy of the student handbook and provided the requested information. I have also received the technology acceptable use policy and selected an option for corporal punishment. My signature below also gives permission for my child's name and/or picture to appear in the newspaper, on the honor roll, OTV, the school website, or in the hallways.

PARENT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

STUDENT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**Parent/Legal Guardian Media Recording Release for Students**

I, \_\_\_\_\_, Parent/Legal Guardian of  
\_\_\_\_\_ (student's name), hereby grant permission to the  
Arkansas Department of Education (ADE) to use the above-named student's photo,  
video, and likeness for promotional purposes by the ADE in all manners, including, but  
not limited to: news releases, photographs, video, audio, website, and other electronic or  
printed published media. I agree that these images and/or voice recordings may be used  
for a variety of purposes without further notifying me. I understand the ADE shall not use  
any of the student's personally identifying information, except for the student's first  
name, the school that he/she attends, and the student's grade, without first obtaining my  
express permission. The ADE has my permission for this use until I submit written  
revocation of my permission to the ADE Communications Office at Four Capital Mall,  
Room 404-A, Little Rock, AR 72201, [ADE.Communications@Arkansas.gov](mailto:ADE.Communications@Arkansas.gov), or you may  
call 501-682-2155. I understand the ADE does not have control over a third party who  
retrieves my student's information published by the ADE and uses it without my  
permission. I agree to hold the ADE harmless for such misuse of my student's  
information.

\_\_\_\_\_  
Parent/Legal Guardian Name

\_\_\_\_\_  
Parent/Legal Guardian Signature

\_\_\_\_\_  
Date

Dierks Public Schools  
Statement of Assurance

In keeping with guidelines of Title VI, Section 601, Civil Rights Act of 1964, Title IX, Section 901, Education Amendment of 1972, and Section 504 of the Rehabilitation Act of 1973, the Dierks Public School District assures that no person shall, on the basis of race, color, national origin, sex, or handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program.

Holly Cothren, Equity Coordinator  
Dierks School District  
P.O. Box 124  
Dierks, AR 71833  
(870) 286-2191

BOARD APPROVED COORDINATORS

504 & Equity	Nancy Alsabrook	286-3234	PO Box 124
504 & Equity	Jana Strobe	286-2015	PO Box 70
ESL	Crystal Neal	286-3234	PO Box 124
Crisis Intervention	Crystal Smith	286-3234	PO Box 124
Safety	Sally Sharp	286-3234	PO Box 124
Safety	Greg Janes	286-2191	PO Box 124
Equity	Holly Cothren	286-2191	PO Box 124

*A Message from the Principal  
August 2017*

*Dear Parent:*

*As we begin the 2017- 2018 school year, I want to take just a moment to welcome each and every family to our school. I look forward to working with you as we prepare our children for their future. Jo Ann Walters Elementary has a longstanding tradition of providing an excellent educational opportunity for all students and we look forward to another year of continuing that tradition.*

*I want to encourage the parents to be active members in their child's education. The faculty and I are always available to discuss what is happening in each classroom. Please call the school at any time to set up a meeting with the teachers and/or myself if you have a question or concern. Parental involvement is highly valued and our doors are always open.*

*As we begin this year, I want to welcome Mrs. Candice Bates and Mrs. Samantha Manasco to our staff. Mrs. Bates will be working with our upper level special education students and Mrs. Manasco will be teaching second grade. Mrs. Tammy Tabler has moved to the library.*

*Once again, whether a new family or a family who has been with our district for many years, I welcome you to the 2017- 2018 school year at Jo Ann Walters Elementary. If I can ever be of assistance, please contact me at your convenience.*

*Sincerely,*

*Karla Byrne, Principal  
Jo Ann Walters Elementary School*

Jo Ann Walters Elementary School  
School Community Compact

**Goals**

We, the Jo Ann Walters Elementary School community, establish this School Community Compact so that:

**Goal 1: Reading.** Every student will learn to **read well, read often, and enjoy reading** through a focused alliance of family support and powerful classroom instruction.

**Goal 2: Studying.** Every student will **become a self-directed learner** through teaching that incorporates study skills, homework practices that build study habits, and parental guidance.

**Goal 3: Respect & Responsibility.** Every student will **develop a sense of responsibility and respect** for self and others through consistent direction and support from the family and the school.

**Goal 4: Community.** The **school will function as a community** of its constituents-parents, students, teachers, and other school personnel.

**Responsibilities**

**Parent's and Family's Responsibilities**

**We will:**

**Goal 1: Reading**

- Know what skills our child is learning in reading.
- Read with, or to, our child for 15 minutes each day, five days a week (K - 3 grades).
- Ensure our child reads for 30 minutes each day, five days a week (grades 4-6).
- Provide a quiet place for our child to read.
- Know what progress our child is making in passing Accelerated Reading tests.
- Talk about reading with our child-what our child is reading and what we are reading.

**Goal 2: Studying**

- Ensure that our child completes all homework as assigned on a nightly basis.
- Establish a study place at home that is quiet, well-lit, and where our child can sit to study.
- Monitor our child's study time, offering praise and encouragement.

**Goal 3: Respect and Responsibility**

- Make sure that our child attends school regularly, is on time, and is prepared to learn, with necessary supplies and homework completed.
- Expect our child to behave responsibly and treat other people with respect.
- Listen attentively to our child each day.

**Goal 4: Community**

- Attend parent-teacher conferences and open house
- Communicate frequently with our child's teacher, through notes and conversation, about how well our child is doing and what we can do to help.
- Participate in programs offered by the school for parents, including workshops and courses.

**Student's Responsibilities**

**I will:**

**Goal 1: Reading**

- Ask my family to read to me or with me for 15 minutes each day, five days a week (K-3<sup>rd</sup> grades)
- Read to myself or with a family member for 30 minutes each day, five days a week (grades 4-6)
- Talk about reading with family members, friends, and teachers.
- Take Accelerated Reading tests in an effort to become a Super Reader

**Goal 2: Studying**

- Complete my homework on time and in a thorough and neat way.
- Welcome help from my family on my homework and papers.
- Study in a quiet, well-lit place.

**Goal 3: Respect and Responsibility**

- Arrive at school on time and ready to learn.
- Pay attention to my teachers, family, and tutors, and ask questions when I need help.
- Help other people (family members, teachers, friends) each day.
- Behave responsibly and treat other people with respect.

- Accept responsibility for my learning and persist until I get the job done.
- Demonstrate good citizenship in the classroom, school, home, and community.

**Goal 4: Community**

- Keep my parents informed about what I am learning and doing in school

**Teacher's Responsibilities**

**I will:**

**Goal 1: Reading**

- Provide time for students to read and encourage discussion and writing about reading
- Read to students at least twice each week.
- Require students to read each day
- Encourage class discussion about reading.
- Provide time each day for my students to take Accelerated Reading tests.

**Goal 2: Studying**

- Assign homework regularly, including reading assignments, and collect, correct, and return homework.
- Grade homework and return it promptly to students, marking the work with comments particular to the student as often as possible.
- Teach students how to study.
- Teach students to monitor their own learning.

**Goal 3: Respect and Responsibility**

- Encourage students to behave responsibly and treat other people with respect.
- Teach and encourage attentive listening skills.
- Clearly apprise students of assignments to be completed and hold students responsible for meeting obligations.
- Teach and model responsible decision making.
- Model good citizenship and encourage students to demonstrate good citizenship in the classroom, school, home, and community.

**Goal 4: Community**

- Communicate frequently with parents about their children's progress and show them how they can help
- Hold at least two parent-teacher conferences a year and Open House.

OUR GOALS  
AT JO ANN WALTERS ELEMENTARY SCHOOL

We, the faculty and staff of Jo Ann Walters Elementary School, believe that education is the process of social, emotional, physical, and intellectual growth and development of each and every child.

We believe that our school must recognize and provide for individual differences in the teaching of basic skills in order to develop self-reliant children with positive self-images

We further believe that the overall purpose of this school is to provide experiences that will enable each child to advance toward his or her potential in order that he or she might achieve optimum success and happiness.

Based upon these beliefs and our collective passion for impacting the lives of our children, we are committed to the following goals for the benefit of the students of Jo Ann Walters Elementary School.

- 1. Provide an environment whereby each child will have successful experiences daily.**
- 2. Provide a flexible instructional program that allows for individual differences.**
- 3. Encourage each child to work independently, to use time wisely, to follow directions, and to develop a sense of responsibility and respect for self, others, and property.**
- 4. Stimulate within each child the development toward social, emotional, physical, and intellectual potential.**
- 5. Nurture within each child an intellectual curiosity and love for learning.**
- 6. Provide guidance toward the development of attitudes, ideas, values, and interests that contribute to a positive self-image and to a tolerance and an understanding of others.**
- 7. Ensure that each child acquires the necessary and basic skills that will enable him or her to live productively in a changing, modern, complex society.**
- 8. Nurture each child's creative ability and provide acceptable means of self-expression.**
- 9. Ensure that each child acquires –active concern for and –respect of the state of our natural environment.**
- 10. Assist each child toward the development of good traits of citizenship and character so that he or she will become a productive citizen in our democratic society.**

**Jo Ann Walters Elementary School  
FACULTY AND STAFF  
2017 - 2018**

<b>Holly Cothren</b>	<b>Superintendent</b>	<b>Office @ high school</b>
<b>Karla Byrne</b>	<b>Principal</b>	<b>Office @ elementary school</b>
<b>Lydia Kompkoff</b>	<b>Secretary</b>	<b>Office @ elementary school</b>
<b>Jana Strode</b>	<b>Speech Pathologist</b>	<b>Gym Building</b>
<b>Lauren Allen</b>	<b>Physical Education</b>	<b>Gym</b>
<b>Candice Bates</b>	<b>Special Education</b>	<b>Resource Room 1</b>
<b>Wendy Parsons</b>	<b>Special Education</b>	<b>Room 6</b>
<b>Jenny Hainen</b>	<b>Music</b>	<b>Gym Building</b>
<b>Karla Bray</b>	<b>Counselor/ Parent Facilitator</b>	<b>Trailer 2</b>
<b>Shawn Kirkpatrick</b>	<b>Smart Start Literacy</b>	<b>Gym Building</b>
<b>Sheila Eudy</b>	<b>IMPAC Lab Supervisor</b>	<b>Computer Lab (Room 22)</b>
<b>Julia Moore</b>	<b>GT/ Smart Start Math</b>	<b>Math Lab Room</b>
<b>Sally Sharp</b>	<b>Nurse</b>	<b>Nurse's Office</b>
<b>Tammy Tabler</b>	<b>Librarian/ Media Specialist</b>	<b>Media Center (Room 17)</b>
<b>Lena Whisenhunt</b>	<b>Art</b>	<b>Think Tank</b>
<b>Katrina Pickett</b>	<b>Kindergarten</b>	<b>Room 4</b>
<b>Beth Shelton</b>	<b>Kindergarten</b>	<b>Room 102</b>
<b>Jessica Glidewell</b>	<b>Kindergarten</b>	<b>Room 2</b>
<b>Alvarene Welch</b>	<b>First Grade</b>	<b>Room 1</b>
<b>Deborah Reel</b>	<b>First Grade</b>	<b>Room 3</b>
<b>Ashley Arnold</b>	<b>First Grade</b>	<b>Room 105</b>
<b>April Kappus</b>	<b>Second Grade</b>	<b>Room 7</b>
<b>Shanna Mounts</b>	<b>Second Grade</b>	<b>Room 5</b>
<b>Samantha Manasco</b>	<b>Second Grade</b>	<b>Room 8</b>
<b>Rebecca Hill</b>	<b>Third Grade</b>	<b>Room 10</b>
<b>Zach White</b>	<b>Third Grade</b>	<b>Room 9</b>
<b>Paula Stapp</b>	<b>Fourth Grade</b>	<b>Room 12</b>
<b>Sharon Smith</b>	<b>Fourth Grade</b>	<b>Room 11</b>
<b>Linda Tolman</b>	<b>Fifth Grade</b>	<b>Room 13</b>
<b>Michelle Godwin</b>	<b>Fifth Grade</b>	<b>Room 15</b>
<b>Jennifer White</b>	<b>Sixth Grade</b>	<b>Room 14</b>
<b>Pam Davis</b>	<b>Sixth Grade</b>	<b>Room 1A</b>
<b>Chrissie White</b>	<b>Housekeeping</b>	<b>Elementary</b>
<b>Darla Wilson</b>	<b>Housekeeping</b>	<b>Elementary</b>
<b>Barbara Pate</b>	<b>Food Prep/ Housekeeping</b>	<b>Cafeteria/Gym</b>
<b>Terri Whisenhunt</b>	<b>Cafeteria Manager</b>	<b>Cafeteria</b>
<b>Debbie Brock</b>	<b>Food Preparation</b>	<b>Cafeteria</b>
<b>Becky Sirmon</b>	<b>Food Preparation</b>	<b>Cafeteria</b>
<b>Lisa Ward</b>	<b>Para Pro – Reading</b>	<b>Gym Building</b>
<b>Millie Jackson</b>	<b>Special Ed Para Pro</b>	<b>Resource Room 1/Reel</b>
<b>Lou Ann Huddleston</b>	<b>Special Ed Para Pro</b>	<b>Resource Room</b>
<b>Vanessa Thoompson</b>	<b>Special Ed Para Pro</b>	<b>Resource Room</b>

Dierks School District  
2017 – 2018 School Year Calendar

- ✓ August 14 First Day of School
- ✓ September 4 Labor Day Holiday
- ✓ October 16 Teacher In-Service Day(no school for students)
- ✓ October 17 Parent/Teacher Conferences (4:00 – 6:30)
- ✓ November 13 No School
- ✓ November 20-22 No School (Teacher In-service)
- ✓ November 23 - 24 Thanksgiving Holidays
- ✓ December 20 – January 2 Christmas Holidays
- ✓ February 15 - 16 No School
- ✓ February 19 Teacher In-Service Day (no school for students)
- ✓ March 15 Parent/Teacher Conferences (4:00 – 6:30)
- ✓ March 16 -23 No School – Spring Break
- ✓ May 25 Last Day
- ✓ May 29 – June 4 Inclement Weather Days

TESTING SCHEDULE/WINDOW

- ✓ English Language Proficiency Assessment – January 29 – March 9
- ✓ ACT Aspire for grades 3 – 6 – April 24 and 25

Tentative Dates for Awards Programs

- ✓ May 22 – Kindergarten and 6<sup>th</sup> grade graduation ceremonies
- ✓ May 23 – Awards programs for K - 1

## Procedures at Jo Ann Walters Elementary School

The following are some of the procedures that are in place at Jo Ann Walters Elementary School to help ensure that the school environment is one that is beneficial to all students. School policies and rules will be found in the following section.

### SCHOOL REPORTING OF STUDENT PROGRESS

#### Methods

The school will make every effort to communicate personally with parents of each student during the school year to discuss the student's academic progress. More frequent communication will be planned for parents of any students not performing at a proficient level as determined by our locally-designed curriculum. Our methods will include...

1. A Title I meeting is scheduled at the beginning of each school year. This meeting will allow the principal to go over the programs that are in place to assist both parents and students throughout the year. We will also hold an open house to allow the teachers to relate to the parents our expectations as reflected in the grade level curriculum, to explain any new programs or activities, and to discuss the daily routine and procedures in an attempt to have a positive home-school connection.
2. Classroom teachers shall meet with the parents of each student at least once per semester through a **parent-teacher conference**, a telephone conference, or a home visit
3. **Progress reports** will be sent to parents approximately four weeks prior to each reporting period. These forms, which are to reflect the student's progress toward mastery of the appropriate academic content standards, will require a parent's signature and must be returned to the school.
4. Students will receive a formal **report card** four times per year. Report cards are released to parents at the scheduled parent-teacher conferences or sent home with students, usually on the Friday following the end of the grading period.
5. Once a semester, parents will be notified in writing of the student's independent grade-level equivalency in reading.

#### Grading Scale

A...90-100	Superior Achievement
B...80-89	Above Average Achievement
C...70-79	Average Performance
D...60-69	Below Average Performance
F...0-59	Failing Effort

#### Grading Procedure

**It must be noted that a student's grades reflect only his or her academic performance.**

Teachers will use a variety of ongoing assessments to determine each student's mastery of the prescribed academic content and the ultimate grade to be provided at each grading period. These assessments will include...

- \*test scores (both formal and informal check-ups)
- \*class participation (both oral and written)
- \*independent seat work (daily work)
- \*independent activities and extended assignments (often based on rubric scoring)
- \*performance assessments (when appropriate)
- \*homework (at appropriate grade levels)

Grades will be posted in eschool on a regular basis. Parents may access their child(ren)'s grades by going to <https://hac24.eschoolplus.k12.ar.us/homeaccess24/>. At this site they will select Dierks District from the drop down menu. Then enter their login name and password that will be given out at the first of the year or are available in the office.

In the event that a student does not receive a grade due to illness, excessive absences, incomplete work, etc., the situation must be resolved with the individual teacher involved within the timeframe designated by that teacher. Otherwise, the student could face retention.

### Remediation Classes and IRI

Students in grades K – 2 will be tested three times annually to determine academic growth. Any student who is not showing appropriate growth will be placed on an Intensive Reading Intervention (IRI). These plans will be sent home with students during the first quarter to be signed and returned.

Students who do not need an IRI may be placed in remediation classes as needed for either reading or math. These classes will be completed during small group periods and not require a student to miss any regular classroom instruction.

### Response to Intervention (RtI) Classes

All students will be assessed a minimum of three times a year on Star Reading and Star Math. Students in grades K – 2 will also be given DIBELS tests to help determine academic achievement. Students who score below grade level will be placed in intervention classes. These classes will be in addition to regular classes and be focused on the specific needs of each individual student. While in intervention classes, the students will be monitored closely for progress by their teacher and through additional assessments.

### Summer School

A student in grades K – 2 will be required to attend summer school (when available) before promotion for any of the following reasons....

- \*has not maintained a 70% grade point average in either math or language arts OR
- \*is not reading at grade level (in first grade on a level 16 and in kindergarten on a level 4)
- \* has accumulated excessive absences as designated by the district's policy.

Promotion at the end of summer school will be contingent upon the successful completion of the prescribed course of study as determined by the classroom teacher.

A student may be recommended for summer school only after these requirements have been met...

- \*Parent and teacher have conferenced about the areas of weakness which are not critical but cause for concern and
- \*Parent signs a commitment letter to ensure student(s) will be in attendance.

## Student Services

The following student services are available to all students in attention to those that will appear in the policies section of this handbook.

### MATH LAB

Additional instruction is provided throughout the year for students who struggle to master essential academic content standards in math. This service will be made available to those students whose standardized test scores and/or classroom math performance warrant such assistance. This class size will be based on teacher recommendation and changes made as warranted.

### READING LAB

Extra reading instruction will be made available to those students whose standardized test scores and/or classroom reading performance warrant such assistance. This class size will be based on teacher recommendation and changes will be made as warranted.

### TRANSPORTATION

At the beginning of the school year, both parents and the child should know the name of the driver and the animal which identifies the bus the child will be riding. Kindergarten students who are bus riders will begin the year wearing a name tag with the appropriate animal so they can be placed on the correct bus. These pictures will be posted on the sides of the buses...

**Cow** (Karla Bray) goes to Town – forestry House; 278 toward Umpire; Jackson Road; Jackson Loop; Old Liberty Rd.; Kesterson Rd.; Hwy 278; Kirby's; Curt Short Rd; Pugh Rd; toward Athens; down Parsons Rd and upper end of Tollett Rd

**Roadrunner** (Deidre Dove) goes to Hwy 369 at New Hope to Irvin road; Arizona Road, Pinkerton's; Coffman Rd. to Pleasant Grove Rd.; Stone Loop; Shaw Road; Parsons Road; Hill Lane; Simmons Rd; Tollett Rd

**Rabbit** (Greg Janes) goes to Arkansas Ave; Timber Ridge Apts; Timberland; Possom Hollow Rd; Westbrooks Rd; Mt. Carmel Rd; Allen Cemetery Rd; Oak Hill Estates

**Duck** (Shannon Bailey & Jeff Tipton) goes to HMB Rd; Lockesburg; Provo Arena; Provo Rd

**Dog** (Charles Shaw) goes to Daisy Free Will Baptist; Daisy area; 70 Landing area; Langley Store; 369 North; Old tram Rd; Ranson Rd; Lefevers Loop; Pappy Turner Rd; Hwy 70 stops around Newhope; McBay Rd; Old Texaco

**Elephant** (Greg Nuttall) goes to Greens Chapel Rd.; Rose Lane; Firehouse Lane; Huffman Lane; Kolbtown Rd; houses along Hwy 70 to town; Rodeo Dr; Old Hwy 70 West to school; Second St; Arkansas; 4<sup>th</sup> St; Herman; Bock; 5<sup>th</sup> St; 6<sup>th</sup> St; Charlie Turner Rd; Old Hwy 70 N

**Squirrel** (Phil Icenhower) goes to Walters Ave; Murray Ave; 4<sup>th</sup> St; Hwy 278; Pinson Farm Rd; Hwy 278; Green Plains Rd all the way to Hwy 369; Holman Rd; Cothren Loop; Fellowship Rd; Allen St; White City

All school bus rules will be discussed with riders so that they understand the seriousness of this issue. Drivers will be asked to complete a brief report each time a student commits some infraction. Depending upon the incident the number of violations for a particular student the consequences will include parent

notification/warning for first infraction and then loss of bus privileges (minimum of one week to a maximum of one year) depending upon the seriousness of the referral and the number of times the student has been referred to the office.

## SCHOOL ROUTINE

### ARRIVAL AND DISMISSAL...

**Students are not allowed to arrive at school before 7:30 AM** because of very limited supervision. Parents should be aware that our first duty teachers take their posts at that time.

We have a relatively smooth flowing morning drop-off routine in place. Please keep in mind that our traffic flow is critical to the safety of all children and violations by drivers of personal vehicles may be referred to law enforcement officers.

The loop on the east side of the building is a **morning bus unloading zone**. The only personal vehicles using that area from 7:15 to 8:15 a.m. are to be school employees designated to use that limited parking area.

The south parking lot is used for car riders to be dropped off and picked up.

Please note that the design of the drop-off and pick-up lane will allow for four vehicles to pull up at the same time without compromising the safety of the children. Please use extreme caution when pulling around any vehicles during these periods.

For parents and other visitors, we will have a reserved spot marked for handicapped access in front of the office and in south parking lot area. These spots are available during school hours, but for visits before 8:00 the south parking lot should be used if at all possible.

Act 37 of 2011 states that a the driver of a motor vehicle shall not use a handheld wireless telephone while operating a motor vehicle when passing a school building or school zone during school hours when children are present and outside the building, except for an emergency purpose.

**Once again, please do not drop your children off at the school before 7:30 a.m.** Before 7:45, all students must go straight to the cafeteria until they are dismissed. The duty personnel are located in the cafeteria at this time. The outside duty teachers do not go on duty until 7:45.

### COLLECTION AND SOLICITATION OF FUNDS...

School officials, teachers, and staff are not permitted to solicit contribution for the school without permission from the board of education. No collection or solicitation of money for non-school purposes of any kind is permitted in any of the Dierks Public Schools. The sale of articles for the purpose of raising funds for school activities by any person connected with the school must have prior permission from the principal.

### EMERGENCY SCHOOL CLOSINGS...

The Board authorizes the superintendent to delay the opening of school, to close school early, or to close school the entire day in the event of inclement weather or other emergencies which jeopardize the safety of students, school employees, and school property.

When a decision has been made to delay the opening of school or to close school for the entire day, the superintendent will send an appropriate announcement to the automated notification site which will notify all patrons, and she will contact local radio stations KDQN, Cossatot 88.5, and B 95 as soon as it is practical. Students and parents should listen to these stations rather than call teachers, principals, or the superintendent.

An Emergency Snow Route has been developed to help ensure the safety of all students in the case of inclement weather. There will be selected sites on the main roads where the buses will run to pick up or drop off students (please refer to the page labeled Emergency Snow Route to see the selected sites). The superintendent will send out notification through the automated notification site and on radio stations when these routes are implemented.

#### FOOD . . . .

Students are allowed to bring food and drinks for their own snacks during recess periods. They are not allowed to share food with other students and may only bring water in clear containers for their drinks.

#### H O M E R O O M P A R E N T S O R G A N I Z A T I O N . . .

The Jo Ann Walters Elementary School Homeroom Parents Organization has been highly involved in the improvement of our school. All parents are urged to contact their child's teacher about this organization and its functions. Each year the HPO sponsors the Fun Festival. Through the collective efforts of its members, the Fun Fest allows the HPO to fund a variety of projects and activities for the students of our school.

#### H O M E W O R K P O L I C Y . . .

The Dierks School District maintains that homework can be an important activity to help students learn. Homework is flexible and is the individual responsibility of each teacher in the system. Purposeful homework varies from day to day and should be assigned based on the student's capacity, potential, and need. Whenever homework exists in the school system, it shall supplement, complement, and reinforce classroom instruction. Homework should not be used as a disciplinary or punitive measure.

#### L O S T A N D F O U N D . . .

All clothing found on campus, regardless of its value, is placed in the lost and found box. At various times during the year, parents will be notified that articles of clothing have not been claimed and will be distributed to charitable organizations. Money, jewelry, or any other articles of value are turned in to the office. Students may claim them after proper identification.

#### P A R T Y I N V I T A T I O N S . . .

Party invitations are not to be handed out at school unless everyone in the class is invited. When selected students are left off the list, hurt feelings often arise. We know that no one wants this to happen so we respectfully request that when you are unable to invite the entire classroom you send the invitations home in another method rather than through the school. If you have any questions, please contact the office.

#### T E L E P H O N E U S E . . .

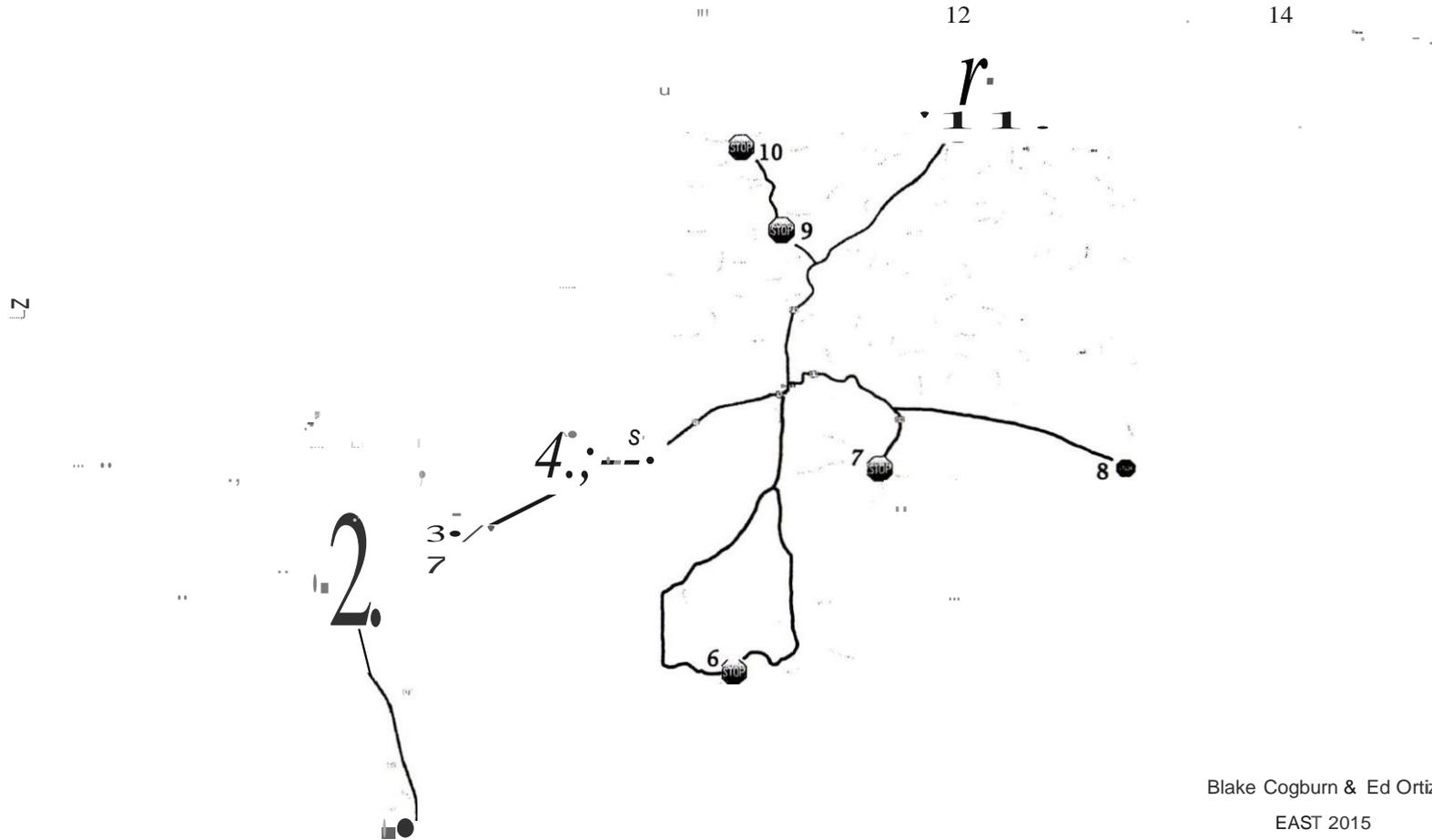
The school telephones are not to be used by students for outgoing or incoming calls except in the case of an emergency. Students must have an office pass from the teacher and permission from the principal or secretary to use the telephone.

#### V O L U N T E E R S . . .

We are very fortunate to have some individuals in our community who are willing to donate their time to assist our classroom teachers. Mrs. Karla Bray coordinates a program through which interested volunteers contact her when they will be available, at which point Mrs. Bray determines which teachers would benefit most from the services. Anyone interested in becoming a volunteer should contact Mrs. Bray at the school.

# Dierks School District Snow Routes

- |                       |                       |                            |                                  |                        |
|-----------------------|-----------------------|----------------------------|----------------------------------|------------------------|
| 1 - Lighthouse Church | 4 - Provo Road        | 7 - Fellowship Church      | 10 - Liberty Hill Church         | 13 - New Hope One Stop |
| 2 - 70-71 Junction    | 5 - Kolbtown          | 8 - Green Plains + 369     | 11 - Tollett Road + 70           | 14 - 70 Landing        |
| 3 - HMB Road          | 6 - Mt. Carmel Church | 9 - Old Liberty Road + 278 | 12 - Tollett Road + Bissell Road |                        |



Blake Cogburn & Ed Ortiz  
EAST 2015

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# **STUDENTS**

#### **4.1—RESIDENCE REQUIREMENTS**

Definitions:

–Residell 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.

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

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

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

Any person eighteen (18) years of age or older may establish a residence separate and apart from his or her parents or guardians for school attendance purposes.

In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the District’s schools separate and apart from his or her parents, guardians, or other persons having lawful control of him or her under an order of a court, the person must actually 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. 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.

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.

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.

Date Adopted:

Last Revised:

#### **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.

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 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.

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

1. The parent, guardian, or other responsible person 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 department of education.
2. The parent, guardian, or other responsible person 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 or guardian;
  - f. United States military identification; or
  - g. Previous school records.
3. The parent, guardian, or other responsible person 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. The Board of Education reserves the right, after a hearing before the Board, not to allow any person who has been expelled from another school district to enroll as a student until the time of the person's expulsion has expired.
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:

"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;

"Uniformed services"<sup>4</sup> means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services;

"Veteran" means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

-Eligible child<sup>11</sup> means the children of:

- Active duty members 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.

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.

Date Adopted:

Last Revised

#### **4.3—COMPULSORY ATTENDANCE REQUIREMENTS**

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

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

Date Adopted:

Last Revised:

#### **4.4—STUDENT TRANSFERS**

The Dierks 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.

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. The District shall reject applications that would cause it to be out of compliance with applicable laws and regulations regarding desegregation.

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

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

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

Except as otherwise required or permitted by law, 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.

Date Adopted:

Last Revised

#### **4.4D**

##### **ACCREDITED SCHOOLS**

Any student transferring to Dierks from a school accredited by the Department of Education shall be placed in the same grade the student would have been in had the student remained at the former school.

##### **HOME SCHOOLING/STUDENTS TRANSFERRING IN FROM A NON-ACCREDITED SCHOOL**

Students who enter Dierks Public Schools from non-accredited schools or have been schooled at home will be temporarily placed until a testing battery can determine accurate placement. Testing instruments used will include Star Reading and Star Math for all first through sixth grade students. Students in first and second grade will be tested using DIBELS and DRA. Kindergarten students will be tested using DIBELS and Star Early Literacy. Should the student score below grade level, placement will be determined by the principal, counselor, and appropriate classroom teachers.

Act 400 of 1997 requires parents to register at home-school children only once a year with the superintendent of their resident district, and they may withdraw a student from school mid-year or anytime during the year and register to provide a home school then.

Home schooled children will be tested on the same schedule as public school students and the test will be administered by education service cooperatives; financial responsibility for the testing will be assumed by the Department of Education.

The Dierks School District will not grant transfers in or out of the district after September 15 of the fall semester and January 15 of the spring semester.

## **4.5—SCHOOL CHOICE**

### **Standard School Choice**

#### **Exemption**

The District is under an enforceable desegregation court order/court-approved desegregation plan that explicitly limits the transfer of students between school districts and has submitted the appropriate documentation to the Arkansas Department of Education (ADE). As a result of the desegregation order/desegregation plan, 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 of 2004 (Opportunity School Choice). The District shall notify the superintendents of each of its geographically contiguous school districts of its exemption. 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.

#### **Definition**

"Sibling" means each of two (2) or more children having a ~~common~~ 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.

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 and the requirements and procedures for participation in the program. Such pronouncements shall be made in the spring, but in no case later than March 1.

#### **Application Process**

The student's parent shall submit a school choice application on a form approved by ADE to this District. 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 as they are received in the District's central office. It is the District's responsibility to send a copy of the application that includes the date and time stamp to the student's resident district within ten (10) days of the District receiving the application. 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.

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 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.

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 either fails to initially enroll under the timelines and provisions provided in this policy; who chooses to return to his/her resident district; or who 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>9</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.

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 15 of the immediately preceding year. By December 15 of each year, ADE shall determine and notify the District of the net number of allowable choice transfers. For the purpose of determining the three percent (3%) cap, siblings are counted as one student, and students are not counted if the student transfers from a school or district in:

- Academic Distress or classified as in need of Level 5 Intensive Support under A.C.A. § 6-18-227;
- Facilities Distress under A.C.A. § 6-21-812; or
- 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.

### **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 distress;
- The student is not required to meet the June 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**

For the purposes of this section of the policy, a –lack of capacityll is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the ADE Rules for the Standards of 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 at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student who is enrolled in or assigned to a school classified by the ADE to be in academic distress or in a district classified by ADE as in need of Level 5 Intensive Support is eligible to transfer to the school closest to the student's legal residence that is not in academic distress or in a district classified as in need of Level 5 Intensive Support. The student's parent or guardian, or the student if over the age of eighteen (18), must successfully complete the necessary application process by July 30 preceding the initial year of desired enrollment.

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. 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 enrollment under Opportunity School Choice 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.

#### **Transfers out of, or within, the District**

If a District school has been classified by the ADE as being in academic distress or the District has been classified by ADE as in need of Level 5 Intensive Support, the District shall timely notify the parent, guardian, or student, if the student is over eighteen (18) years of age, as soon as practicable after the academic distress or in need of Level 5 Intensive Support 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 enroll the student in any public school or school district that has not been classified by the ADE as a public school in academic distress or school district in need of Level 5 Intensive Support.

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.

### **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 ADE as a persistently dangerous public school shall be allowed to attend a safe public school within the District.

Date Adopted:  
Last Revised:

### **4.5D – SCHOOL CHOICE**

The Dierks School District will not grant transfers in or out of the district after September 15 of the fall semester and January 15 of the spring semester.

### **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.

Dated Adopted:

Last Revised:

#### **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.

#### **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.
2. Death or serious illness in their immediate family;
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.

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.

### **Unexcused Absences**

Absences not defined above or not having an accompanying note from the parent or legal guardian, presented in the timeline required by this policy, shall be considered as unexcused absences. Students with 6 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 3 unexcused absences, his/her parents, guardians, or persons in loco parentis shall be notified. 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 6 unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, guardian, or persons 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, guardian, or person 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, guardian, or person in loco parentis, and the school or district administrator or designee.

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

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

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

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

Date Adopted:

Last Revised:

## 4.7D – ABSENCES

### ATTENDANCE

Members of the faculty have worked diligently on grade level teams to design an instructional program that meets the academic content standards as designated in our Arkansas frameworks and Common Core State Standards. We firmly believe that the educational experiences we provide will not only match, but will surpass those of many schools of similar size. Direct involvement of the student in this sequential learning process through interaction with other participants is vital to attaining the quality education each child deserves.

For this reason the Dierks School District and Jo Ann Walters Elementary school hereby establish a minimum standard of attendance for each student of the district. Adherence to this standard will enable the student to discharge his or her minimum responsibility as a learner and the school to meet its obligation to the student, the community, and society.

**The primary responsibility for regular attendance and compliance with subsequently stated policy regulations rests with the student's parents and then with the student.**

### REGULATIONS

**A student is expected to attend school at any time school is in session.**

**All absences will be recorded in the Register of Daily Attendance as required by law.**

**Arkansas Code 6-18-222** requires the board of directors of each school district to adopt a student attendance policy which shall include a certain number of excessive unexcused absences which may be used as a basis for denial of course credit, promotion, or graduation. Excused absences are defined as: illness (a maximum of six such days are allowed per semester with a written note from parent/guardian), death in family, medical/dental appointment, 4-H events, or exceptional circumstances with prior approval of the principal. A written statement presented for an absence having occurred more than five (5) school days prior to its presentation will not be accepted. Students may not exceed six (6) unexcused absences (absences for reasons not previously defined) during a semester.

Absences not defined above or not having an accompanying note from the parent, guardian, or person in loco parentis presented within five (5) school days, shall be considered as unexcused absences. Parents, guardians, or person in loco parentis will be notified when a student has three (3) unexcused absences. Whenever a student exceeds six (6) unexcused absences in a semester, the District shall notify the prosecuting authority and the parent/guardian, or persons in loco parentis shall be subject to a civil penalty as prescribed by law.

Students in grades K – 6 must be in attendance to receive maximum benefit from the instructional program. Students who have a 504 Plan or an IEP may have exceptions to the excessive absence rule if the underlying condition requires more absences than the policy allows.

**ACT 473 of 1989** also deals with the issue of school attendance. In order to comply with this mandate, Jo Ann Walters Elementary School will assume the responsibility of notifying the parent or guardian by mail **when a student has three unexcused or excused absences**. The purpose of these letters is simply to make parents aware of what school records indicate.

**ACT 1223 of 2011** states that before a student accumulates the maximum number of absences allowed by school policy (6 unexcused per semester), the parent or guardian may petition the administration for special arrangement address the student's absences. If special arrangements are granted by the school, these arrangements will be formalized into a written agreement of conditions and consequences or not fulfilling the requirements. Agreement is to be signed by the school administrator, parent or guardian, and the student.

**WRITTEN EXCUSES...** When a student is absent, he or she must present to their teacher on the first day he or she returns to school a written excuse from the parent or guardian. The note should state the reason and the date(s) of the absence. **A written statement presented for an absence having occurred more than five (5) school days prior to its presentation will not be accepted.**

#### **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.

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

Work missed while a student is expelled from school may not be made up for credit and students shall receive a zero for missed assignments.

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

Date Adopted:

Last Revised:

**4.8D - MISSED TESTS AND CLASSROOM WORK.** ...Missed assignments due to absence will be made up at the teacher's convenience, generally within a day or two upon the student's return. Students in grades 4-6 are responsible for finding out about assignments from teachers or classmates. If a student knows about an absence in advance, arrangements should be made before leaving so as not to get too far behind.

#### **4.9—TARDIES**

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

Date Adopted:

Last Revised:

**4.9D - LATE ARRIVAL OR LEAVING CAMPUS.** ...Children who are tardy or leave school early miss much of the day's instruction. It is to your child's advantage to be in class during the whole instructional day. A written record of tardies and early checkouts is kept on file in the school office. Parents need to come to the office when bringing a late child(ren) and when checking a student out early. After 4 tardies per semester, a note will be sent home. When 8 tardies are accumulated, a mandatory conference with parent/guardian and principal will be conducted. A child is counted half day absent if they arrive at school after 8:30 or leave before 1:30.

#### **4.10—CLOSED CAMPUS**

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

Date Adopted:

Last Revised:

#### **4.11—EQUAL EDUCATIONAL OPPORTUNITY**

No student in the Dierks 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.

Inquiries on non-discrimination may be directed to Holly Cothren, who may be reached at 870-286-2191.

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.

Date Adopted:

Last Revised:

#### **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 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.

For purposes of this policy, the Dierks 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.

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. -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, 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.

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

Date Adopted:

Last Revised:

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

##### **Student Publications**

All publications 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 publications. School publications do not provide a forum for public expression. Such publications, as well as the content of student expression in school-sponsored activities, shall be subject to the editorial control 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 publications 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. Publications may be regulated to prohibit writings which are, in the opinion of the appropriate teacher and/or administrator, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.
3. Publications may be regulated to refuse to publish material which might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct 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 publications include:
  - a. Those that are obscene as to minors;
  - b. Those that are libelous or slanderous, including material containing defamatory falsehoods about public figures or governmental officials, which are made with knowledge of their falsity or reckless disregard of the truth;
  - c. Those that constitute an unwarranted invasion of privacy as defined by state law,
  - d. Publications that suggest or urge the commission of unlawful acts on the school premises;
  - e. Publications which suggest or urge the violation of lawful school regulations;
  - f. Hate literature that scurrilously attacks ethnic, religious, or racial groups.

##### **Student Publications on School Web Pages**

Student publications that are displayed on school web pages shall follow the same guidelines as listed above; plus they shall:

1. Not contain any non-educational advertisements. Additionally, student web publications shall;

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 Nonschool Literature, Publications, and Materials**

A student or group of students who distribute ten (10) or fewer copies of the same nonschool literature, publications, or materials (hereinafter –nonschool 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 nonschool materials shall have school authorities review their nonschool materials at least three (3) school days in advance of their desired time of dissemination. School authorities shall review the nonschool materials, prior to their distribution and will bar from distribution those nonschool 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. 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 nonschool 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 nonschool materials;
3. Allow no interference with classes or school activities;
4. Specify times, places, and manner where distribution may and may not occur; and
5. Not inhibit a person's right to accept or reject any literature distributed in accordance with the regulations.

The Superintendent, along with the student publications advisors, shall develop administrative regulations for the implementation of this policy. The regulations shall include definitions of terms and timelines for the review of materials.

Date Adopted:  
Last Revised:

**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 his/her 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 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.

Unless prior arrangements have been made with the school's principal, Arkansas law provides that 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.

#### **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 Department 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, guardian, custodian, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or an investigator or employee of the Department of Human Services.

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release of the student, the principal or designee shall give the student's parent, legal guardian, or other person having lawful control by court order, or person acting 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.

Date Adopted:

Last Revised:

#### **4.15D - VISITORS....**

Parents, guardians, and authorized **adult** visitors are always welcome on our campus. We must discourage having other children visit in the classrooms without prior consent from the principal. All visitors should report to the office before entering the school building, and the classroom teacher may be notified of the visit via intercom. It is preferable to contact the office prior to the visit when possible to determine the most beneficial time for the visit. Any visit requiring a discussion or conference should be scheduled during the teacher's plan time. Each teacher reserves the right to refuse admittance to any visitor who interferes with normal class instruction.

#### **4.16—STUDENT VISITORS**

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

Date Adopted:

Last Revised:

#### **4.16D - VISITORS....**

Parents, guardians, and authorized **adult** visitors are always welcome on our campus. We must discourage having other children visit in the classrooms without prior consent from the principal. All visitors should report to the office before entering the school building, and the classroom teacher may be notified of the visit via intercom. It is preferable to contact the office prior to the visit when possible to determine the most beneficial time for the visit. Any visit requiring a discussion or conference should be scheduled during the teacher's plan time. Each teacher reserves the right to refuse admittance to any visitor who interferes with normal class instruction.

#### **4.17—STUDENT DISCIPLINE**

The Dierks 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 licensed personnel policy committee shall review the student discipline policies annually and may recommend changes in the policies to the Dierks 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 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 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.

Date Adopted:

Last Revised:

#### **4.18—PROHIBITED CONDUCT**

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices on the school campus during normal school hours unless specifically exempted by the administration for health or other compelling reasons;
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student;
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, -throwing signs or other gestures associated with gangs are prohibited;
21. Sexual harassment;
22. Bullying; and
23. Operating a vehicle on school grounds while using a wireless communication device.

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.

Date Adopted:

Last Revised:

#### **4.18D - STUDENT CONDUCT NOT PERMITTED**

Teachers are charged with the responsibility of supervising students and providing an orderly environment for learning. This responsibility for maintaining appropriate students discipline pervades every aspect of the school setting. The majority of the problems confronted by a teacher are related to student behavior which is mischievous, disconcerting, disturbing, and/or time-consuming. The consequences for infractions which fall into this category will range from a warning for a first offense to teacher-administered discipline for second or third offenses and, finally, a trip to the principal's office.

There are those occasions, however, when students engage in more serious behavior problems. The incidents mentioned below are considered major infractions of proper conduct and will subject the student to disciplinary action ranging from a

minimum of parent notification to maximum of expulsion. The violation of a rule will occur whether the conduct takes place on the school campus at any time, off campus at a school-supervised activity/function, or enroute to and from school.

Below each rule is a standardized list of the disciplinary actions to be taken listed in order from minimum to maximum. The administration may exercise more extreme action in severe cases or in a situation where a student has been involved in other rule infractions. The concept of equity, as defined by the Arkansas Department of Education, recognizes that some students must receive differential treatment in order to achieve fairness within the educational system.

The goal for the school's disciplinary policies and procedures are to change the student's behavior into that which is appropriate and to assist the student in becoming responsible for and better able to control his or her own behavior. This may be accomplished through counseling and/or disciplinary means.

The remainder of this section will address several of the possible rule infractions and potential consequences. Every attempt will be made on the part of the teachers and administration to insure consistent steps in our discipline program.

### **BULLYING...**

We define bullying as the intentional, repeated hurtful behaviors committed by one or more children against another. These behaviors are not provoked by the victims, but result from real or perceived imbalance of power between the bully and the victim. Let it be known by all that bullying as defined here will not be tolerated in class, while riding in school vehicles including school buses, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events. (For information regarding cyber bullying see page 35.)

Any school employee who has witnessed or has reliable information that a student has been a victim of bullying as defined here shall report the incident to the principal. Any person or persons who file a complaint will not be subject to retaliation or reprisal in any form. Any school employee who reports a violation under this policy shall be immune from any tort liability which may arise from the failure to remedy the reported incident.

**CONSEQUENCES:** Minimum of parent notification to maximum of expulsion, dependent upon age or grade of the student(s) involved and nature of the violation.

## **STUDENT CONDUCT NOT PERMITTED**

### **CELL PHONES AND ELECTRONIC DEVICES...**

Cell phones and/or electronic devices (iPods, mp3s, gaming systems, etc) are discouraged from being brought to school. If they are brought, they must be turned off and turned into the classroom teachers during school hours. These devices are not to be used while on campus or a field trip sponsored by the elementary school. The school is not responsible for damages and/or lost items. Laser pointers have been outlawed and are not to ever be brought to school.

**CONSEQUENCES** – Taken away until the end of the day, after-school detention, corporal punishment, in-school detention.

### **DAMAGES TO OR DESTRUCTION OF SCHOOL PROPERTY...**

A student shall not cause or attempt to cause damage to school property (including textbooks) or steal or attempt to steal school property. The school district will attempt to recover damages from the student destroying the property.

**CONSEQUENCES:** Parent notification, conferencing, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension, police notification, expulsion.

### **DISCIPLINE FOR THE HANDICAPPED...**

Dierks Public School students who are receiving special education services are subject to the following disciplinary guidelines...

1. Handicapped students who engage in misbehavior are subject to normal school disciplinary rules and procedures so long as such treatment does not abridge their rights to free and appropriate education.

2. The Individualized Education Plan (IEP) team for a handicapped student will consider whether particular discipline procedures should be adopted for that student and included in the IEP. Classroom teachers should be informed if a special plan is adopted.
3. Handicapped students may be excluded from school only in emergencies and only for the duration of the emergency. In no case will a handicapped student be excluded for more than ten (10) days in a school year for normal discipline problems.
4. 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.
5. The suspended student will be offered an alternate educational program for the duration of the exclusion
6. Mrs. Jana Strode will be the grievance officer with the duty of enforcing ACT 504 for the elementary school and Mrs. Nancy Alsbrook for the high school.

**DISREGARD OF DIRECTIONS OR COMMANDS...**

A student shall comply with reasonable directions or commands of teachers, student teachers, substitute teachers, teachers' aides, principals, drivers, or other authorized personnel. Any student who is antagonistic, insubordinate, disrespectful, or disobedient or who uses foul language (cursing) directed at or to any school personnel is subject to immediate disciplinary action.

CONSEQUENCES: teacher discipline, parent conference, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension.

**DISRUPTION ON SCHOOL BUSES...**

Students shall not cause disruptions on the bus or in any way distract the driver's attention from the road.

CONSEQUENCES: Oral/Written Warning, letter to parent, loss of free time, corporal punishment, loss of bus privileges (up to 20 days depending serious of incident and number of referrals)

**DISRUPTIONS AND INTERFERENCE WITH SCHOOL...**

No student shall do the following: (1) intentionally make noises or act in a manner so as to interfere with the teacher's ability to conduct the class or other school activity, (2) use violence, force, noise, coercion, threat intimidation, hazing, harassment, fear, passive resistance, or any other conduct intentional to cause disruption or a fight, (3) refuse to identify himself or herself on request, (4) leave school or cut classes without direct permission from the teacher or principal, and (5) encourage other students to violate any rule or school board policy.

CONSEQUENCES: Teacher discipline, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension.

**FIREWORKS...**

Fireworks (matches, lighters, firecrackers, and fireworks in general) represent a hazard to the health and welfare of the student body. Anyone caught with fireworks of any kind on the campus will face disciplinary action. Possession of firecrackers or fireworks in general on the campus or using or trying to use fireworks or firecrackers on campus is prohibited.

CONSEQUENCES: Conferencing, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension, expulsion

**FORGERY/FALSIFICATION OF INFORMATION...**

Any forgery or misuse of hall passes, absentee slips, report cards, parents' notes, etc. will result in disciplinary action.

CONSEQUENCES: Parent notification, teacher discipline, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension

**GAMBLING...**

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.

CONSEQUENCES: Parent notification, counseling, teacher discipline, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension

**IMMORALITY...**

Students should abstain from rude gestures, as well as indecent and immoral acts. Pornographic materials will not be permitted.

CONSEQUENCES: Teacher discipline, notification of parents, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension

**INSULT OR ABUSE OF SCHOOL STAFF...**

A student who commits assault and/or battery upon a member of this faculty or staff of the Dierks School District will face immediate disciplinary action.

CONSEQUENCES: Notify parents and legal authorities; student will be dismissed pending investigation on due process hearing; if student is found guilty of assault or battery, expulsion will be recommended

**LEAVING CAMPUS WITHOUT PERMISSION...**

Before leaving campus, a student must be checked out through the principal's office by a parent, guardian, or other authorized adult.

CONSEQUENCES: Parent notification, corporal punishment, 1-10 days in-school suspension, after-school suspension

**PERSISTENT DISREGARD FOR THE RULES...**

A student who persists in acts of misconduct after reasonable efforts have been made by the school to secure the student's adherence to the established rules shall be recommended for expulsion. Efforts toward behavior modification will be made prior to recommendation for expulsion except when very serious offenses have been committed.

CONSEQUENCES: Parent notification, teacher discipline, corporal punishment, after-school detention, 1-10 days in-school suspension

**PHYSICAL ABUSE OR ASSAULT BY ONE STUDENT ON ANOTHER...**

A student shall not threaten or attempt to cause injury or physical harm to another student nor shall a student strike another student.

CONSEQUENCES: Teacher discipline, parent notification, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension, expulsion

**POSSESSION OF ANY FIREARM OR OTHER WEAPON PROHIBITED ON SCHOOL PROPERTY (ACT 104 OF 1983 SOCIAL SESSION)...**

A student shall not possess, handle, or transmit a knife, razor, ice pick, explosive, pistol, rifle, shotgun, pellet gun, or any other object that can be considered a weapon or a dangerous instrument.

CONSEQUENCES: In school suspension to out of school suspension at the discretion of the administration. Police may be summoned. The principal shall report within the week any student expelled for possessing a firearm.

**PROFANITY...**

Students shall not use foul language (cursing).

CONSEQUENCES: Teacher discipline, parent notification, after-school detention, corporal punishment, 1-10 days in-school suspension, 1-10 days out-of-school suspension

**PUBLIC DISPLAY OF AFFECTION...**

Public display of affection is not appropriate behavior at school. Failure to comply with reasonable expectations of the school staff will lead to disciplinary action.

CONSEQUENCES: Parent notification, teacher discipline, after-school detention, 1-10 days in-school suspension.

**TARDINESS...**

Almost all tardiness is unnecessary. However, we would prefer to have a student tardy rather than absent for the entire day. While most tardiness at the elementary school is beyond the student's control, there are occasions of intentional delays in the restroom or cafeteria (breakfast). A student who appears in the classroom after the tardy bell rings at 8:05 must have an admit slip. A record of these tardies will be kept in the office.

CONSEQUENCES: Parent notification after 4 tardies in one semester and mandatory conference with parent/guardian and principal after 8 tardies are accumulated.

**THEFT AND EXTORTION...**

A student shall not steal or attempt to steal the property of another person, nor shall a student obtain or attempt to obtain something (of value) from another person by either physical force or threat. The school reserves the right to bring criminal charges against the student in addition to other discipline.

CONSEQUENCES: Parent notification, teacher discipline, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension.

**TOBACCO USE. . .**

The possession or use of tobacco in any form in the building, on the school campus, or on the school buses is strictly prohibited. -An act to protect the rights of non-smokers by prohibiting smoking in public school; to provide a criminal penalty for violation thereof; and for other purposes. (Act 854, 1987; House Bill 1337)

CONSEQUENCES: Parent notification, corporal punishment, 1-10 days in-school suspension, 1-10 days out-of-school suspension.

**TRUANCY (HOOKY) OR SKIPPING CLASS. . .**

A student shall not be absent from school without the parent's and/or school authorities' prior knowledge and consent. After arrival on campus, a student who is absent from his or her assigned learning station without permission from school authorities will be considered a truant.

CONSEQUENCES: Parent notification, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension. Make-up work will not be allowed.

**USING OR OFFERING FOR SALE OR ACTUALLY SELLING BEER, ALCOHOLIC BEVERAGES, OR OTHER ILLICIT DRUGS BY STUDENTS OR ADULTS AT SCHOOL ACTIVITIES.**

- 1.No student or adult shall possess, use, transmit, or be under the influence of any controlled substance or dangerous drug as defined by the law, including alcoholic beverages and other intoxicants, while attending any school-sponsored activity as defined in Act 590 of 1971 of the State of Arkansas as amended.
2. Controlled substances may be dispensed by the school nurse to a student with a prescription and if it remains in the container in which it was obtained from the pharmacy.

CONSEQUENCES: Any student engaging in any of the activities with any of the prohibited substances listed above will be subject to any or all of the following penalties...

FIRST OFFENSE: Student may be suspended off campus for up to 10 days. Police may be called and expulsion recommended. Re-admission would require proof of professional help and a parental conference, with the possibility of community/school service. All-day detention may be used.

SECOND OFFENSE: The student shall be recommended for expulsion. Police will be summoned.

Any student suspended for the first offense may be required to seek professional counseling prior to re-admission to school. The student will receive full counseling services at his or her own expense. Upon re-admission, continued enrollment shall be contingent upon completion of the drug/alcohol counseling program. Failure to complete this program may be grounds for expulsion.

### **SELLING OR TRANSFER OF ANY PRESCRIPTION MEDICATION, DIET PILL, OR OVER-THE-COUNTER MEDICATION...**

Students shall not sell or transfer (give) any prescription medication, diet pill, or over-the-counter medication to any other student. Medications may not be carried on buses for any reason.

CONSEQUENCES: Teacher discipline, conferencing, parent conference, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension, permanent expulsion

### **BEHAVIOR NOT COVERED ABOVE...**

The school district reserves the right to punish behavior which is not conducive to good order and discipline in the schools, even though such behavior is not specified in the preceding list of written rules. The type of punishment used will be left to the professional discretion of the teacher and/or principal

## Items Related to Disciplinary Actions

### **AFTER-SCHOOL DETENTION...**

As the need arises, the principal will schedule an after-school detention as a consequence for a rule infraction. The principal or a designee will supervise the assigned student(s) from 3:15 – 4:00 (time may lengthen to 4:30 if it is a repeated offense and/or deemed necessary). Arrangements will be made in advance for the student(s) to be picked up at that time.

### **CORPORAL PUNISHMENT...**

Act 51 of 1994 authorized any teacher or administrator the use of corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy. Our policy states...

1. Before corporal punishment is administered, the student should be advised of the rule and infraction for which the student may be punished. The student should be allowed time to respond, and then the school administrator should take the action it deems most appropriate. A formal hearing is not required before administering corporal punishment
2. Corporal punishment shall be administered only in the presence of a school administrator or his or her designee, who shall be a teacher or administrator employed by the district. There shall also be another certified teacher or administrator to serve as a witness.
3. Corporal punishment shall not be administered in the presence of other students, with malice, or anger, or in excess.
4. Refusal to take corporal punishment may result in suspension or other disciplinary action.
5. The principal will file a written report when corporal punishment is administered.
6. Parents may choose an option as to whether their child is to receive corporal punishment. **SIGNATURE IS REQUIRED ON APPROPRIATE FORM AS PART OF THE REGISTRATION PROCESS.**

### **DESK, BACKPACK, AND PERSONAL SEARCHES...**

School authorities may search a student's desk, backpack, or conduct a personal search and seize for any illegal or contraband materials. A search should be limited to a situation in which the administration has reasonable belief that the student is concealing evidence of an illegal act, contraband, or has violated a school rule. Dangerous items (such as firearms, weapons, knives, controlled substances, and other items which may be used to disrupt substantially the educational process) will be removed from the student's possession and will be reported and transmitted to the proper authorities. Searches should be made under the following conditions:

1. Desk Searches
  - a. Students should be informed of the conditions governing the use of desks when assignments are made.

- b. Searches should be made only by the building principal or an official duly authorized person for that purpose by the building principal with a witness present. The search of that particular desk should be made only upon a reasonable assumption that the student is secreting evidence of an illegal act or contraband materials.
- c. Blanket searches of every desk should not be permitted except in unusual circumstances, such as a bomb threat.

## 2. Personal Searches

A search of a student's person should be limited to a situation in which the administration has a reasonable belief that the student is concealing evidence of an illegal act, contraband, or has violated a school rule. Dangerous items (such as firearms, weapons, knives), controlled substances, or other items which may be used to substantially disrupt the educational process will be removed from the student's possession and will be reported and transmitted to proper authorities.

## **DUE PROCESS...**

Every student is entitled to due process in every instance of discipline for which he or she may be subjected to penalties of suspension. (Arkansas State Ann. 80-1516). The due process rights are as follows...

1. Prior to any suspension, the school principal (or his or her designee) shall advise the pupil in question of the particular misconduct or which he or she is accused, as well as the basis for such accusations.
2. The pupil shall be given an opportunity at that time to explain his or her version of the facts to the principal or designee.
3. Written notice of the suspension and the reason(s) for the suspension shall be given to the parent of the pupil.
4. Any parent, tutor, or legal guardian of a suspended pupil shall have the right to appeal to the superintendent of the school system.

Due process is afforded to students in disciplinary cases of some magnitude such as these...

1. Suspension
2. Expulsions
3. Statements removed from a student's records
4. Clearing one's reputation

## **IN-SCHOOL SUSPENSION...**

Students in grades K-1 will serve in-school suspension only from 11:30 – 3:10. They will be supervised by a school employee while they complete assignments provided by their classroom teacher. They will eat lunch in the ISS room and return to their regular room in time to get ready to leave for the day. Students in grades 2-6 will serve an all-day suspension under the same regulations as mentioned above.

## **OUT-OF-SCHOOL SUSPENSION...**

In cases of severe disruptions, or when a student may not receive corporal punishment, a student may be suspended for up to ten school days, included the day upon which the suspension was initially imposed. Prior to such suspension, the principal or designee shall inform the student and parent about the infraction. Students will not be allowed to make up class work that is completed during their suspension.

## **TEACHER DISCIPLINE...**

The most frequently assigned consequence is some sort of *time-out*, typically served at recess. Depending upon the infraction, the student may serve 5, 10, or 15 minutes of the morning recess by standing at the wall of the building or walking a designated area. An alternative would be to remain in the classroom and possibly writing sentences or finishing an assignment.

## STUDENT CONDUCT NOT PERMITTED

## **COMMON PLAYGROUND RULES...**

- No throwing of rocks, sticks, pinecones, acorns, etc.
- Basketball court rotates by grade level

- No pushing, twisting, running underneath the swings
- Slide rules – no standing on top, sliding backwards, or running up the slide
- No fighting
- No contact sports between girls/boys in grades 4-6
- No tackling
- Stay in designated areas
- No one allowed in the courtyard area where trailers are
- Ask permission from the duty teacher to come inside to use the restroom
- Do not enter a classroom while the teacher is not in the room

CONSEQUENCES: At teacher discretion due to severity of misconduct. Possible consequences include: warning, loss of recess, corporal punishment, 1-10 days in-school suspension, detention, 1-10 days out of school suspension

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

Students are subject to the same rules of conduct while traveling to and from school as they are while on school grounds. Appropriate disciplinary actions may be taken against commuting students who violate student code of conduct rules.

The preceding paragraph also applies to student conduct while on school buses. Students shall be instructed in safe riding practices. The driver of a school bus shall not operate the school bus until every passenger is seated. Disciplinary measures for problems related to bus behavior shall include suspension or expulsion from school, or suspending or terminating the student’s bus transportation privileges. Transporting students to and from school who have lost their bus transportation privileges shall become the responsibility of the student’s parent or legal guardian.

All students are eligible to receive district bus transportation.

The superintendent or his/her designee shall annually establish the routes and may modify them as needed. A district snow route will also be established by the superintendent. Information regarding these routes will be available in the elementary school office and provided as needed.

Date Adopted:

Last Revised:

**4.19D  
TRANSPORTATION...**

All students who ride school buses, either regularly or occasionally should be familiar with the following rules...

1. Be at the bus stop at the scheduled time. Stand back about ten feet from the bus stop and wait until the door is opened before moving closer to the bus.
2. While entering or leaving the bus, be orderly and quick.
3. While riding the bus, students are under the supervision and authority of the driver. Obey the driver at all times.
4. Students are expected to conduct themselves in a manner such that they will not distract the attention of the driver or disturb other riders. This means each rider should keep his hands to himself, attend to his own business, leave other children alone, and remain reasonably quiet.
5. No food or drink, except enclosed lunches, is to be brought aboard buses
6. No knives, firearms, sharp objects of any kind, pets, other animals, etc. are allowed.
7. Do not tamper with the safety devices such as door latches or fire extinguishers. Remain seated at all times and keep hands and bodies inside the bus.
8. Do not deface the bus or damage the seats. Do not throw food, paper, or other objects on the floor of the bus. Keep the aisle free of books, bags, lunches, coats, feet, etc.
9. If a student must cross the road to board the bus, he should try to be on the correct side waiting for its arrival. Should he arrive at the bus stop as the bus approaches, he should wait until the bus has come to a complete stop and the driver has signaled before crossing in front of the bus.

10. If a student must cross the road after leaving the bus, he should go to a point on the shoulder of the road ten feet in front of the bus. Cross the road only after the driver has signaled to do so
11. Students shall not sell or transfer (give) any prescription medication, diet pill, or over-the-counter medications to any other student.
12. Balloons and glass objects are not permitted on the bus.
13. If your child is to ride home with another student on the bus, a note is required.
14. When dropping students off, or picking students up, at a community bus stop, parents need to exercise caution by not moving their own vehicles until **all** students are safely loaded.
15. **Bus transportation to and from school is a privilege that the district provides for the convenience of the parents. It is not to be abused. The parents need to make sure that the students ride the same bus daily. Changes during the course of the school day in bus riding result in confusion for the office staff and students. When parents call in the afternoon to change the evening routine, problems can arise. It is vital that students know before coming to school what their instructions are for the afternoon. If there is a change in transportation, a note needs to be given to the teacher. Unless a note is received, students will follow their regular routine. We do understand that there will occasionally be those unplanned times when a call to the office must be made, but we ask that this be kept to a minimum. Also, someone should be at home when small children are dropped off.**

#### **DISRUPTION ON SCHOOL BUSES...**

Students shall not cause disruptions on the bus or in any way distract the driver's attention from the road.

CONSEQUENCES: Oral/Written Warning, letter to parent, loss of free time, corporal punishment, loss of bus privileges (up to 20 days depending serious of incident and number of referrals)

#### **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.

Date Adopted:

Last Revised:

#### **4.21—STUDENT ASSAULT OR BATTERY**

A student shall not threaten, physically abuse, or 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 understanding, is calculated to: a) cause a breach of the peace; b) materially and substantially interfere with the operation of the school; 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 student disciplinary measures.

Date Adopted:

Last Revised:

#### **4.22—WEAPONS AND DANGEROUS INSTRUMENTS**

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 exempted.

A weapon is defined as 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. 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 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 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. 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.

Date Adopted:

Last Revised:

#### **4.22D - POSSESSION OF ANY FIREARM OR OTHER WEAPON PROHIBITED ON SCHOOL PROPERTY (ACT 104 OF 1983 SOCIAL SESSION)...**

A student shall not possess, handle, or transmit a knife, razor, ice pick, explosive, pistol, rifle, shotgun, pellet gun, or any other object that can be considered a weapon or a dangerous instrument.

CONSEQUENCES: In school suspension to out of school suspension at the discretion of the administration. Police may be summoned. The principal shall report within the week any student expelled for possessing a firearm.

#### **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-pipes, or under any other name or descriptor.

Date Adopted:

Last Revised:

#### **4.23D - TOBACCO USE. . .**

The possession or use of tobacco in any form in the building, on the school campus, or on the school buses is strictly prohibited. –An act to protect the rights of non-smokers by prohibiting smoking in public school; to provide a criminal penalty for violation thereof; and for other purposes. (Act 854, 1987; House Bill 1337)

CONSEQUENCES: Parent notification, corporal punishment, 1-10 days in-school suspension, 1-10 days out-of-school suspension

#### **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 Dierks 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 en 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.

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.

Date Adopted:

Last Revised:

#### **4.24D - USING OR OFFERING FOR SALE OR ACTUALLY SELLING BEER, ALCOHOLIC BEVERAGES, OR OTHER ILLICIT DRUGS BY STUDENTS OR ADULTS AT SCHOOL ACTIVITIES.**

1.No student or adult shall possess, use, transmit, or be under the influence of any controlled substance or dangerous drug as defined by the law, including alcoholic beverages and other intoxicants, while attending any school-sponsored activity as defined in Act 590 of 1971 of the State of Arkansas as amended.

2. Controlled substances may be dispensed by the school nurse to a student with a prescription and if it remains in the container in which it was obtained from the pharmacy.

CONSEQUENCES: Any student engaging in any of the activities with any of the prohibited substances listed above will be subject to any or all of the following penalties...

FIRST OFFENSE: Student may be suspended off campus for up to 10 days. Police may be called and expulsion recommended. Re-admission would require proof of professional help and a parental conference, with the possibility of community/school service. All-day detention may be used.

SECOND OFFENSE: The student shall be recommended for expulsion. Police will be summoned.

Any student suspended for the first offense may be required to seek professional counseling prior to re-admission to school. The student will receive full counseling services at his or her own expense. Upon re-admission, continued enrollment shall be contingent upon completion of the drug/alcohol counseling program. Failure to complete this program may be grounds for expulsion.

#### **SELLING OR TRANSFER OF ANY PRESCRIPTION MEDICATION, DIET PILL, OR OVER-THE-COUNTER MEDICATION...**

Students shall not sell or transfer (give) any prescription medication, diet pill, or over-the-counter medication to any other student. Medications may not be carried on buses for any reason.

CONSEQUENCES: Teacher discipline, conferencing, parent conference, corporal punishment, after-school detention, 1-10 days in-school suspension, 1-10 days out-of-school suspension, permanent expulsion

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

The Dierks 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.

Date Adopted:

Last Revised:

#### **4.25D - STUDENT DRESS**

Student dress and grooming shall be left primarily to the discretion of the student and his or her parents. The school officials, however, shall have the authority to require a student who is improperly dressed to change into more appropriate clothing. Improper dress shall be defined as any clothing which might interfere with the daily school routine as determined by local administration. While shorts are discouraged, shorts and skirts are acceptable as long as the hem is no shorter than four inches from the bend of the knee. Holes in jeans may be no higher than four inches above the bend in knees. Jeans may not sag in such a way as to expose under-garments. Hats, headbands, or other headwear will not be worn indoors with the exception of school sponsored events at the discretion of principal.

Inappropriate clothing will include the following:

Clothing that depicts or refers to alcoholic beverages, drugs, or nudity; that which contains obscene slogans, other inappropriate slogans, or emblems; or that which contains any writing which may reasonably be expected to cause disruptions or interference with normal school operation.

Undershirts, tank tops, see-through shirts or blouses, racer-back shirts, or clothing with spaghetti straps are not acceptable for school wear unless worn under other clothing. Shirts or blouses are to be closed (buttoned) to show modesty and appropriateness.

Shoes must be worn at all times and should be chosen with consideration to safety and health, as well as to consideration for other (quietness). **Cleats are not to be worn at school.**

**Boys** must not wear shirts that do not completely cover the back and the stomach.

**Girls** must not wear dresses or blouses that do not cover the back and stomach this is especially important during bending and/or reaching activities such as class projects or physical education. Girls should not wear dresses or blouses that are cut in front below a moderate level. They should not wear skirts or dresses that are inappropriate in length (see four-inch rule for shorts). Tights or leggings must be worn with a shirt, shorts, or skirt with a hem shorter than four (4) inches from the bend of the knee.

**Consequences...**

Warning, asked to correct the item in question by either a phone call home requesting different clothing or provided clothing if available, one day in-school suspension.

**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.

Date Adopted:

Last Revised:

**4.27—STUDENT SEXUAL HARASSMENT**

The Dierks School District is committed to having an academic environment in which all students are treated 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.

Believing that prevention is the best policy, the District will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the district does not tolerate sexual harassment and that students can report inappropriate behavior of a sexual nature without fear of adverse consequences. The information will take into account and be appropriate to the age of the students.

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment as defined in this policy. Any student found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion.

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:

1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's education;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for academic decisions affecting that individual; and/or
3. 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 which 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.

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. Depending upon such circumstances, examples of sexual harassment include, but are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing 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; and spreading rumors related to a person's alleged sexual activities.

Students who believe they have been subjected to sexual harassment, or parents of a student who believes their child has been subjected to sexual harassment, are encouraged to file a complaint by contacting a counselor, teacher, Title IX coordinator, or administrator who will assist them in 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.

To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Students who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

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.

Date Adopted:

Last Revised:

#### **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; 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. 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.

Date Adopted:

Last Revised:

#### **4.29—INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY**

##### **Definition**

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

The District makes electronic device(s) and/or electronic device Internet access available to students, to permit students to perform research and to allow students to learn how to use electronic device technology. Use of district electronic devices is for educational and/or instructional purposes only. Student use of electronic device(s) shall only be as directed or assigned by staff or teachers; students

are advised that they enjoy no expectation of privacy in any aspect of their electronic device use, including email, and that monitoring of student electronic device use is continuous.

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

### **Technology Protection Measures**

The District is dedicated to protecting students from materials on the Internet or world wide web that are inappropriate, obscene, or otherwise harmful to minors<sup>1</sup>; therefore, it is the policy of the District to protect each electronic device with Internet filtering software that is designed to prevent students from accessing such materials. For purposes of this policy, -harmful to minorsll means any picture, image, graphic image file, or other visual depiction that:

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

### **Internet Use and Safety**

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

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

### **Misuse of Internet**

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

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

Date Adopted:

Last Revised:

### **4.29D - TECHNOLOGY ACCEPTABLE USE POLICY**

The Dierks School District believes that technology is a tool for life-long learning, and that access to Local Area Network (LAN) and Wide Area Network (WAN) is one of the resources that promote educational and organizational excellence.

We believe the responsible use of network resources will propel today's schools into the information age allowing students and staff to significantly expand their knowledge by accessing and using information resources, and by analyzing, collaborating and publishing information.

Students and staff should use network resources in a responsible, efficient, ethical, and legal manner in accordance with the mission of Dierks School District. The use of technology is a privilege, not a right, which may be revoked at any time for inappropriate behavior. Users assume responsibility for understanding the policy and guidelines as a condition of using available technology. Staff members are accountable to teach and use technology responsibly. Use of technology resources that are inconsistent with this policy may result in loss of access as well as other disciplinary or legal action. This will be at the discretion of the faculty and the administration of the Dierks School District.

### **Network Access**

The following individuals are authorized to use the Dierks Public School Network (including, but not limited to e-mail and internet):

1. Dierks School employees are issued an individual network account.
2. High school students at Dierks High School (grades 7-12) may be issued an account with e-mail and internet privileges upon return of a contract signed by parent and student. This will depend upon the class and instructor.
3. Seventh and eighth grade students are issued network accounts without internet and e-mail access.
4. Elementary students have access to school network only under their teacher's direct supervision using a classroom account. Individual elementary students will be issued an account upon the discretion of the teachers and the administration.
5. Others may be issued **Guest Accounts** based on their need for doing network business. (Examples of such accounts would be adult education classes and college students needing to do research).

### **Acceptable Internet Use Guidelines**

Staff members are expected to teach responsible use to students when students are accessing the Internet and to provide guidance and supervision of students using the internet in the following ways:

- Teachers and other supervising adults will discuss the appropriate use of technology resources with their students, monitor their use, and intervene if the resource is not being used appropriately.
- Computers that allow access to the Internet should only be placed in areas where adults are present.

Content filtering is provided by the state to help limit access to inappropriate material. Even with filtering, it is possible that students may find material on the Internet that parents consider objectionable. Although students may be supervised when they use the Internet, this does not guarantee that students will not access inappropriate materials. District guidelines for accessing Internet prohibit access to material that is inappropriate in the school environment. Students should report inappropriate access of material to a teacher, other staff persons, or their parents. Parents are encouraged to discuss responsible use of the Internet with their children and how this responsibility includes using the Internet at school, as well as from home.

### **Unacceptable use**

The following uses of technology are unacceptable and may result in suspension or revocation of network privileges. Unacceptable use is defined to include, but not be limited to, the following:

- Violation of School Board Policy, District Administrative Rules, or any provision in the Student Handbook.
- Transmission of any material in violation of any local, state, or federal law. This includes, but is not limited to: copyrighted materials, threatening or obscene material, or material protected by trade secret.
- The use of profanity, obscenity or other language that may be offensive to another user
- Any form of vandalism, including but not limited to, damaging computers, computer systems, or networks, and/or disrupting the operation of the network.
- Copying and/or downloading commercial software or other material (e.g. music) in violation of federal copyright laws.
- Use of the network for financial gain, commercial activity, or illegal activity, e.g. hacking.
- Use of the network for political activity.
- Use of the network to access pornographic or obscene material.
- Creating and/or placing a computer virus on the network.

- Accessing another person's individual account without prior consent or accessing a restricted account without the prior consent of the responsible administrator or teacher. The person in whose name an account is issued is responsible at all times for its proper use. Passwords should never be shared with another person and should be changed frequently.

### **Electronic Bullying (Cyber bullying)**

Electronic bullying is the act of transmitting a communication or image by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communication device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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.

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.

### **Privacy**

Staff and student users of Dierks must be aware that information accessed, created, sent, received or stored on the network is not private. It is subject to review by network system administrators. System administrators may investigate complaints regarding e-mail that may contain inappropriate or illegal material.

### **Web Content**

The content on the Dierks School District website shall be consistent with its purpose of supporting and enhancing learning and teaching that prepares students for success. Dierks' website includes information about the district and functions as a communication tool.

Staff members who publish pages on Dierks School District's website should use criteria appropriate to selecting material that enriches the learning environment. In addition to applying the principles used to establish a rich educational environment, web page content should be designed to reflect the following criteria.

The purposes of these guidelines are:

1. To inform school staff of the possible dangers of allowing students to publish identifying information on the Internet.
2. To recognize that there are potential advantages of allowing students to publish identifying information on the Internet.
3. To provide to schools a recommended set of guidelines governing how student identifying should be allowed in publishing on the Internet.

It is clear that there are significant risks, as well as significant advantages, involved with allowing students to be identified on the Internet. Therefore students should not be easily identifiable from materials they might publish on the Internet.

### **Guidelines**

- Only first name shall be used in published student work
- Pictures that are a part of student publishing should not include identifying information
- Under no circumstances should a student's home address or phone number be included
- If replies to published student work are appropriate, the sponsoring teacher's address should be the e-mail address displayed, not the student's.
- In special circumstances with parent-signed release, identifying information can be added.

**Guidelines:** To make this determination the submitted students and the supervising staff member must carefully weigh the potential for risk against the perceived advantage of posting this identifying information. Students are required to seek guidance and approval from school staff and are encouraged to involve parents in instances where there is uncertainty before posting identifying information.

## **Copyright & Plagiarism**

Adherence to federal copyright law is required in both the print and the electronic environments. All users of the Dierks network are expected to adhere to the provision of Public Law 94-553 and subsequent federal legislation and guidelines related to the duplication and/or use of copyrighted materials. District guidelines permit copying specifically allowed by copyright law, fair use guidelines, license agreements or proprietor's permission. The following are not permitted:

- Using network resources to commit plagiarism
- Unauthorized use, copying, or forwarding of copyrighted material.
- Unauthorized installing, use, storage, or distribution of copyrighted software.

In following Public Law 106-554 and State Law A.C.A. 6-21-107 and 6-21-111, Dierks Schools will adhere to the Children's Internet Protection Act.

### **Violation of the Technology Acceptable Use Policy**

Any student that violates the Dierks School District's Technology Acceptable Use Policy will be subject to the appropriate disciplinary action as listed below.

**CONSEQUENCES** – Loss of computer privileges for a period of time determined by the teacher, loss of computer privileges for a longer period of time determined by the suspension, 1-10 days of Out of School suspension, parent conference, loss of computer privileges for the remainder of the school term, loss of computer privileges for one year, expulsion.

## **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, 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), 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), 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 parents' or legal guardians' responsibility to provide current contact information to the district, which the school shall use to immediately notify the parent or legal guardian upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

- 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 or legal guardian.

During the period of their suspension, students serving OSS are not permitted on campus except to attend a student/parent/administrator conference.

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.

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.

Date Adopted:

Last Revised

#### **4.30D-**

#### **IN-SCHOOL SUSPENSION**

Students in grades K-1 will serve in-school suspension only from 11:30 – 3:10. They will be supervised by a school employee while they complete assignments provided by their classroom teacher. They will eat lunch in the ISS room and return to their regular room in time to get ready to leave for the day. Students in grades 2-6 will serve an all-day suspension under the same regulations as mentioned above.

#### **OUT-OF-SCHOOL SUSPENSION**

In cases of severe disruptions, or when a student may not receive corporal punishment, a student may be suspended for up to ten school days, including the day upon which the suspension was initially imposed if they are:

- In sixth grade or
- A K – 5 student who poses a physical risk to himself or herself or to others, causes a serious disruption that cannot be addressed through other means, or brings a firearm on school campus.

Prior to such suspension, the principal or designee shall inform the student and parent about the infraction. Students will not be allowed to make up class work that is completed during their suspension.

#### **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 or legal guardians (mailed to the address reflected on the District's records) that he/she will recommend to the Board of Education that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where the Board of Education will consider and dispose of the recommendation.

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

The President of the Board, Board attorney, or other designated Board member shall preside at the hearing. The student may choose to be represented by legal counsel. Both the district administration and School Board also may be represented by legal counsel. The hearing shall be conducted in open session of the Board unless the parent, 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, that 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 not less than 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 or legal guardians 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. 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 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.

Date Adopted:

Last Revised:

#### **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. School authorities may seize evidence found in the search and disciplinary action may be taken. Evidence found which appears to be in violation of the law shall be reported to the appropriate authority.

School property shall include, but not be limited to, lockers, desks, and parking lots, as well as personal effects left there by students. When possible, prior notice will be given and the student will be allowed to be present along with an adult witness; however, searches

may be done at any time with or without notice or the student's consent. A personal search must not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.

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

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

State Law requires that Department of Human Services employees, local law enforcement, or agents of the Crimes Against Children Division of the Department 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, or other person having lawful control by court order, or person acting in loco parentis on student enrollment forms. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or an investigator or employee of the Department of Human Services.

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release of the student, the principal or designee shall give the student's parent, legal guardian, or other person having lawful control by court order, or person acting 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.

Date Adopted:

Last Revised:

#### **4.32D –**

#### **DESK, BACKPACK, AND PERSONAL SEARCHES**

School authorities may search a student's desk, backpack, or conduct a personal search and seize for any illegal or contraband materials. A search should be limited to a situation in which the administration has reasonable belief that the student is concealing evidence of an illegal act, contraband, or has violated a school rule. Dangerous items (such as firearms, weapons, knives, controlled substances, and other items which may be used to disrupt substantially the educational process) will be removed from the student's possession and will be reported and transmitted to the proper authorities. Searches should be made under the following conditions:

##### **1. Desk Searches**

- a. Students should be informed of the conditions governing the use of desks when assignments are made.
- b. Searches should be made only by the building principal or an official duly authorized person for that purpose by the building principal with a witness present. The search of that particular desk should be made only upon a reasonable assumption that the student is secreting evidence of an illegal act or contraband materials.
- c. Blanket searches of every desk should not be permitted except in unusual circumstances, such as a bomb threat.

##### **2. Personal Searches**

A search of a student's person should be limited to a situation in which the administration has a reasonable belief that the student is concealing evidence of an illegal act, contraband, or has violated a school rule. Dangerous items (such as firearms, weapons, knives), controlled substances, or other items which may be used to substantially disrupt the educational process will be removed from the student's possession and will be reported and transmitted to proper authorities.

#### 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: 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 (100.4 F when taken orally). 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 bloodborne, 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).

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 the 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.

Date Adopted:

Last Revised:

#### 4.34D – HEAD LICE...

From time to time, teachers may detect a case of head lice in a classroom. When this does happen, **the student must be sent home and treated by the parents.** The Howard County Health Department will assist in many instances.

Head lice do not normally carry or spread disease, nor does their presence indicate that a child is dirty. They can, however, spread *rapidly* throughout the school and community if preventive measures are not taken as soon as the lice or their eggs have been detected. Head scratching and/or intense itching of the scalp are the primary indications that head lice may be present. Their presence can be more definitely confirmed by a close visual inspection of the hair and scalp under a good light and a strong magnifying glass. Parents should look for tiny gray crawling forms and tiny whitish oval eggs adhering to the hair shafts about ¼ inch from the scalp.

Do not be overly alarmed to discover lice or their eggs, *but take immediate action!* In most cases all that is required is shampooing with a good anti-lice preparation. Every individual in an infected person's household should undergo treatment with the anti-lice shampoo. It has been reported that head lice are becoming immune to some of the anti-lice shampoos, but a prescription from your doctor for **KWELL** will assist in the control of head lice.

Infestations usually occur when infested individuals fail to report and properly treat the condition due to a misguided notion of a social stigma attached to this problem. Early detection, immediate reporting, and proper treatment procedures can quickly and easily eliminate the problem.

All students will be inspected by the school nurse during the opening weeks of school and as frequently as needed thereafter. Infested students will be removed from the building immediately and allowed to return only after proper treatment has been administered and the child has been checked by the nurse or other school official. Parents will be notified of any lice or nits (lice eggs) found in their child's classroom during the year.

It is important that you instruct your child not to borrow personal items such as combs, brushes, hats, and other articles of clothing from other students. **Because of the nature of this problem, the school reserves the right to notify the Howard County Health Department and/or the Department of Human Services after the third incident of head lice within the same household. The intent of such notification would be to solicit the assistance needed to help the family resolve the problem.**

#### **HEALTH SERVICES...**

Rules and regulations of the Arkansas State Board of Health require the school personnel to refuse admittance to children with communicable diseases. Such diseases common to children include chicken pox, colds, diphtheria, measles, meningitis, mumps, poliomyelitis, scarlet fever, smallpox, typhoid fever, whooping cough, skin disease, **head lice**, pink eye, trench mouth, ring worm, and contagious catarrhal conjunctivitis

Teachers should always be alert to symptoms of illness, and children who exhibit evidence of any communicable disease should be sent to the nurse or principal. If a child is to be sent home, the parents will be notified of the child's condition. Any student who has been absent with a quarantinable disease must present a written release from the doctor before re-admittance to school.

It is the policy of the school that no drug or medicinal preparation, with the exception of those medicines or medications approved for first aid by the Arkansas School First Aid Guidelines, will be administered to a student on any school premises by school personnel unless the student requires the medications to attend school and unless a current valid doctor's prescription and instructions, as well as a written request from the child's parents, are received by the school. Students are not allowed to bring medicine to school on the bus.

#### **4.35—STUDENT MEDICATIONS**

Prior to the administration of any medication 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, students are not allowed to carry any medications, including over-the-counter medications or any 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 over-the-counter medications to the extent giving such medications are included in the student's IHP.

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

Students taking Schedule II medications not included in the previous sentence<sup>1</sup> shall be allowed to bring them to school under the provisions of this policy and shall be permitted to attend and participate in classes **only** to the extent the student's doctor has specifically authorized such attendance and participation.<sup>2</sup> A doctor's prescription for a student's Schedule II medication is **not** an authorization. Attendance authorization shall specifically state the degree and potential danger of physical exertion the student is permitted to undertake in the student's classes and extracurricular activities. Without a doctor's written authorization, a student taking Schedule II medications, other than those specifically authorized in this policy, shall **not** be eligible to attend classes, but shall be eligible for homebound instruction if provided for in their IEP or 504 plans.<sup>3</sup>

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

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 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>1</sup> and certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP developed under Section 504 of the Rehabilitation Act of 1973 which 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 certified 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 and 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>1</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.

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

<sup>1</sup> A partial, but not all-inclusive listing of Schedule II medications not specifically permitted includes: Opium, morphine, codeine, hydromorphone (Dilaudid), methadone, meperidine (Demerol), cocaine, oxycodone (Percodan), amobarbital, pentobarbital, sufentanil, etorphine hydrochloride, phenylactone, dronabinol, secobarbital, and fentanyl.

<sup>2</sup> The specific authorization should be provided on the doctor's letterhead along with the completed Medication Administration Consent Form (4.35F) .

<sup>3</sup> A student who had surgery or was in an accident and is taking a Schedule II medication may be told by his/her doctor to not attend class. In such a case, a 504 plan can be developed to cover the duration of the student's recovery. The plan could include homebound instruction.

Date Adopted:

Last Revised

#### **4.35D**

It is the policy of the school that no drug or medicinal preparation, with the exception of those medicines or medications approved for first aid by the Arkansas School First Aid Guidelines, will be administered to a student on any school premises by school personnel unless the student requires the medications to attend school and unless a current valid doctor's prescription and instructions, as well as a written request from the child's parents, are received by the school. Students are not allowed to bring medicine to school on the bus.

#### **4.36—STUDENT ILLNESS/ACCIDENT**

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

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

Date Adopted:

Last Revised:

#### **4.36D**

The administration of first aid is permitted and expected. Although schools are not liable for injuries incurred on the school premises when proper supervision is provided, the teacher and other staff members are obligated to see that an injured child receives proper attention.

When an injury or illness of a serious nature occurs, the parent or guardian should be notified immediately. When the parent or guardian cannot be located, the school may refer the child to the physician authorized by the parent. The Dierks School District does not assume liability for doctor's fees or accidents/injuries occurring at school.

#### **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, 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. 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.

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.

Date Adopted:

Last Revised:

#### **4.38—PERMANENT RECORDS**

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

Date Adopted:

Last Revised:

#### **4.39—CORPORAL PUNISHMENT**

The Dierks 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 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 punishment and be given an opportunity to refute the charges.

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

Date Adopted:  
Last Revised:

#### 4.39D - CORPORAL PUNISHMENT

Act 51 of 1994 authorized any teacher or administrator the use of corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy. Our policy states...

1. Before corporal punishment is administered, the student should be advised of the rule and infraction for which the student may be punished. The student should be allowed time to respond, and then the school administrator should take the action it deems most appropriate. A formal hearing is not required before administering corporal punishment
2. Corporal punishment shall be administered only in the presence of a school administrator or his or her designee, who shall be a teacher or administrator employed by the district. There shall also be another certified teacher or administrator to serve as a witness.
3. Corporal punishment shall not be administered in the presence of other students, with malice, or anger, or in excess.
4. Refusal to take corporal punishment may result in suspension or other disciplinary action.
5. The principal will file a written report when corporal punishment is administered.
6. Parents may choose an option as to whether their child is to receive corporal punishment. **SIGNATURE IS REQUIRED ON APPROPRIATE FORM AS PART OF THE REGISTRATION PROCESS.**

#### 4.40—HOMELESS STUDENTS

The \_\_\_\_\_ 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 originll 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
  - Awaiting foster care placement;
- B. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- D. Are migratory children who are living in circumstances described in clauses (a) through (c).

In accordance with Federal law, information on a homeless child or youth's living situation is part of the student's education record and shall not be considered, or added, to the list of directory information in Policy 4.13.<sup>3</sup>

Date Adopted:

Last Revised

#### **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 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.

Date Adopted:

Last Revised:

#### **4.42—STUDENT HANDBOOK**

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

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

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

Date Adopted:

Last Revised:

#### **4.43—BULLYING**

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.

A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

#### **Definitions:**

-Attribute<sup>ll</sup> 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<sup>ll</sup> 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;

-Electronic act<sup>ll</sup> means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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<sup>ll</sup> 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<sup>ll</sup> 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.

**Cyberbullying of School Employees** is expressly prohibited and 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; making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;
- e. 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;
- f. Signing up a school employee for a pornographic Internet site; or
- g. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Examples of "Bullying" may also include but are not limited to a pattern of behavior involving one or more of the following:

1. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes,
2. Pointed questions intended to embarrass or humiliate,

3. Mocking, taunting or belittling,
4. Non-verbal threats and/or intimidation such as –fronting|| or –chesting|| a person,
5. Demeaning humor relating to a student’s race, gender, ethnicity or actual or perceived attributes,
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
7. Blocking access to school property or facilities,
8. Deliberate physical contact or injury to person or property,
9. Stealing or hiding books or belongings,
10. Threats of harm to student(s), possessions, or others,
11. Sexual harassment, as governed by policy 4.27, is also a form of bullying, and/or
12. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: –Slut||) or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: –You are so gay.|| –Fag|| –Queer||).

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 principal. Parents or legal guardians may submit written reports of incidents they feel constitute bullying, or if allowed to continue would constitute bullying, to the principal. The principal shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted.

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

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.

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. Parents, students, school volunteers, and employees shall be given copies of the notice.

Copies of this policy shall be available upon request.

Date Adopted:

Last Revised:

**4.43D –  
BULLYING...**

We define bullying as the intentional, repeated hurtful behaviors committed by one or more children against another. These behaviors are not provoked by the victims, but result from real or perceived imbalance of power between the bully and the victim. Let it be known by all that bullying as defined here will not be tolerated in class, while riding in school vehicles including school buses, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events.

Any school employee who has witnessed or has reliable information that a student has been a victim of bullying as defined here shall report the incident to the principal. Any person or persons who file a complaint will not be subject to retaliation or reprisal in any form. Any school employee who reports a violation under this policy shall be immune from any tort liability which may arise from the failure to remedy the reported incident.

CONSEQUENCES: Minimum of parent notification to maximum of expulsion, dependent upon age or grade of the student(s) involved and nature of the violation.

### **Electronic Bullying (Cyber bullying)**

Electronic bullying is the act of transmitting a communication or image by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communication device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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.

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.

### **4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2018, 2019, AND 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, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* 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 form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the students' permanent record. This policy is to be included in student handbooks for grades six (6) through — (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 requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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. 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 at least every other year 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:

- 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.

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.

## 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 Arkansas Department of Education, the district requires an additional two (2) units to graduate for a total of twenty-four (24) units. The additional required units are: ½ credit of financial literacy, 1/1 credit of investments and securities, ½ credit of creative writing and ½ credit of an elective or career focus. There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

Beginning in the 2018-2019 school year, all students must pass the test approved by ADE that is similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services 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. 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 Investigating 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 beyond Algebra II: this can include Pre-Calculus, Calculus, AP Statistics, Algebra III, Advanced Topic and Modeling in Mathematics, Mathematical Applications and Algorithms, Linear Systems and Statistics, or any of several IB or Advanced Placement math courses (Comparable concurrent credit college courses may be substituted where applicable); or
  - A computer science flex credit may be taken in the place of a fourth math credit.

Natural Science: a total of three (3) units with lab experience chosen from

One unit of Biology; and either:

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each):

- Physical Science;
- Chemistry;
- Physics or Principles of Technology I & II or PIC Physics; or

One unit from the three categories above and 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 unit
- American History - one 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.

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.

**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

- 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

- at least one (1) unit of biology or its equivalent; and

Two units chosen from the following three categories:

- Physical Science;
- Chemistry;
- Physics; or

One unit from the three categories above and 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

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.

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.

Date Adopted:

Last Revised:

#### **4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2021 AND THEREAFTER**

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are eighteen (18) years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* 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 form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the students' 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 requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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. 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 at least every other year 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:

- 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.

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.

#### **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 Arkansas Department of Education, the district requires an additional two (2) units to graduate for a total of twenty-four (24) units. The additional required units are: ½ credit of financial literacy, ½ credit of investments and securities, ½ credit of creative writing and ½ credit of an elective or career focus. 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 pass the test approved by ADE that is similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services 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. 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

In tenth (10th), eleventh (11th), or twelfth (12th) grade, all students shall cover the Personal and Family Finance Standards by receiving credit for:

#### 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 Investigating 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 beyond Algebra II: this can include Pre-Calculus, Calculus, AP Statistics, Algebra III, Advanced Topic and Modeling in Mathematics, Mathematical Applications and Algorithms, Linear Systems and Statistics, or any of several IB or Advanced Placement math courses (Comparable concurrent credit college courses may be substituted where applicable); or
- A computer science flex credit may be taken in the place of a fourth math credit.

Natural Science: a total of three (3) units with lab experience chosen from

One unit of Biology; and either:

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each):

- Physical Science;
- Chemistry;
- Physics or Principles of Technology I & II or PIC Physics; or
- One unit from the three categories above and 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 unit
- American History - one 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.

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.

**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

- 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

- at least one (1) unit of biology or its equivalent; and

Two units chosen from the following three categories:

- Physical Science;
- Chemistry;
- Physics; or

One unit from the three categories above and 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

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>9</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.

Date Adopted:  
Last Revised:

#### **4.46—PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance shall be recited during the first class period of each school day. Those students choosing to participate shall do so by facing the flag with their right hands over their hearts, or in an appropriate salute if in uniform, while reciting the Pledge. Students choosing not to participate shall be quiet while either standing or sitting at their desks.

Students shall not be compelled to recite the Pledge, but students who choose not to recite the Pledge shall not disrupt those students choosing to recite the Pledge.

Students choosing not to recite the Pledge shall not be subject to any comments, retaliation, or disciplinary action.

Date Adopted:  
Last Revised:

#### **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; 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 take photographs in locker rooms or 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.

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. 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.

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.

Date Adopted:

Last Revised:

#### **4.47D -**

#### **CELL PHONES AND ELECTRONIC DEVICES...**

Cell phones and/or electronic devices (iPods, mp3s, gaming systems, etc) are discouraged from being brought to school. If they are brought, they must be turned off and turned into the classroom teachers during school hours. These devices are not to be used while on campus or a field trip sponsored by the elementary school. The school is not responsible for damages and/or lost items. Laser pointers have been outlawed and are not to ever be brought to school.

CONSEQUENCES – Taken away until the end of the day, after-school detention, corporal punishment, in-school detention.

#### **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 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 30 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; 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.

Date Adopted:

Last Revised:

#### **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. Among the coordinator's responsibilities shall be ensuring district enforcement of the due process rights of students with disabilities and their parents.

Date Adopted:

Last Revised:

#### **4.49D - SPECIAL EDUCATION...**

Students with disabilities being served under the IDEA in the resource room under the prescribed continuum of services to ensure the least restrictive environment will receive educational services and grades commensurate with the level of work assigned as indicated in the student's IEP. Students will receive services in the regular education classroom with the required accommodations found in the IEP.

All policies and procedures as found in the IDEA will be strictly followed.

#### **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 a medical statement completed by a State licensed healthcare professional, which includes:

- 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 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, 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.

Date Adopted:  
Last Revised:

#### **4.51— FOOD SERVICE PREPAYMENT**

##### **Meal Charges**

Option 1: The district does not provide credit for students to charge for meals, a la carte, or other food and beverage items available for purchase in the school food service areas. Meals, a la carte, or other food and beverage items may be purchased by either providing payment for the items at the time of receipt or by having a prepaid account with the District that may be charged for the items. Parents, or students choosing to do so, may pay in advance for meals, a la carte, or other food and beverage items through any of the following methods:

- Submitting cash or check payment at \_\_\_\_\_;
- Depositing funds through the District's online service;

A student's parents will be contacted by authorized District personnel regarding a student's prepaid account balance at the following times:

Option 2: The District participates in \_\_\_\_\_ and provides meals to all students at no charge. The District does not provide credit for students to charge for a la carte or other food and beverage items available for purchase in the school food service areas. A la carte or other food and beverage items may be purchased by either providing payment for the items at the time of receipt or by having a prepaid account with the District that may be charged for the items. Parents, or students choosing to do so, may pay in advance for a la carte or other food and beverage items through any of the following methods:

- Submitting cash or check payment to \_\_\_\_\_;
- Depositing funds through the District's online service;

##### **Alternative Meals**

Option A: The District does not provide alternative meals for students.

Option B: The District provides alternative meals at no cost to students whose accounts do not have enough funds to purchase a meal. Alternative meals are available during \_\_\_\_\_. A student may select an alternative meal up to \_\_\_\_\_ times in a school year. The District will notify a student's parents when the student has:

- \_\_\_\_\_ alternative meal options remaining in the school year; and
- No more alternative meals available for the school year.

The alternative meals provided to students are available as \_\_\_\_\_. Students who have submitted proper documentation to receive a meal modification in accordance with Policy 4.50—SCHOOL MEAL MODIFICATIONS shall receive the same type of modification for an alternative meal.

Date Adopted:  
Last Revised:

#### **4.51D- FOOD SERVICES...**

Breakfast will be provided each day. The cafeteria will begin serving at 7:30 a.m. The cost for breakfast is 50 cents (30 cents for reduced eligibility\*); **students are asked not to charge**. An extra breakfast entrée costs 75 cents. An adult breakfast is \$2.00. The cost of an extra milk is 50 cents and an extra juice is 30 cents.

Lunches are served from 11:00 a.m. until 12:30 p.m. each day, with kindergarten taking the first shift and progressive grades coming at ten-minute intervals. Each class will have approximately 25-30 minutes to eat. The cost of lunch is \$2.00 for students and \$3.50 for adults. If an adult just wants a salad the cost will be \$2.50. An extra student lunch will cost \$3.50. Students with reduced eligibility\* will pay 40 cents. **While lunch charges are generally discouraged, we do allow for them provided that payment is received in a timely manner. We do not allow students to charge an extra lunch or purchase an extra lunch if they have charges already. Students may not charge extra milk; they will be allowed to get a drink of water if needed.** Parents may pay for lunches and/or check how much money students have prepaid on lunches at <https://www.myschoolbucks.com>. The students each have an identification number that will be needed to view this information. While most students know their individual numbers, this information can be obtained at the school office as needed.

\*Free and reduced-price meals are available for those children who need such assistance, and milk is served under the National School Lunch, School Breakfast, and Special Milk Program. Applications for such assistance may be obtained from the principal's office. The information provided on the application will be used for the purpose of determining eligibility and may be verified at any time during the school year by the school or other program officials. To apply for free and reduced-price meals, an adult household member must fill out the application and return it to school.

#### **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 Arkansas Department of Education (ADE), 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.

The District, working with other individuals and agencies shall, unless the presiding court rules otherwise or DHS grant 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.

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.

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.

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 ADE 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:

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.

Date Adopted:

Last Revised:

#### **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 14<sup>th</sup> 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.

Date Adopted:

Last Revised:

#### **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<sup>1</sup> 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 (GT) 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. Upon completion of the review, the Committee will either request additional new testing be conducted to help the Committee make its determination or it will uphold the initial decision. The Committee's decision may not be further appealed.

Date adopted:

Last Revised:

#### **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 or guardians 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 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. 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.

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.

Beginning with the 2018-2019 school year, each student shall have a student success plan (SSP) developed by school personnel in collaboration with the student's parents and the student that is reviewed and updated annually. A student's SSP shall use multiple academic measures to personalize learning in order for students to achieve their grade-level expectations and individual growth. The SSP will identify if the student is in need of additional support or acceleration. Academic measures to be used in creating and updating a student's SSP shall include, but are not limited to:

- ✓ Statewide student assessment results;
- ✓ Subject grades;
- ✓ Student work samples; and
- ✓ Local assessment scores.

By the end of grade eight (8), the student's SSP shall:

- Guide the student along pathways to graduation;
- Address accelerated learning opportunities;
- Address academic deficits and interventions; and
- Include college and career planning components.

Based on a student's score on the college and career assessment:

- The student's SSP will be updated in order to assist the student with college and career readiness skills, course selection in high school, and improved academic achievement; and
- Provide a basis for counseling concerning postsecondary preparatory programs.

An SSP shall be created:

1. By no later than the end of the school year for a student in grade eight (8) or below who enrolls in the District during the school year; or
2. As soon as reasonably possible for a student in grade nine (9) or above who enrolls in the District at the beginning or during the school year.

A student's individualized education program (IEP) may act in the place of the student's SSP if the IEP addresses academic deficits and interventions for the student's failure to meet standards-based academic goals at an expected rate or level and includes a transition plan that addresses college and career planning components. Promotion/retention or graduation of students with an IEP shall be based on their successful attainment of the goals set forth in their IEP.

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. Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.

Date Adopted:

Last Revised:

#### **4.55D**

Promotions and retentions are based on an evaluation of academic, physical, social and emotional growth. The primary reasons for considering retention are: (a) failure to master the current grades' student learning expectations as set forth by state standards, (b) indifference or lack of effort on the part of a capable student, (c) physical or social immaturity, and (d) frequent or long absences. Retention is usually considered as a more positive alternative during kindergarten, first and second grades. Parents can assume that their child will be promoted unless the alternative of retention has been discussed during the school year.

The promotion of a student will be determined by the teacher and the administration who will consider grades and attendance. If, in a teacher's opinion, a student is in danger of being retained, the committee of teachers of the student's grade level will meet and decide whether or not the child will be retained, placed, or promoted.

### **4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY**

#### **Definitions**

-Extracurricular activities are defined as: any school sponsored program where students from one or more schools meet, work, perform, practice under supervision outside of regular class time, or are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition. Examples include, but are not limited to, inter/intrascholastic athletics, cheerleading, band, choral, math, or science competitions, field trips, and club activities.

-Field Trips are when individual students or groups of students are invited to programs or events when there is no competition and the students are not interacting with each other for the purpose of planning, qualifying, or arranging for future programs or for the purpose of receiving recognition.

-Interscholastic Activities means athletic or non-athletic/academic activities where students compete on a school vs. school basis.

-Intrascholastic Activities means athletic or non-athletic/academic activities where students compete with students from within the same school.

#### **Extracurricular Eligibility**

The Board believes in providing opportunities for students to participate in extracurricular activities that can help enrich the student's educational experience. At the same time, the Board believes that a student's participation in extracurricular activities cannot come at the expense of his/her classroom academic achievement. Interruptions of instructional time in the classroom are to be minimal and absences from class to participate in extracurricular activities shall not exceed one per week per extracurricular activity (tournaments or other similar events excepted with approval of the principal). 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.

Any student who refuses to sit for a Statewide assessment or attempts to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity. The student shall remain ineligible to participate until the student takes the same or a following statewide assessment, as applicable. The superintendent or designee may waive this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances. Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.

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.

Date Adopted:

Last Revised:

#### **4.56.1D**

##### **EXTRACURRICULAR ACTIVITIES...**

Any student will be considered eligible for grade and/or age appropriate activities pending approval of the principal and other school staff. Several programs are presently offered which have no direct affiliation with the school. These include scouting, 4-H, and pee-wee athletics.

#### **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 regulations 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 provisions of this policy, AAA Rules, and applicable Arkansas statutes shall have an equal opportunity to try out and participate in an interscholastic activities without discrimination. The District shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.

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 sign-up, tryout or participation deadline established for traditional students. Additionally, the student shall demonstrate academic eligibility by obtaining a 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; 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 (11<sup>th</sup>) 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.

Date Adopted:

Last Revised:

## **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<sup>11</sup> 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:

- 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-datell, -completell, -adequatell, 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.

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.

Date  
Adopted:  
Last  
Revised:

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

### **AREA Food Sharing Table**

The District has no food sharing system for food items other than milk and juice.<sup>2</sup> Students who do not intend to drink milk or juice received as part of a meal may place the milk/juice in a designated ice-filled cooler located at the end of the service line where another student may retrieve it at no charge. 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 cooler to place for sharing or retrieve an item after the student has left the service line.

At all times, the cooler 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 is to remain in the cooler for longer than four (4) hours.

### **Removing Food Items From the Food Service Area**

No student shall remove school provided food items from the food service area at the end of the meal period, especially milk, juice, and other items requiring temperature controlled environments.

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.

Date  
Adopted:  
Last  
Revised:

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**Dierks Public Schools**

**Statement of Assurance**

In keeping with guidelines of Title VI, Section 601, Civil Rights Act of 1964, Title IX, Section 901, Education Amendments of 1972 and Section 504 of Rehabilitation Act of 1973, the Dierks Public School assures that no person shall, on the basis of race, color, national origin, sex or handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program.

**Holly Cothren, Equity Coordinator**

**Dierks School District**

**P O Box 124**

**Dierks, AR 71833**

**(870)286-2191**

<b>BOARD APPROVED COORDINATORS</b>
------------------------------------

<b>504 &amp; Equity</b>	<b>Nancy Alsbrook</b>	<b>286-3234</b>	<b>P O Box 124, Dierks</b>
<b>504 &amp; Equity</b>	<b>Jana Strode</b>	<b>286-2015</b>	<b>P O Box 70, Dierks</b>
<b>ESL</b>	<b>Crystal Neal</b>	<b>286-3234</b>	<b>P O Box 70, Dierks</b>

<b>Crisis Intervention</b>	<b>Crystal Smith</b>	<b>286-3234</b>	<b>P O Box 124, Dierks</b>
<b>Safety</b>	<b>Sally Sharp</b>	<b>286-3234</b>	<b>P O Box 124, Dierks</b>
<b>Safety</b>	<b>Greg Janes</b>	<b>286-2191</b>	<b>P O Box 124, Dierks</b>
<b>Equity</b>	<b>Holly Cothren</b>	<b>286-2191</b>	<b>P O Box 124, Dierks</b>

Dear Parent:

In compliance with Act 104 of the 1993 Special Session, we are sending you this copy of the Dierks School District Student Discipline Policies. Your signature below indicates that you understand the disciplinary policies including the use of corporal punishment.

Please keep the policies and return only this letter with the appropriate signatures information requested to indicate that you have received your copy.

We ask that you fill out an individual sheet for each child that will be attending high school. These forms will be kept on file in the principal's office, as it will contain information needed by the school.

Your signature below also indicates that you have received the Dierks High School Parental Involvement Plan, homework policy, attendance policy, and technology acceptable use policy contained within the Parent/Student Handbook. Your signature below also gives permission for your child's name and/or picture to appear in the newspaper, OTV, or the school website.

**Sincerely,**

**Holly Cothren**

**Superintendent**

-----  
Name of Student

\_\_\_\_\_

First

Middle

Last

Birthdate of Student \_\_\_\_\_

Month

Date

Year

Grade Level \_\_\_\_\_

\_\_\_\_\_ Option 1-My child will follow the disciplinary procedures as written in this handbook. Choosing this option is allowing corporal punishment to be used as a disciplinary measure.

\_\_\_\_\_ Option 2-My child may **not** receive corporal punishment at school but keep in mind that this option can/will result in out of school suspension.

Signature of Father \_\_\_\_\_

Signature of Mother \_\_\_\_\_

Signature of Student \_\_\_\_\_

## HOME LANGUAGE SURVEY

STUDENT NAME \_\_\_\_\_ CIRCLE ONE: M F

DATE OF BIRTH \_\_\_\_\_ CURRENT AGE \_\_\_\_\_

SCHOOL NAME: DIERKS HIGH SCHOOL GRADE \_\_\_\_\_

Please answer the following:

0. What was the first language learned by the student?

---

1. Is a language other than English spoken in your home?

Circle one

Yes

No

2. What languages are spoken in your home?

---

Thank you very much for your cooperation.

**DIERKS HIGH SCHOOL**

**P O Box 124, 900 Old Hwy 70 West**

**Dierks, Arkansas 71833**

**PRINCIPAL'S MESSAGE**

As we begin a new school year, I would like to personally welcome you to Dierks High School. I am looking forward to continue to serve the students, staff, and patrons of this district. As a staff, we are committed to educating all students and will continue to provide the best possible education.

At Dierks High School, we will continue to set high expectations for ourselves as well as our students. As you review the policies and procedures in this handbook, please note the opportunities, expectations, and some changes that will affect your child/children in the upcoming school year. We appreciate your involvement and encourage you to be active in your child's/children's education. If questions or concerns arise, please feel free to contact the school to meet with me and/or teachers. Please understand we have an open door policy and value your involvement.

Again, I am looking forward to continue working in this district in the 2017-18 school year at Dierks High School. Let's make it a great year, please contact me if I can be of assistance to you.

Sincerely,

Jody Cowart

High School Principal

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## **INTRODUCTION**

### **Preface**

This handbook is established with the aid and cooperation of parents, teachers, and students.

The primary purpose of this handbook is to acquaint students of Dierks Public Schools with rules, regulations and customs so that they may more readily adapt themselves to the principles of our school. We think it will help each student to become a real part of the activities of the school.

We ask that you read this handbook carefully and after reading, keep for future reference. May you consider this as just another tool that can be used to make your school a better school.

Failure to read and be familiar with this book will not relieve any student of any responsibility for compliance with the rules and regulations stated herein.

### **Pledge of Allegiance**

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands--one nation under God, indivisible, with liberty and justice for all.

### **School Colors**

Blue and White

### **School Mascot**

Outlaw horse

### **Alma Mater**

Ever will we sing thy praises.

Ever will we think of thee

As a school of pleasant hours

And a school of pleasant memories.

We love you, dear old Dierks High School;

We think you are supreme

Because you're such a grand old school,

We hold with high esteem.

### **School Spirit**

School spirit is hard to define, yet it is a powerful force in any school. It is so important that without it, a school can never be great.

First, it is more than a big noise. It begins in the classroom where we do our best. It is our teams fighting hard to win. It is the courtesy and consideration that we have for each other, the support for fellow students in their respective activities and for others who may be our guests. It is in the halls, in the classes, in the library or wherever one might be.

It is the thrill of victory and the acceptance of honorable defeat. It is that which binds us together and causes us to be proud to be a Dierks High School student.

It is that something that becomes a part of us as a result of its influence, we are good school citizens now and will become good and useful adult citizens.

#### **NATIONAL ANTHEM & ALMA MATER POLICY**

All students are required to follow normal protocol for the national anthem and/or the school alma mater (Standing and showing proper respect for song). Any student who does not wish to follow accepted protocol will be sent to the office or a designated classroom at the beginning of the pep rally or assembly and remain there until the end of said assembly. (Board Approved 5/25/06)

#### **STATEMENT OF COMMITMENT - DIERKS SCHOOL**

The Philosophy of Dierks School is as follows:

Education, the field of study that deals mainly with methods of teaching and learning in schools, has top priority in our nation, in our state, and in our high school. Dierks High School is committed to the Comprehensive Outcome Evaluation in order that Dierks High School, including management, faculty, and parents, can promote an equitable, quality education for all students by providing superior instruction, example, and encouragement. Quality education will be provided by monitoring and measuring student progress, by providing certified teachers who are continually growing professionally and seeking means to involve not only all students but also the parents in school instruction related activities, by stressing high expectations of students in class work as well as extra-curricular activities, and by providing an atmosphere that is conducive to a well rounded education for all.

#### **MISSION STATEMENT - DIERKS HIGH SCHOOL**

The mission of the Dierks High School, including management, faculty, parents, and students, is to promote an equitable, quality education for all students by providing superior instruction, example, and encouragement.

## **2017-2018 Student Council Officers**

**President–Miranda Mack**

**Vice President-Desitny Nutt**

**Reporter- Hannah Ellis**

**Treasurer– Machaila Green**

**Jr. Treasurer- Megan Welch**

**Secretary– Alison Kitchens**

**Jr. Secretary- Abigail Garner**



## SR. OUTLAWS

### FOOTBALL SCHEDULE - 2017

Sept. 1	Horatio	Home	7:30
Sept. 8	Gurdon	Away	7:30
Sept. 15	Fouke	Away	7:30
September 22	Mt. Pine	Home	7:00
September 29	Foreman	Away	7:00
October 6	Mineral Springs	Home	7:00
October 13	Lafayette County	Home	7:00
October 20	Mt. Ida	Home	7:00
October 27	Springhill	Away	7:00
November 2(Thur)	Murfreesboro	Away	7:00

**JR. OUTLAWS**

**FOOTBALL SCHEDULE - 2017**

August 31	Horatio	Away	7:00
September 7	Gurdon	Home	7:00
September 14	Murfreesboro	Home	7:00
September 21	Mt. Pine	Away	7:00
September 28	Foreman	Home	7:00
October 5	Mineral Springs	Away	7:00

October 12	Lafayette County	Away	7:00
October 19	Mt. Ida	Away	7:00
October 23 (Mon.)	Springhill	Home	7:00

- All 7th grade games will be played at 5:30 before the junior high games.

**DIERKS HIGH SCHOOL FACULTY & STAFF FOR 2017-2018**

HOLLY COTHREN	SUPERINTENDENT
JODY COWART	HIGH SCHOOL PRINCIPAL
AUDREY BAILEY	BIOLOGY/SCIENCE/A&P
SHANNON BAILEY	AGRICULTURE
JONATHAN BATES	SCIENCE/HEAD FOOTBALL
CRYSTAL SMITH	COUNSELOR
NANCY ALSABROOK	SPECIAL EDUCATION/504 COORDINATOR/ENRICHMENT
BRAD BRAY	ALE/EAST/SOFTBALL
BETSY MACK	BUSINESS EDUCATION
LENA VANCAMP	ENGLISH

CINDY MARTIN	SOCIAL STUDIES
KACI QUINN	SPECIAL EDUCATION/MATH/ENRICHMENT
JULIA MOORE	GIFTED & TALENTED
CRYSTAL NEAL	MATH/ESL/ENRICHMENT
LEANN REEL	ENGLISH/CAREER DEVELOPMENT
ALI WHISENHUNT	SCIENCE/GIRLS' BASKETBALL
JEREMY DRYMON	MUSIC/BAND
CAROL NUTTALL	LIBRARIAN/YEARBOOK/MATH
JARROD FANNIN	DRIVERS ED/ASST. FOOTBALL//BASEBALL
KEVIN ALEXANDER	SOCIAL STUDIES/BOYS BASKETBALL/ASST. FOOTBALL/GOLF
JEFF TIPTON	SOCIAL STUDIES
ADRIANNA HOGG	FAMILY & CONSUMER SCIENCE
LENA WHISENHUNT	ART
VICKY NEAL	ENGLISH/AP ENGLISH/ENRICHMENT
CALEB GARRICK	SCIENCE/ASST. FOOTBALL & BASEBALL

GREG FAULKNER	MATH
LAUREN ALLEN	MATH

<b>SUPPORT STAFF</b>
----------------------

SALLY SHARP	SCHOOL NURSE
GREG NUTTALL, SHANNON BAILEY, JEFF TIPTON,, GREG JANES,KARLA BRAY, DIEDRA DOVE, PHIL ICENHOWER CHARLES SHAW	BUS DRIVERS
RINDA DUGGAN, SHEILA JESTER, MICHELLE MCCAULEY, CATHY GILBERT	CAFETERIA PERSONNEL
ANNA WILLIS, KARLA HAWTHORNE, FRANKIE STAMPS	CUSTODIANS
DENNIS SIRMON, GREG JANES	MAINTENANCE
JANET BOBO	DISTRICT TREASURER
KRISTI JANES	SECRETARY TO SUPERINTENDENT
BOBBY NEAL	ADMINISTRATIVE ASSISTANT
MICHALA YOUNG	CLERICAL

MICHELLE KITCHENS	ADMINISTRATIVE ASSISTANT
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**DIERKS HIGH SCHOOL GENERAL INFORMATION, POLICIES, AND PROCEDURES**

**SCHOOL LUNCH PROGRAM**

**Dierks High School operates hot breakfast/lunch program at minimal cost. Prices may vary from year to year depending on the cost of operation.**

**Students may pay the lunchroom clerk in the cafeteria. Three classifications of lunches are available:**

**(1) full cost; (2) reduced price; (3) free.**

**Forms are distributed at the beginning of each school year and are always available in the office explaining the lunch program. Those who feel that they qualify for reduced price or free school lunches may fill out a form and return it to the office. Every effort is made to keep recipients' status confidential.**

**Students will not run from any school building to the lunchroom, nor will they be allowed to cut in line. Students are to form a single line along the wall of the entrance to the cafeteria. No student will take food or drink from the lunchroom.**

**Any group or individual using the lunchroom after school hours must obtain permission from the administration. If the kitchen is used a cook must be present and will be paid a fee for assistance.**

#### **INSURANCE PROGRAM**

**Insurance provided by the school covers all students at school activities. This is a supplemental insurance which pays in addition to family insurance. Additional 24-hour coverage may be purchased for students by their parents.**

#### **WEATHER CANCELLATION**

**In the event of weather conditions severe enough to warrant closing or canceling school, a call will be initiated through the School Reach system to all parents and the following area radio stations will broadcast the announcement: KDQN 92.1, B99.5 KNAS, and 88.5. If school must be closed after the school day has begun, the announcement will include the time of dismissal. If school is canceled in the early morning before the school day begins, the announcement will be on the air beginning at 6:30 a.m.**

**Snow routes have been developed to reduce the number of missed school days, in which the major roads are safe to travel to transport students. A map of the snow routes are included at the beginning to this policy book.**

## **GUIDANCE COUNSELOR**

**A guidance counselor is employed by the school to assist students in obtaining information about college, technical schools, occupations, and solving personal problems.**

**The services of the counselor are available to all parents and students. The counselor's time is limited and in the interest of all students, students should not waste the counselor's time.**

**The counselor has many college pamphlets, catalogs, directories, yearbooks, in addition to trade and vocational information. There are numerous other materials on occupations and careers available in the counselor's office. Students may make arrangements with the counselor to use this material but only on appointment basis since the space is limited. Students who do not conduct themselves properly will be asked to leave.**

## **LIBRARY**

**The reading of books and research and reference materials is a major part of a student's education. The school strives to provide students with appropriate materials for this task. Teachers and students are urged to use the library.**

**The library is staffed by student aides/librarian and is open throughout the school day. Traffic to the library is regulated by the librarian and passes issued by the librarian. The following should help in using the library properly:**

- 1. A library pass does not include a restroom pass.**
- 2. The library is to be used for research and using other library material; it is not a visiting or loafing place.**

3. **Move around as little as possible.**
4. **All books and materials must be checked out at the desk.**
5. **Encyclopedias, dictionaries, and the like may not be taken from the library.**
6. **Lost or overdue books must be returned or payment received before grades are issued.**
7. **Students must abide by any additional rules the librarian may post which will increase efficiency of the library for all students.**
8. **Students who refuse to use the library properly will have their library privileges suspended.**

#### **COLLEGE VISITATION POLICY**

**Each senior will have one (1) day of leave to visit the college, vocational school or business school or military enlistment center of his/her choice. A second college visitation day may be granted to students that have taken the ACT Test. Each junior will have one (1) college day that can only be taken during the second semester and must have taken the ACT with principal approval. The following procedure must be followed:**

1. **Make arrangements with the counselor at least two (2) days before the visitation day.**
2. **Contact each teacher and notify them of visitation plans in time to do daily assignments.**
3. **Do not miss a major test.**
4. **Bring a note from parents requesting visitation day prior to the visit.**

5. **College visitation must be made by the end of the third 9 week grading period.**
6. **Students must bring a statement from a college official stating that they visited the college.**

#### **COLLEGE REPRESENTATIVES, RECRUITERS, ETC.**

**College representatives, U. S. Military Service representatives, etc., will be allowed to come to the campus to talk to student groups. No student will be allowed to sign with any organization at school without the guardian being present.**

#### **DIERKS HIGH SCHOOL ACADEMIC POLICIES**

##### **SCHOOL RATING**

**Dierks High School is a member of the Advance-ED Association of Colleges and Secondary Schools.**

**To be a member of the association is a great honor for the school and for the community.**

**For a school to be a member of the Advance-ED, it must have an adequate faculty that meets strict requirements, a physical plant that must pass rigid inspection, a library that contains a plentiful supply of books and materials, and hosts of other things that are essential in order that you might receive a good education.**

**To you, as a student, this means that your transcript of grades will be accepted by any college without question.**

##### **GRADING SYSTEM**

**The grading system in Dierks Public Schools is as follows:**

REGULAR SCALE	AP SCALE (Weighted)
A = 90-100 = 4 pts.	A = 90-100 = 5 pts.
B = 80- 89 = 3 pts.	B = 80- 89 = 4 pts.
C = 70- 79 = 2 pts.	C = 70- 79 = 3 pts.
D = 60- 69 = 1 pt.	D = 60- 69 = 2 pt.
F = 59 and Below = 0 pts.	F = 59 and Below = 0 pts.

I = Incomplete (Incompletes automatically convert to an "F" two weeks after the end of the grading period, unless extenuating circumstances exists.)

#### GRADING, TESTING AND RELATED REGULATIONS

All daily, weekly, etc., tests are to be graded on an individual teacher's basis to establish the raw score in points, such as 87 point score. This score is to be recorded in the daily record book and/or in the computer with a backup disk. A letter grade may also be assigned for the student's benefit, but is not necessarily needed. At the end of each nine (9) weeks, a teacher may average daily grades and unit tests for the nine (9) weeks grade. If a teacher feels a nine (9) weeks test is needed, a total of all daily, weekly and other scores are totaled and averaged.

This and other scores are totaled and averaged. This average counts 3/4 on the points score for the nine weeks grade. The nine weeks exam points are added to the average daily score (tripled) for the nine weeks total point score. The final nine weeks letter is then determined by the point score on the letter grade scale. All teachers in all classes will be required to give a semester test at the scheduled test time. The tests may consists of skills proficiency rather than a written exam based upon the curriculum of the course and at the principal's discretion.

To determine a student's semester average, add the two nine weeks grades and divide by two. This average counts 3/4 of the score for the semester grade. The semester exam points (based on a 100 point scale) are added to the nine weeks average and make up 1/4 of the semester grade. The semester grade is then determined by the point score on

the letter grade scale.

Grades assigned to students for performance in a course shall reflect only the extent to which a student has achieved the expressed academic objectives of the course. Grades that reflect other educational objectives such as the student learning expectations contained in the curriculum frameworks may also be figured in. It is the objective of Dierks High School that a student's grades reflect only the achievement of educational objectives.

Students transferring to Dierks High School with grades given in Advanced Placement courses shall have the same notation placed on their transcript at Dierks High School. AP courses shall be recognized as AP courses. (Additional quality points may not be awarded unless the course is currently a weighted course at Dierks High School).

#### **SPECIAL EDUCATION SECONDARY**

- 1. Students enrolled in special education classes receive full credit for the courses.**
- 2. Special education students enrolled in regular classes will not be failed if they have completed assigned work on their performance level. Remedial grades will be given in these classes and the student receives full credit and full value of quality points assigned to the grade that is earned.**

#### **REMEDIATION**

Remedial instruction provided during high school years (grades 7-12) may not be in lieu of courses required for graduation, or core subjects for junior high students. Any student who does not score at the proficient level on the criterion-referenced assessments in reading, writing, and mathematics shall continue to be provided with remedial or supplemental instruction until expectations are met or the student is not subject to compulsory school attendance.

## **WEIGHTED COURSES**

The following courses will be graded on a 5.0 scale: AP classes (Advanced Placement), IB (International Bacc.), and ADE approved honors classes will be graded on a weighted 5.0 scale. Students must take the AP exam to obtain weighted credit and teachers must be properly trained.

## **HOMEWORK POLICY**

The Dierks School District maintains that homework can be an important activity to help students learn. Homework is flexible and is the individual responsibility of each teacher in the Dierks School System. Purposeful homework varies from day to day with each pupil, depending upon his capacity, potential and need. Whenever homework exists in the system, it shall supplement, complement, and reinforce classroom teaching and learning. Homework shall never be used as a disciplinary or as a punitive measure.

Homework should be included as an integral part of the instructional program and a means by which students are provided extended time to master learning concepts and objectives. Homework should be a positive experience and provide students the opportunity to: (1) reinforce skill development, (2) manage learning time away from the school setting, (3) communication to parents learning activities provided during the school day, and (4) involve other adults in helping them to learn.

In the Dierks School District, all homework assignments will be the following:

1. Directly related to the curriculum and the current learning objectives,
2. Explains thoroughly in terms of content, process and expectations,
3. Reasonable and will not preclude pupils from assuming other homework and community responsibilities, and

4. **Designed to encourage and support efforts to develop the skills to learn independently.**

**Parental support and encouragement to complete each assignment is essential to the student's progress in academic work.**

### **SEMESTER TEST EXEMPTIONS**

- A. **Students in grades 7-12 with no unexcused absences:**
  1. **"A" average in that class with 3 or less excused absences.**
  2. **"B" average in that class with no more than 2 excused absences.**
  3. **"C" average in that class with no more than 1 excused absence.**
- B. **Students with in-school suspension or out-of-school suspension will not be exempt from semester tests.**
- C. **Students in special ed/resource room classes may be exempted by the special ed teacher.**

### **SENIOR RINGS**

**Juniors who have completed fifteen (15) credits at the end of the first semester or eighteen (18) credits by the end of the second semester are eligible to order senior rings.**

### **LOCKERS**

**Lockers and locks are provided for the storage of school supplies and other personal property. Students are assessed a nominal rental fee each year.**

**Lockers are school property and are subject to search by school officials when reasonable cause exists.**

### **LOST AND FOUND**

**Articles lost and found should be turned in at the office. The school cannot be responsible for articles which are carelessly left lying about the rooms and hallways. Students are encouraged to place all books, etc., in their lockers. Articles of clothing or other materials left over the summer in lockers will be discarded.**

### **MAILING LIST**

**No mailing list or other list of children is to be given to individuals, organizations, or commercial concerns. Any exceptions to this rule must be made with the approval of the superintendent of schools.**

### **OFFICE WORKERS**

**Students are selected each year to work in the principal's and the counselor's offices. These selections are based on dependability, grades, and good attendance. No credit is given but good experience is gained in meeting people, office skills and assuming responsibility.**

### **SCHOOL TRIPS**

**Students participating in school sponsored trips must have a permission slip signed by a parent/guardian prior to the trip. Students must use school approved transportation to travel both to and from the events.**

**Field trips related to academic work will be allowed during the school day. Students making school sponsored trips should make every effort to dress and act as nice as possible. They are representative of the school and many times the school is judged by their actions.**

- 1. Must be approved by the principal.**
- 2. Must have signed permissions slips if traveling by bus or school vehicle.**
- 3. Whenever possible, bus transportation should be provided.**

**Trips taken by classes or organizations which are not classified as an educational field trip must meet the following requirements:**

- 1. No overnight class trips.**
- 2. Must be planned through the sponsor and approved by the principal.**
- 4. All expenses of the trip will be paid by the class, students, or organization.**
- 5. Additional parental chaperones shall be required as necessary.**

#### **SOLICITATION OF FUNDS**

**Act 980 of 1993 prohibits solicitation of donations or attempts to sell any items or service on or within**

**ten feet of the highway if there is not a sidewalk along the highway. If there is a sidewalk within ten feet of the highway, no sales or donations can be solicited on or between the highway and the sidewalk. Violation of this Act is a Class C misdemeanor.**

**The Arkansas Department of Education interprets this law to apply to schools and school districts and cautions school personnel to avoid these areas when setting up sales and solicitations, even within city limits.**

**School officials and teachers are not permitted to solicit contributions for the school without special permission from the Board of Education.**

**No collection or solicitation of money for non-school purposes of any kind is permitted in any of the Dierks Public Schools.**

**The sale of articles by any person connected with the school for the purpose of raising funds for school activities must have permission of the principal.**

## **ANNOUNCEMENTS**

**Information is dispersed to students and faculty through a bulletin sent to each classroom usually during the last half of second period. The announcements will include a list of high school absentees.**

## **ADVERTISING**

No advertising of any nature shall be permitted in Dierks Public Schools. This provision, however, shall not prevent the acceptance of book covers containing legitimate advertisements, calendar, or other fees, useful supplies, or the showing of approved motion pictures.

There shall be no soliciting or advertising by teachers or students except for the purpose of securing funds for school yearbook, birthday calendar, or programs for the athletic contests.

## **BEFORE SCHOOL AND AT NOON**

Students are strongly discouraged from arriving at school before 7:40 a.m. Doors will be opened at 7:45 a.m. by the duty teacher. Students will be permitted to enter by permission of the duty teacher to study. Any other teacher that allows students to enter, will supervise them until the duty teacher arrives or the children's homeroom teacher arrives. In extremely bad weather, students are allowed in the study hall.

## **BOOKS AND MATERIALS**

Pencils, paper, workbooks or any material not furnished as free basic textbooks are the responsibility of the student. Teachers will sometimes require such books or materials in addition to textbooks.

Students are required to bring pencils, paper, or any working materials to class that the teacher may request. Failure to do so will naturally result in loss of classroom activity for the student and disciplinary action.

## **STUDENT EXCHANGE**

A student exchange is located in the principal's office and is operated by the office. It is open before school, at lunch, and after school. An attempt is made to stock basic supplies needed by the students at the lowest possible cost.

## **STUDENT TELEPHONE**

The school phones are not to be used by the students for outgoing and incoming calls except in the case of emergency. Students must have permission from the teacher or principal to use the telephone

### **TESTING PROGRAM**

**State Required Testing:**

- ACT Aspire
- CTE End of Course Testing

Upon completion of the End of Course exam, the test results of each student are posted in his/her transcript.

### **OPTIONAL DISTRICT TESTING**

**ASVAB, PSAT, ACT, Explore, and PLAN.**

### **School Enrollment to Obtain Driver's License**

Dierks Public Schools will comply with Act 831 of 1991 which requires every application for an instruction permit or an operator's or chauffeur's license by a person less than eighteen (18) years old on October 1, of any year to be accompanied by proof of enrollment and regular attendance in school

### **CHEERLEADERS**

Dierks cheerleaders have continually received recognition for outstanding cheerleader merit in both camps and public performance. The purpose for this organization is to promote school spirit and sportsmanship, to provide

entertainment and support of athletic events, to provide extracurricular activities for the students, and to provide opportunities to be creative, show leadership abilities and to work diligently for the sake of Dierks High School.

Tryouts will be held during the spring. The judges for the competition will be in no way affiliated with the Dierks School District. Ten cheerleaders and a mascot will be chosen for the senior squad and ten cheerleaders will be chosen for the Junior squad. Students competing for senior cheerleader will be from grades 10, 11 and 12. Junior cheerleaders will be selected from students in grades 7, 8 and 9. Tryouts are closed to the public.

#### **CHEERLEADER SELECTION PROCEDURES**

- 1. Tryouts will consist of 1 group cheer, 1 individual cheer, 3 jumps, 1 routine, entrance/exit cheering and chants.**
- 2. There will be three (3) judges, preferably from schools or colleges having Universal Cheerleader Association membership. An effort will be made to secure cheerleader sponsors from neighboring schools or colleges to serve as judges.**
- 3. The score sheets for each cheerleader candidate will be collected from the judges, stapled together, and tabulated by at least two separate tabulators.**
- 4. The names of the cheerleaders will be announced by the principal at the end of the tryouts.**
- 5. During competition, no help or coaching from past years cheerleaders should be given to the participants.**
- 6. Cheerleaders/Parents may come by the Principal's office and review their judge's score sheets. The files will be retained for 30 days.**

7. The decision of the judges will be final.

### **ASSEMBLIES**

The student council, principal and faculty are responsible for planning programs and other auditorium activities.

This is a valuable part of the instruction program and teachers should make use of it. As many students as possible should have the opportunity to perform before a group.

Not only is active participation in auditorium activities an important part of the instructional program, but also the teacher of proper conduct, listening habits and attitudes.

### **PEE WEES**

1. Pee Wee coaches will work with the athletic director and principal in the use of school facilities during practice and games.
2. Interruptions caused by announcements: visitors to school and internal sources will limit interruptions and announcements to absolute necessities.
3. Announcements must be cleared by the principal.
4. Announcements will be made the last five (5) minutes of the day over the intercom.

## PROM RULES

1. The prom/banquet will be held in April or May. (School board may change the date.)
2. Dierks School may have a full banquet and prom. Only Juniors, Seniors, their spouses and their guest(between the ages of 9<sup>th</sup> grade and 21) of the Junior/Senior Class will be allowed to attend the banquet. Guests will be faculty, administrators, board members, speakers and their spouses.
3. Location - The location will be left up to the the Junior advisors but they must use facilities owned or approved by the Dierks School Board.
4. Photographs - Professional - A time and place will be set for the professional photographer. Parents - a time and place will be set for the parents to take pictures. All pictures taken will be decision of the junior advisors and the principal.
5. Dress - Dress is to be semi-formal or formal. Boys - Tux, dress jacket, slacks and tie. Girls - Formals, dress-up dresses, party dresses, or formal pants suits. We will not allow dress changes to informal attire. Dresses should meet the following guidelines: (1) slits in dresses should not be higher than 4" above the bend of the knee, (2) no see-through with or without mesh or netting material is allowed, (3) no cutouts in the body of the dress are allowed, (4) belly buttons and stomachs must be covered, and (5) dress should not be cut below a moderate level.
6. Due to the amount of time and money spent in preparation of the prom, all attendees must remain at the location of the prom until 9:00 P.M.
7. Clean up will be the responsibility of the Junior class and must be done in a timely manner.
8. All students and their dates will follow all policies as written in the Dierks Board Policy Manual

9. All dues/fees must be paid in full during the student's Junior year before the student may attend the Prom. Prom materials are ordered and must be paid for early to assure delivery prior to the Prom date. Required fees will be determined by the sponsors/principal. (See Class Dues)

## CLASS DUES

All students will begin paying class dues in the seventh grade at a set rate of \$10 a semester. Any student moving into the district would be required to pay dues up to date. At the beginning of the 11<sup>th</sup> grade, students will be notified of what their obligation is toward Prom attendance. Any student moving out of the district prior to the end of the first grading period (9 weeks) of his/her junior year would be refunded all money paid. Dues are collected in grades 7-11 to help with the costs of class expenses (graduation, senior sidewalk, prom, etc.) as well as the prom that the Juniors provide for the Seniors. Any guest at the Prom that is a student of Dierks High School or homeschool from Dierks must have all dues current. Students attending Alternative School or home school and have attended Dierks High School (grades 7-12) may invite their spouse as a guest for \$25. All students attending the Prom must have class dues paid. All students attending the Prom must have their class dues paid in full by the end of the first grading period (9 weeks) of their Junior year. (reason - Prom materials are ordered early to secure delivery prior to the Prom date) (Board approved 05/25/06) This would also include ASMS students (effective 1998).

### 4.1—RESIDENCE REQUIREMENTS

Definitions:

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

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

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

The schools of the District shall be open and free through the completion of the secondary program to all persons between the ages of five (5) and twenty one (21) years whose parents, legal guardians, or other persons having lawful control of the person under an order of a court 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 parents or guardians for school attendance purposes.

In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the District’s schools separate and apart from his or her parents, guardians, or other persons having lawful control of him or her under an order of a court, the person must actually 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.**

## 4.2—ENTRANCE REQUIREMENTS

To enroll in a school 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.

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 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:

1. The parent, guardian, or other responsible person 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 department of education.
2. The parent, guardian, or other responsible person 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 or guardian;
  - f. United States military identification; or
  - g. Previous school records.
3. The parent, guardian, or other responsible person 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. The Board of Education reserves the right, after a hearing before the Board, not to allow any person who has been expelled from another school district to enroll as a student until the time of the person's expulsion has expired.<sup>3</sup>
4. The child shall be age appropriately immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, and other diseases as designated by the State Board of Health, or have an exemption issued by the Arkansas Department of Health. Proof of immunization shall be by a certificate of a licensed physician or a public health department acknowledging the immunization. Exemptions are also possible on an annual basis for religious reasons from the Arkansas Department of Health.<sup>4</sup> To continue such exemptions, they must be renewed at the beginning of each school year. A child enrolling in a district school and living in the household of a person on active military duty has 30 days to receive his/her initial required immunizations and 12 months to be up to date on the required immunizations for the student's age.

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

#### **Uniformed Services Member's Children**

For the purposes of this policy,

"active duty"<sup>5</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;

"uniformed services"<sup>5</sup> means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services;

"veteran" means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

This policy applies to children of: active duty members 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.

An eligible child as defined in this policy shall:

- 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;
- 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;
- 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;
- 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;
- 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;
- 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;
- 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;
- 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.

## 4.2—ENTRANCE REQUIREMENTS~DHS

### ENROLLMENT

For enrollment in Dierks High School, a student must meet resident requirements. The student must also provide proof of age, a social security number (or a district assigned 9-digit number) and provide current enrollment status with the school previously attended. Documents required for enrollment can consist of one or more of the following: birth certificate, registrar statement, baptismal certificate, passport, affidavit, military ID, or previous school records. If a student attempts enrollment at Dierks High School and has been expelled from his/her previous school for any reason, he/she will not be allowed to attend Dierks High School until that expulsion time expires. A hearing may be allowed for students attempting to enroll that have been expelled from their previous school for weapon possession. Current immunization records must also be provided.

Any student transferring to Dierks High School from a school accredited by the Department of Education shall be placed in the same grade the student would have been in had the student remained at the former school.

Any student transferring to Dierks High School from home school or a school that is not accredited by the Department of Education shall be evaluated by the staff of Dierks High School to determine that student's proper placement. This evaluation may include, but is not limited to educational testing.

#### **4.3—COMPULSORY ATTENDANCE REQUIREMENTS**

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

1. The child is enrolled in private or parochial school.
2. The child is being homeschooled and the conditions of policy (4.6—HOME SCHOOLING) have been met.
3. The child will not be age six (6) on or before August 1 of that particular school year and the parent, guardian, or other person having custody or charge of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Department of Education must be signed and on file with the District administrative office.
4. The child has received a high school diploma or its equivalent as determined by the State Board of Education.

5. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
6. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).

#### **4.3—COMPULSORY ATTENDANCE REQUIREMENTS~DHS**

##### **Compulsory Attendance Requirements**

The school district will provide the opportunity for each child ages five (5) on or before August 1, to enroll in an accredited school. Each student is required to be enrolled in kindergarten at age five (5) by a parent or guardian. Any six (6) year old child who has not completed a kindergarten program prior to public school enrollment, shall be evaluated by the school district to determine whether placement for the child shall be in kindergarten or the first grade.

A birth certificate or other documents listed below shall be required verifying that a child is five (5) years of age on or before August 1 of the year the child enters kindergarten. Act 462 has changed the dates of enrollment for the upcoming school year. For the school year 2012-2013 any student may enter kindergarten if he or she will attain the age of five years on or before August 1. Materials that may be used to register students include: birth certificate, registrar statement, baptismal certificate, passport, affidavit, military ID, or previous school records.

Immunization records - rules and regulations of the Arkansas State Board of Health - requires the school personnel to refuse admittance to children who do not have adequate immunization records.

All children between the ages of five (5) and through seventeen (17), both inclusive, shall attend school (Act 60 of 1983).

Exceptions-children mentally or physically handicapped (ages 5- 21 inclusive) who require separate schooling or other removal of handicapped children from the regular educational environment shall occur only when, and to the extent that, the nature of the severity of the handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily. (Act 102, 1973, as amended in 1975).

#### 4.4—STUDENT TRANSFERS

**The Dierks 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 non resident'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 Department of Education 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 student transferring from a school that is not accredited by the Department of Education to a District school shall be evaluated by District staff to determine the student's appropriate grade placement. A student transferring from home school will be placed in accordance with Policy 4.6—HOME SCHOOLING.

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

Except as otherwise required or permitted by law,<sup>3</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

#### 4.4 SCHOOL TRANSFERS~DHS

The Dierks School District will not grant transfers in or out of the district after September 15 of the fall semester and January 15 of the spring semester..

## **4.5—SCHOOL CHOICE**

### **Standard School Choice**

#### Exemption

By March 31 of each year, the Board shall determine if the District is subject to a desegregation order or mandate that explicitly limits the transfer of students between school districts . A District that determines it is subject to such an order or mandate may declare an exemption from the provisions of the School Choice Act of 2013 (the Act) codified at A.C.A. § 6-18-1901 et seq. If the District determines it is eligible for an exemption, it will notify the Arkansas Department of Education (ADE) by April 1 whether or not it will declare an exemption from the Act. If the District has previously declared an exemption from the Act and chooses to no longer exercise its exemption option, it shall notify the ADE by April 1 of the District's decision to participate in the school choice provisions of the Act. If the District chooses to exercise its exemption option, it should notify the superintendents of each of its geographically contiguous school districts of its decision. Each decision regarding exemption is binding for one-year from the date the District notifies the ADE of the declaration of exemption.<sup>1</sup>

#### Definition:

For the purpose of this policy, "sibling" means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care.

### **School Choice Transfers Out of the District**

The District shall date and time stamp all applications for school choice to transfer out of the District as they are received in the District's central office. By August 1, the District shall approve all such applications 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 previous year's student enrollment. By June 1 of each year, the ADE shall determine and notify the District of the net number of allowable choice transfers. For the purpose of determining the three percent (3%) cap, siblings are counted as one student.

If, prior to August 1, the District receives sufficient copies of requests from its students to transfer to other districts to trigger the three percent (3%) cap, it shall notify each parent from which it has received a school choice application and the district the student applied to transfer to 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>2</sup>

Any applications for transfer out of the District that are denied due to the three percent (3%) limitation cap shall be given priority for a choice transfer the following year in the order in which the District received the original applications.

## **School Choice Transfers Into the District**

### Capacity Determination and Public Pronouncement

The Board of Directors will adopt a resolution containing the capacity standards the District will use in determining whether to accept or deny a school choice application from another district's resident student. 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. In determining the capacity of the District to accept choice applications, the Board of Directors shall consider the probable, locally generated growth in student enrollment based on recent District enrollment history.<sup>3</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 and the requirements and procedures for participation in the program. Such pronouncements shall be made in the spring, but in no case later than April 1.<sup>4</sup>

### Application Process

The student's parent shall submit a school choice application on a form approved by the ADE to both the student's resident district and to this district, which must be postmarked or hand delivered on or before the June 1 preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications as they are received in the District's central office. It is the District's responsibility to send a copy of the application that includes the date and time stamp to the student's resident district within ten (10) days of the District receiving the application.<sup>7</sup> Applications postmarked or hand delivered on or after May 2 will not be accepted. Statutorily, preference is required to be given to siblings (as defined in this policy) 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.

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 choice. As such, any District approval of a choice application prior to August 1 is provisional pending a determination that the resident district's three percent (3%) cap has not been reached.

The Superintendent will consider all properly submitted applications for School Choice. By August 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>5</sup>
- Instructions for the renewal procedure for succeeding school years.<sup>6</sup>

Students whose applications have been accepted and who have enrolled in the District, are eligible to continue their enrollment until completing his/her secondary education. Continued enrollment is conditioned upon the student meeting applicable statutory and District policy requirements and the renewal procedure for succeeding school years is followed. Any student who has been accepted under choice and who either fails to initially enroll under the timelines and provisions provided in this policy or who chooses to return to his/her resident district; or who 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, as defined in this policy, of a student who continues enrollment in this District may enroll in the District until the sibling of the transfer student completes his/her secondary education. 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.

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 school choice if its acceptance would exceed the capacity standards specified by the Board of Director's resolution. 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>7</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.

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.

### Facilities Distress 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 distress;
- The student is not required to meet the June 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>8</sup>**

For the purposes of this section of the policy, a “lack of capacity”<sup>9</sup> is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the ADE Rules for the Standards of 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>9</sup> at the District’s school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student who is enrolled in or assigned to a school classified by the ADE to be in academic distress or classified as in need of Level 5 Intensive Support is eligible to transfer to the school closest to the student’s legal residence that is not in academic distress or in a district classified as in need of Level 5 Intensive Support. . The student’s parent or guardian, or the student if over the age of eighteen (18), must successfully complete the necessary application process by July 30 preceding the initial year of desired enrollment.

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>10</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 enrollment under Opportunity School Choice 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 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 Choice provisions of this

policy.

The District may, but is not obligated to provide transportation to and from the transferring district.<sup>11</sup>

Transfers out of, or within, the District<sup>8</sup>

If a District school has been classified by the ADE as being in academic distress or the District has been classified by ADE as in need of Level 5 Intensive Support, the District shall timely notify the parent, guardian, or student, if the student is over eighteen (18) years of age, as soon as practicable after the academic distress or in need of Level 5 support designation is made of all options available under Opportunity 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 enroll the student in any public school or school district that has not been classified by the ADE as a public school in academic distress or school in need of Level 5 support.

**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 ADE as a persistently dangerous public school shall be allowed to attend a safe public school within the District.

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

## 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 homeschool. 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 homeschool 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 homeschool; 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 homeschool:

- 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.

#### **4.6—HOME SCHOOLING~DHS**

##### **HOMESCHOOLING/STUDENTS TRANSFERRING IN FROM A NON-ACCREDITED SCHOOL**

Students who enter Dierks Public Schools from non-accredited schools or have been schooled at home will be given a test such as Star Math and Star Reading assessments to establish grade level. These students will not be eligible to be ranked because of unavailable grades. Therefore, these students will be ineligible to qualify for honor graduate status if they transfer in after their 8<sup>th</sup> grade year. A student requesting course credit for a specific course offered in grades 9-12 will be tested for that specific course. (For example: A student requesting credit in algebra one will be given a test covering the course objectives for algebra one.) A score of 70% or higher will be required to receive "credit" for the course.

Act 400 of 1997 requires parents to register as home-schoolers only once a year with the superintendent of their resident district, and they may withdraw a student from school mid year or anytime during the year and register to provide a home school then.

Home-schoolers will be tested on the same schedule as public school students and the test will be administered by education service cooperatives; financial responsibility for the testing will be assumed by the Department of Education.

Students who re-enroll in local school districts must attend classes for at least nine months to be eligible to receive a diploma.

#### 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.

##### **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; or
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).

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>3</sup>

It is the Arkansas General Assembly's intention that students having excessive absences be given assistance in obtaining credit for their courses. Excessive absences may, however, be the basis for the denial of course credit, promotion, or graduation.

### **Unexcused Absences**

Absences not defined above or not having an accompanying note from the parent or legal guardian, presented in the timeline required by this policy, shall be considered as unexcused absences. Students with (*insert number*)<sup>4</sup> unexcused absences in a course in a semester shall not receive credit for that course. At the discretion of the principal after consultation with persons having knowledge of the circumstances of the unexcused absences, the student may be denied promotion or graduation. Excessive absences shall not be a reason for expulsion or dismissal of a student.

When a student has (*insert number equal to 1/2 above number*<sup>4</sup>) unexcused absences, his/her parents, guardians, or persons in loco parentis shall be notified<sup>5</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 (*same number as*<sup>4</sup>) unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, guardian, or persons in loco parentis shall be subject to a civil penalty as prescribed by law.

At any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or his/her parent, guardian, or person 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, guardian, or person in loco parentis, and the school or district administrator or designee.<sup>6</sup>

Students who attend in-school suspension shall not be counted absent for those days.<sup>7</sup>

Days missed due to out-of-school suspension or expulsion shall be unexcused absences.<sup>7</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.

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

#### **4.7—ABSENCES~DHS**

## High School Attendance

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.

### 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 within 5 school days to the principal or designee upon his/her return to school from the parent or legal guardian stating such reason.

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.

The absences below will be categorized as "excused other" and will not counted in determining semester test exemptions or extracurricular activity participation. Proper documentation for the these absences must be submitted to principal's office within five (5) school days as well.

2. Death or serious illness in their immediate family;
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; or

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).

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.

It is the Arkansas General Assembly's intention that students having excessive absences be given assistance in obtaining credit for their courses. Excessive absences may, however, be the basis for the denial of course credit, promotion, or graduation.

### **Unexcused Absences**

Absences not defined above or not having an accompanying note from the parent or legal guardian shall be considered as unexcused absences. No more than 6 of the allowed absences per semester can be unexcused. Students with 6 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 3 unexcused absences, his/her parents, guardians, or persons in loco parentis shall be notified. 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 6 unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, guardian, or persons in loco parentis shall be subject to a civil penalty as prescribed by law.

At any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or his/her parent, guardian, or person 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, guardian, or person in loco parentis, and the school or district administrator or designee.

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

Days missed due to out-of-school suspension or expulsion shall be unexcused absences but will not count in the total for loss of credit. These days will be excluded from makeup work privileges.

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

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

#### **ABSENCES AND EXTRA CURRICULAR ACTIVITIES**

Students must be present one half day on the day of an activity and in attendance (not tardy) the following day if the next day is the regular scheduled school day. Students that are absent or late two times will be subject to discipline actions, which may include disqualification from participation in the next activity. The principal may grant an exception for some types of absences that may be beyond the control of the student.

Students must meet with teachers the day before they leave for a school sponsored activity to get assignments, which will be due the day following the event, or as required by the teacher.

Teachers and coaches must give other teachers and coaches at least two (2) days' notice when their students will be gone on a school trip or event. They must include a list of the names of all students who will be going on the trip and the dates the students will be gone. This information will be submitted for inclusion in the bulletin two (2) school days prior to the event. This will give teachers time to make copies of the work the students will need to take with them.

Students cannot participate in any extracurricular activity once they have exceeded their 8<sup>th</sup> absence in any one class period. There also must be no violation of a contractual agreement between administrator, student, and parent/guardian/or person in loco parentis.

#### **4.8—MAKE-UP WORK**

Students who miss school due to an 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 absences in excess of the number of allowable absences in a semester **unless** the absences are part of a signed agreement as permitted by policy 4.7—ABSENCES.

#### 4.8—MAKE-UP WORK~DHS

##### MAKE-UP WORK

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

1. Students are responsible for asking the teachers of the classes they missed what assignments they need to make-up.
2. Teachers are responsible for providing the missed assignments when asked by a returning student.
3. Students are required to ask for their assignments on their first day back at school or their first class day after their return.
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.
6. Make-up work which is not turned in within the make-up schedule for that assignment shall receive a

zero.

7. Students are responsible for turning in their make-up work without the teacher having to ask for it.
8. Students who are absent on the day of a scheduled test, scheduled assignment or make-up work is due, must make up the test, and 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.

Work may not be made up for credit for unexcused absences. Out-of-school suspensions are unexcused absences.

#### **4.9—TARDIES**

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

#### **4.9—TARDIES-DHS**

##### **Tardiness Policy**

Almost all tardiness is unnecessary. However, we would prefer to have a pupil tardy rather than absent. A student coming in late in the morning or afternoon must report to the office for an admit slip. If a student is absent more than 10 minutes from a class, they will be considered absent for the entire period.

Students who are tardy to first period will go to the office for an admit slip. They will be assigned a day of detention from the office. Those students who are not in their rooms when the tardy bell rings for all other periods will be turned into the office by the teacher as tardy and assigned to detention by the teacher. If a student is absent more than 10 minutes from class, he/she will be considered absent for the entire period. Tardies will be maintained in the office on a semester basis. The teacher will assign the detention to the students for tardies for all periods except for first period.

#### **4.10—CLOSED CAMPUS**

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

#### **4.10—CLOSED CAMPUS~DHS**

##### **CLOSED CAMPUS**

Students in the Dierks School District shall not leave school premises while school is in session, unless granted permission by the principal, or the superintendent when the principal is not available. Parents must follow the proper checkout procedure.

In case it is necessary to dismiss pupils early, teachers should notify the students at least a day ahead, if possible. Primary pupils should take a note to their parent. Students can be dismissed early only by the superintendent or principal. Teachers should not send the child off the school ground on errands.

Any student who checks out for the lunch period without a parent's consent will be considered truant. If the student that checks out is tardy for fifth period, he/she will be assigned 1 day of ISS on the first offense. The second offense will be assigned 2 days of ISS.

#### **4.11—EQUAL EDUCATIONAL OPPORTUNITY**

No student in the Dierks School District shall, on the grounds of race, color, religion, national origin, sex, 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 groups who follow the procedure set forth in the statute to request access to students regardless of the group's viewpoint.

#### **4.11—EQUAL EDUCATIONAL OPPORTUNITY~DHS**

##### **TITLE IX**

In June 1972, Congress passed Title IX of the Education Amendments, a law which affects virtually every educational institution in the country. The law prohibits discrimination by sex in educational programs that receive federal funds.

The law states in that "no person in the United States shall on the basis of sex be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance...

Male and female students must be eligible for benefits, services and financial aid without discrimination on the basis of sex.

There should be a person designated as the grievance officer for Title IX. For Dierks Public Schools, the grievance officer is Holly Cothren, Superintendent..

#### **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 wellbeing 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.

#### **4.12—STUDENT ORGANIZATIONS/EQUAL ACCESS~DHS**

##### **DIERKS HIGH SCHOOL STUDENT ORGANIZATIONS**

There are presently no state or federal laws which prohibit student organizations at the elementary or secondary level. Students have the right to join an existing club and should not be restricted for membership 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. This Amendment gives exemption to organizations that are: (1) voluntary youth service organizations, (2) tax exempt under Section 501(a) of the 1954 Internal Revenue Code (religious and charitable organizations), (3) single sex by tradition, or (4) principally composed of members under the age of 19. School fraternities and secret societies are banned in Arkansas Public School - Act 171, 1929.

The student activity program is determined by the needs and interest of the students. Clubs may be formed by students with a common, worthwhile interest, provided the following regulations are met:

1. The club must be approved by the school principal and the Student Council.
2. No club can be organized which seeks to take members on the decision of its membership rather than upon the free choice of any pupil in the school who is qualified by the rules of the school to fill the special aims of the organization.

3. A member of the faculty of the school to be approved by the principal must be designated as sponsor of the club.
4. Regular meetings of the club shall be held at the school building. Meeting elsewhere must be approved by the principal.
5. The current membership list of the club must be furnished promptly to the principal, and the principal shall be notified promptly of all changes in membership.
6. Only bona fide pupils enrolled in the school shall become members of the club; graduation and withdrawal from school will terminate membership therein.
7. All club activities shall be suspended during the summer vacation period when school is not in session.
8. The club shall refrain from rushing, pledging, possessing passwords, or secret forms and rituals.

Activities and club meetings will be listed on the weekly calendar and will be mentioned during the morning announcements. All activities and meetings must be approved by the principal and placed on the Dierks High School activity calendar located in the principal's office at the high school.

Club meetings are scheduled on a rotating basis. The school will operate a special activities schedule on Wednesday of each week. Meetings are held as scheduled by the principal. Fund raising projects must be approved and scheduled through the principal; fund raisers will be limited to one per year for each organization. (Exemption: The Sophomore/Junior class may have additional fundraisers as needed to fund the Junior/Senior Banquet.

### **OFFICERS**

The term "office" is interpreted to mean any position of honor to which a student is elected by members of the student body. A student is limited to holding one major office and two minor offices. "Main office" is defined as president. "Minor office" is defined as any other elected position.

## **QUALIFICATIONS FOR HOLDING OFFICE**

It is in the best interest of Dierks High School to have as office holders, only those students who are of satisfactory scholarship ability and strong moral character. Any person nominated for any office of a club or organization, must possess the following qualifications: (a) He/she will be carrying at least four (4) solid units of work, with a "C" average for the preceding semester and the current semester and shall not have failed any subjects. (b) His/her conduct as approved by the office, must be satisfactory of the preceding semester and the current semester. The school administration may remove any officer from his/her elected position for disciplinary reasons.

## **ELECTIONS**

Elections shall be scheduled as follows:

Student Council Officers - Not later than four (4) weeks prior to the end of the spring semester.

Junior and Senior Class - Not later than two (2) weeks prior to the end of the spring semester.

All other Class Officers - Not later than four (4) weeks after the beginning of the fall semester.

Elections are to be held by secret ballot. All membership dues must be paid to be eligible for voting.

## **FUTURE BUSINESS LEADERS OF AMERICA**

Future Business Leaders of America (FBLA) is a national organization for all students in high school who are enrolled in business programs. The FBLA plan of organization include local chapters, state chapters and the FBLA National Organization.

The activities of the Future Business Leaders of America provide opportunity for business students to prepare for business and office occupations. Members of FBLA learn how to engage in individual and group business enterprises; how to hold office and direct the affairs of the group; how to work with representatives of other youth organizations; and how to compete honorably with their colleagues on the local, state and national levels.

One of the major objectives of FBLA is to develop self-confidence and strong, aggressive business leaders so that these future businessmen and women may participate more effectively in business and community life.

#### **FCCLA**

The Family Career and Community Leaders of America is the National Organization of pupils homemaking in grades 9-12. The overall goal of the organization is to help individuals improve personal, family and community living, now and in the future. Any student enrolled in Dierks High School is taking or has taken a homemaking course, may become a member.

#### **NATIONAL HONOR SOCIETY**

Sponsored by the National Association of Secondary School Principals, The Dierks Senior Chapter of the National Honor Society endeavors to create enthusiasm for scholarships, and to stimulate the development of character, service and leadership.

Sophomores, juniors and seniors with a 3.50 cumulative grade point average are encouraged to apply for membership. Applicants must rate satisfactorily according to the Society's four cardinal principles: scholarship, character, leadership and service can become members.

#### **STUDENT COUNCIL**

The Student Council is the governing body of the student government. Operating within its constitution, it serves as a forum for the free expression of student opinion and as a channel of cooperation between faculty and students. Other functions are: to unify the school and its various organizations; to assist in the development of the school; to promote self-discipline; to encourage thoughtful observation of school regulations on the part of the student body; to initiate regulations on the part of the student body; to initiate and carry out all projects which will benefit the school as a whole; and to encourage interschool relations.

### **FUTURE FARMERS OF AMERICA**

The Future Farmers of America is the National Organization of pupils studying agriculture in grades 9-12. The overall objectives of the organization is to development competent and aggressive agriculture leadership; to create and nurture a love of agricultural life; to strengthen the confidence of students of vocational agriculture in themselves and their work. Any student enrolled in Dierks High School who is currently taking an agricultural course or who has taken all courses offered by agriculture, may become a member.

### **JUNIOR SCIENCE CLUB**

The Junior Science Club is open to all students enrolled in Dierks Public School in Grades 7 and 8 who have an interest in science, and have a "C" average in science. The club embraces all facets of science, chemistry, biology, physics, archaeology, astronomy, photography and geology.

### **JUNIOR MATH CLUB**

The promotion of scholarship and the enjoyment and understanding of mathematics among junior high school students is the overall purpose of the Junior Math Club. The math club is open to any student enrolled in the 7th and 8th grades in Dierks Public School who has a "C" average in math.

### **ART CLUB**

The objectives of the Dierks High School Art Club are to promote art beyond the classroom; to promote fellowship among art students; and to help students become familiar with different areas of Art. The activities scheduled will include art shows, field trips to area art museum, and provide a connection between the school and the community in the art related matters. Any student enrolled in Dierks High School who is taking or who has taken an art class, may become a member.

## **TRI-M MUSIC HONOR SOCIETY**

Tri-M Music Honor Society is a program of the Music Educators National Conference. The purpose of Tri-M is to foster a greater and continued interest in solo and ensemble, band, orchestral and choral performance; to encourage better and more discriminating habits in listening to and in the performance of musical literature; to provide wider and more frequent opportunities for personal musical expression in the school and community; to increase and advance the spirit of good music and musical knowledge and further the reputation of our school as a music center. Tri-M Music Honor Society is open to any Dierks High School band member grades 10-12.

## **DIERKS HIGH SCHOOL ACTIVITIES**

### **ATHLETICS**

Dierks High School sponsors five major sports. They are football, basketball, track, softball and baseball. The purpose is to promote and develop sportsmanship, leadership, and character through the competitive sports program which in turn develops the skill and ability of the student who possesses potential qualities in the various sports. Any student in Dierks High School may become a member of an athletic team if he/she so desires.

Dierks has a tradition of winning in athletics. We do feel that it is an honor to wear the blue and white to represent the "Outlaws".

To be eligible, a student must meet all the requirements established by the Arkansas Activities Association.

Any student wanting to participate in the Dierks High School Athletic Program should contact a member of the coaching staff, the guidance counselor or the principal.

Before any student may participate in the Dierks High Sports, he/she must have a physical examination. It is the responsibility of the student to see that this is done.

See section labeled Athletic Policies following the Student Handbook Section of this publication for more in depth

explanations.

## **INSTRUMENTAL MUSIC**

The Dierks High Band holds a prominent place in the curriculum of our school. There is a great deal of pride in both the Marching Band and the Concert Band. Many former band members have gone to be important members of our college and professional bands. There are several students who have represented our band in the Arkansas All-State Band.

The purposes of the band are many, but generally and briefly they are:

1. To provide the students a basic knowledge and appreciation of music; therefore, providing a medium through which they may learn self-expression.
2. To help educate the student physically, mentally, emotionally and socially.
3. Any student in Dierks High School may become a member of the band if he/she desires.
4. Out-of-town ball games are always a part of the activities of the band along with other special trips.

The Dierks Band is a member of the Arkansas School Band and Orchestra Association and participates annually in the organization's district and state festivals.

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## **AWARDS GIVEN BY SCHOOL**

0. The student has the option of one jacket with letter to be purchased by the school to be presented at the appropriate banquet at the end of 2 consecutive years of participation. The student must have participated in the activity for 2 full consecutive years, (Grades 9-12). (FFA, FHA, Band, Athletics, Academics, Cheerleaders) To qualify for an academic jacket, a student must maintain a 3.50 cumulative GPA for two consecutive years based on a 4.00 scale for the required curriculum of academics from the state department of education.

If a student does not have two full years it is the responsibility of the parent to buy the jacket. Parents or Booster Clubs may purchase jackets at any time. The estimated cost of the jackets is \$3600. (45 x \$80) The cost of one letter will be added to this estimate. The school will purchase one jacket throughout the student's High School Career. Any additional items (letters, patches, blankets, etc.) Will be the responsibility of the parents.

1. The school will provide certificates for grades K-12. The estimated cost is \$500.
2. Individual plaques and trophies will not be purchased with school funds.
3. The school will be responsible for:
  1. One jacket
0. Certificates

#### 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 (hereinafter "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.

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 Dierks 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, 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 role (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 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

#### **4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION~DHS**

##### **STUDENT RECORDS - NOTICE OF PRIVACY RIGHTS**

Student records are records which are directly related to a student and are maintained by the school. This data may be recorded in any medium, but limited to handwriting, print, tapes, film, name, address, telephone number, date of birth, ability data, achievement data, health information, attendance information and "directory information".

Student records do not include records of instructional, supervisory and educational personnel which are accessible to only the maker of these records and his/her substitute.

The term "parent" includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent.

The intent of this policy is to establish procedures for granting request of eligible persons to have access to records, the proper use of this data, and facilitate their transmittal within a time period of not more than forty-five (45) days.

The student's parent or an eligible student (18 years of age or older) may obtain a copy of this policy in the office of the

Superintendent of Schools at Missouri Avenue, Dierks, Arkansas.

The district will limit the disclosure of information contained in a student's educational records except: (a) by the prior written consent of the student's parent or the student's parent or the eligible student, (b) as directory information, or (c) under certain limited circumstances, as permitted by law.

### **RESPONSIBILITY FOR RECORDS**

The building principal for each school shall have the responsibility for the proper maintenance and use of student records as described in the policy and the laws of the State of Arkansas and U.S. Department of Education regulations.

Any person not presently in attendance at this school and wishing to review student records, should make their request in writing to the principal of the building last attended.

### **ACCESS TO STUDENT RECORDS**

The parent, as previously defined, will have access to these records, upon written request to the principal maintaining these records within the school system. Those eligible persons will, upon written request, have the opportunity to receive an interpretation of those records, have the right to question the data, and if a difference of opinion is noted they shall be permitted to file a letter in said record stating his/her position. If further challenge is made to the record, the normal appeal procedures established by the school policy will be followed.

School personnel having access to those data are defined as any person or persons under contract to the district and directly involved in working toward either the affective or cognitive goals of the district "and has an approved need to know".

Eligible persons have the right to obtain copies of student records where failure to provide the copies would effectively prevent them from exercising the right to inspect and review the educational records.

Either parent will have the access to student records unless the district has been provided evidence that there is a court order restricting parental access,

Each request for disclosure of personally identifiable information shall contain as minimum the following: (a) The date to be released; (b) The purpose for the disclosure, (C) To whom the disclosure is to be made; (d) The date of the disclosure, and (e) The signature of the parent or eligible student.

Upon request by the authorizing person, the school shall provide a copy of the record which is disclosed to the parent of the student or the eligible student if so requested by the student's parents. This request will be filed and become a part of the student's record.

#### **RELEASE OF STUDENT DIRECTORY INFORMATION**

Prior consent for the release of personally identifiable information is not required for the following:

1. To the parent of a student who is not an eligible student or the student if he/she is eligible.
2. To other school personnel as described in the above-statement of this policy.
3. To officials of another school system in which the student intends to enroll upon the request from the said school. Upon request, a copy of those records will be made available to the eligible party and the procedures for a hearing will be explained if needed.
4. Personally identifiable information may be released under certain conditions to the following:

- a. The comptroller General of the United States,
  - b. The Secretary,
  - c. The Commission, the Director of the National Institute of Education or the Assistant Secretary for Education, and/or
  - d. State Education authorities.
5. For financial aid, this information may be released for the purpose of determining eligibility for, the amount of, the conditions for, and the enforcement of terms or conditions of a financial agreement.
  6. To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
  7. To organizations conducting studies for this district for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.
  8. To accrediting agencies.
  9. To parents of dependent student(s), as defined in Section 152 of the Internal Revenue Code of 1954.
  10. To comply with a judicial order of lawfully issued subpoena; provided the person(s) responsible for the release of information makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance.

#### **PROCESS FOR MODIFICATION OF STUDENT RECORDS**

Should the parents or guardian, upon review of their child's school records, find what they believe to be inappropriate, misleading or inaccurate information contained therein, the following course of action may be taken:

1. The parent may ask for a conference with the building principal in charge.
2. The parent should be able to furnish documented evidence that the records are in error.
3. Communication and interaction by those parties involved, inclusive but not limited, to the teaching staff should take place.
4. Upon presentation and study of all facts and evidences by both parents and staff, a recommendation for change, deletions or additions will be drafted and presented to the superintendent of schools.

#### STUDENT LISTS

Dierks High School may on occasion release a list of junior and senior students and their addresses to the different military branches to allow them to contact student concerning scholarships and other options of providing a means for the student to attend college or gain skills.

Dierks High School will also publish honor roll information in the area newspapers to recognize student performance.

If you do not wish for Dierks High School to release your student's names and addresses (jrs and srs only) to the military and/or you do not want your student's name published in an honor roll, send a note to the principal's office indicating your request and we will honor it.

Any parent or student who does not want to have the student identified as an honor student, valedictorian, or salutatorian of his/her graduating class shall submit a written request to the principal of the school requesting that the student not be identified. (Act 390 of the Regular Session, 2005)

#### 4.14—STUDENT PUBLICATIONS AND THE DISTRIBUTION OF LITERATURE

##### **Student Publications**

All publications 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 publications. School publications do not provide a forum for public expression. Such publications, as well as the content of student expression in school-sponsored activities, shall be subject to the editorial control 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 publications 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. Publications may be regulated to prohibit writings which are, in the opinion of the appropriate teacher and/or administrator, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.
3. Publications may be regulated to refuse to publish material which might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct 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 publications include:
  - a. Those that are obscene as to minors;
  - b. Those that are libelous or slanderous, including material containing defamatory falsehoods about public figures or governmental officials, which are made with knowledge of their falsity or reckless disregard of the truth;
  - c. Those that constitute an unwarranted invasion of privacy as defined by state law,
  - d. Publications that suggest or urge the commission of unlawful acts on the school premises;
  - e. Publications which suggest or urge the violation of lawful school regulations;
  - f. Hate literature that scurrilously attacks ethnic, religious, or racial groups.

##### **Student Publications on School Web Pages**

Student publications that are displayed on school web pages shall follow the same guidelines as listed above; plus they shall:

1. Not contain any non-educational advertisements. Additionally, student web publications shall;
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 Nonschool 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 educational 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>

The Superintendent, along with the student publications advisors, shall develop administrative regulations for the implementation of this policy. The regulations shall include definitions of terms and timelines for the review of materials.

#### **4.14—STUDENT PUBLICATIONS AND THE DISTRIBUTION OF LITERATURE~DHS**

##### **DISTRIBUTION OF LITERATURE**

Students have a right to distribute and possess literature including, but not limited to, newspapers, magazines, leaflets and pamphlets. Copies found to cause substantial disruption of school activities may be prohibited. The principal must initial materials to be distributed.

##### **SCHOOL PUBLICATIONS**

The yearbook is prepared by the yearbook staff for commercial printing.

All orders must be placed by the announced deadline. Books are usually distributed in August.

##### **UNOFFICIAL PUBLICATIONS**

Students are entitled to express in writing their personal opinions. The distribution of handwritten, duplicated or printed material on school premises must be with the prior consent of the principal and may not interfere with or disrupt the educational process. Written expressions which are distributed must be signed by the authors.

Students who edit, publish or distribute handwritten, printed or duplicated matter among their fellow students within the school, must assume responsibility for the content of such publications.

Libelous and obscene matter and personal attacks are prohibited in all publications.

#### **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 his/her 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 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.

Unless prior arrangements have been made with the school's principal, Arkansas law provides that the transfer of a child between his/her custodial parent and noncustodial 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.

##### **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 Department 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, 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, guardian, custodian, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or an investigator or employee of the Department of Human Services.

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release

of the student, the principal or designee shall give the student’s parent, legal guardian, or other person having lawful control by court order, or person acting 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.

#### **4.16—STUDENT VISITORS**

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

#### **4.16—STUDENT VISITORS~DHS**

## VISITORS ON CAMPUS

Parents, guardians and authorized adult visitors are welcome to visit the campus at any time. Non-adult visitors are not allowed.

All visitors should stop by the principal's office when visiting the school campus.

Unauthorized visitors will be asked to leave the campus. If said person or persons continue on campus or insist on coming back onto campus after they have been asked to leave, the person's name will be given to some type of law enforcement officer.

**NOTE: Act 75-HB 78 passed by the Arkansas State Legislature, 1971, makes loitering on or near school grounds during school hours, or loitering at sponsored activities such as ball games, or dances, without lawful purpose a misdemeanor, subject to a fine of \$50.00 to \$250.00; defines loitering as used in ACT to mean lingering on or within 100 feet of public school grounds unless on own property or on way to destination or transacting lawful business near school or at school.**

Parents or visitors will not be allowed in the classroom unless they receive permission from the principal's office. Each teacher may reserve the right to refuse admittance to any visitor who interferes with normal class instruction.

Insurance salesmen may contact teachers only after school or during a teacher's conference time. A designated place will be available for these meetings.

Class time lost due to ordering/sales of class rings, invitations, caps and gowns, and pictures will be kept to an absolute minimum. Whenever possible, these will be scheduled at some time other than regular school hours.

### 4.17—STUDENT DISCIPLINE

The Dierks 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 licensed personnel policy committee shall review the student discipline policies annually and may recommend changes in the policies to the Dierks 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 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 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.

#### **4.18—PROHIBITED CONDUCT**

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;

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

16.Excessive tardiness;

17.Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, 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.

23. Operating a vehicle on school grounds while using a wireless communication device.

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.

#### **4.18—PROHIBITED CONDUCT~DHS**

## **CONDUCT AND DISCIPLINE**

### **INTRODUCTION:**

This portion of your handbook has been prepared for the purpose of outlining to you the expectations of Dierks School District in regard to student conduct.

The District recognized that students are guaranteed full rights of citizenship by the United States Constitution and these rights may not be denied except in accordance with due process of law. The District further recognized that with these rights there are responsibilities which are designed to help all participants acquire the full benefits of the educational program regardless of race, sex, creed or national origin.

It is impossible to list in this handbook all of the rules and guidelines for students and staff use. Therefore, the contents of this handbook should not be construed to limit or deny your rights and responsibilities on your own campus as a member of the student body or as a citizen, neither should be construed limiting or denying the school administration right and responsibility to develop such necessary rules and regulations that are not inconsistent with federal and state laws and Board of Education policies and regulations.

Each student will receive a copy of the policy handbook and will be required to sign a statement of receipt.

### **WHO IS RESPONSIBLE FOR STUDENT CONDUCT**

Freedom is a constitutional right but it does not mean the absence of reasonable rules and regulations which serve to guide the actions of individuals. Along with freedom comes the responsibility to act in such a manner as to insure that all participants may enjoy the same freedom. To obtain the greatest benefit to the students, teachers, administrators, parents, Board of Education and the entire community, it is essential that all work together to insure that all persons are treated equally and with dignity in respect to their rights and responsibilities.

#### **Students**

Students have the responsibility to pursue their education in the Dierks School District in a manner that shows respect for

other students, faculty members, parents and other citizens. Students should be aware that they have a responsibility to cooperate with and assist the school staff in the orderly and efficient conduct of the schools by abiding by rules and regulations established by the Board of Education and implemented by teachers and school administrators. Each student is responsible for his/her own conduct at all times.

### **Parents Or Guardians**

Parents and guardians are responsible for exercising the required controls so that their children's behavior at school will be conducive to their own progress and not disruptive to the school's educational program. They are responsible for alerting school personnel when they have reason to believe that their children are experiencing difficulties at school or at home, and that by actively soliciting the help of the school, behavior standards may be maintained.

### **Teachers**

All teachers are responsible for the supervision of the behavior of all students in the school. This includes not only the students who are regularly assigned to the teacher, but all other students with whom the teacher comes in contact. Each teacher is expected to maintain the kind of atmosphere and decorum which will promote the learning process and to utilize sound techniques which seem appropriate. Those techniques include conferences with student and parents, referrals to counselor or referral to other supportive service personnel of the District. The teacher is authorized to administer corporal punishment according to guidelines established by District policy. When the teacher is unable to assist the student to maintain proper controls of his/her behavior, the student is to be referred to the principal. After the second out of class referral a parent conference must be scheduled before the student can return to class.

### **Principal**

The principal of the school is expected to disseminate to all students at the beginning of the year, and to each new student upon registration, the rules and regulations currently in effect. The principal is expected to inform the parents or guardian of any student whose behavior is in serious conflict with established laws, rules and procedures.

### **Superintendent**

The superintendent is responsible for exercising leadership in establishing all necessary procedures, rules and regulations to make effective the Board of Education policies relating to standards of student behavior.

## **Board Of Education**

The Board of Education of the Dierks School System, acting through the superintendent, holds all school employees responsible for the supervision of the behavior of the students while legally under the supervision of the school. The Board expects all employees to be concerned with student behavior and when and where unacceptable behavior occurs, to take appropriate action.

### Category 1

Based on severity and reoccurrence, any of the following consequences may be applied at the discretion of the building principal for the following offenses: Lunch detention, corporal punishment, student/parent conference, 1-10 days in-school suspension or out-of-school suspension, recommendation for expulsion, and/or other appropriate options as assigned by the principal.

### **Disregard of Directions or Commands**

A student shall comply with reasonable directions or commands of teachers, student teachers, substitute teachers, teachers' aides, principals, drivers or other authorized school personnel. This includes non-certified staff and volunteers.

Any student who is antagonistic, insubordinate, disrespectful, disobedient or uses foul language (cursing) directed at or to any school personnel, is subject to immediate disciplinary action.

### **Disruption and Interference with School**

NO STUDENT SHALL DO THE FOLLOWING:

1. Block the doorway or corridor.
2. Prevent students from attending class or school activities.

3. Block normal pedestrian or vehicular traffic.
4. Use violence, force, noise, coercion, threat intimidation, hazing, harassment, fear, passive resistance or any other conduct intentionally to cause disruption or a fight.
5. Refuse to identify himself/herself on request.
6. Intentionally make noises or act in a manner so as to interfere with the teacher's ability to conduct the class or any other school activity.
7. Leave school or cut classes without direct permission from the principal or teacher.
8. Encourage other students to violate any rule or school board policy.
9. Bring pagers, cell phones, laser pointers or any other device that would interfere with the educational process inside the school building during regular school hours or disrupt school activities, such as laser pointers being used for the purpose of distracting or disrupting the activity.

#### **Disruption on Buses**

Students shall not cause disruption on the bus or in any way distract the driver's attention from the road.

#### **Tardiness Policy**

Almost all tardiness is unnecessary. However, we would prefer to have a pupil tardy rather than absent. A student coming in late in the morning or afternoon must report to the office for an admit slip.

If a student is absent more than 10 minutes from a class, they will be considered absent for the entire period.

## **Public Display of Affection**

Public display of affection is not appropriate behavior at school. Failure to comply with reasonable expectation of the school staff will lead to disciplinary action.

### Category 2

1<sup>st</sup> offense: 1 day ISS

2<sup>nd</sup> offense: 3 days ISS

3<sup>rd</sup> offense: 1 day OSS

4<sup>th</sup> Offense: 3 days OSS

## **Academic Dishonesty**

Students may not copy classwork, homework, or tests of other students. Students may not allow another student to copy their classwork, homework, or tests. Students may receive a zero on any work involving academic dishonesty.

## **Immorality and Pornography**

Student should abstain from rude gestures, indecent and immoral acts, and pornography.

## **Gambling**

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.

## **Truancy or Skipping Class (On-Campus)**

After arrival on campus, a student absent from his/her assigned learning station without permission from school authorities shall be considered as truant.

### **Profanity**

Students shall not use foul language (cursing).

### **Tobacco Use**

The possession or use of tobacco in any form in the building, school buses, or on the school grounds is prohibited. "An act to protect the rights of non-smokers by prohibiting smoking in public schools; to provide a criminal penalty for violation thereof; and for other purposes." (Act 854, 1987; House Bill 1337)

### Category 3

1<sup>st</sup> Offense: 1-3 days OSS

2<sup>nd</sup> Offense: 3 days OSS

3<sup>rd</sup> Offense: 5 days OSS

4<sup>th</sup> Offense: 10 days OSS

### **Fireworks**

Fireworks (matches, lighters, firecrackers and fireworks in general) represent a hazard to the health and welfare of the student body. Anyone caught with fireworks of any kind on campus will face disciplinary action. Possession of firecrackers or fireworks in general on campus or using or trying to use fireworks or firecrackers on campus is prohibited.

### **Damages or Destruction of School Property**

A student shall not cause or attempt to cause damage to school property or steal or attempt to steal school property.

The school district will attempt to recover damages from the student destroying school property and the police may be summoned. Expulsion may be recommended in some cases depending on the extent of the damages.

### **Theft and Extortion**

A student shall not cause or attempt to steal the property of another student or any other person, nor shall a student obtain or attempt to obtain something (of value) from another person by either physical force or threat. The school

reserves the right to bring criminal charges against the student in addition to other discipline.

### **Fighting**

Students will not engage in mutual physical altercations in which the participants cause bodily injury to any person. All participants will be disciplined according to their degree of involvement.

### **Truancy or Skipping Class (Off-Campus)**

A student shall not be absent from school without parent and/or school authorities prior knowledge and consent. Leaving campus without following the proper procedures of checking out will be considered truant.

### **Forgery of Passes and/or Falsification of Information**

Any forgery or misuse of hall passes, absentee slips, report cards, etc., will result in disciplinary action.

#### **Category 4**

#### **Expulsion may be recommended**

#### **Physical Abuse or Assault of School Staff**

(ACA 6-17-106) 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.

(a) Any person who shall abuse or insult a public school teacher while the teacher is performing normal and regular or assigned school responsibilities shall be guilty of a misdemeanor and upon conviction be liable for a fine of not less than one hundred dollars (\$100) nor more than one thousand five hundred dollars (\$1,500).

(b) Each school district shall report to the Department of Education any prosecutions within the school districts under this section.

Notify both parents and legal authorities, student will be dismissed pending investigation on due process hearing, if student is found guilty of assault or attempted assault, expulsion will be recommended.

#### **Physical Abuse or Assault by a Student on Another Student**

A student shall not threaten or attempt to cause injury or physical harm to another student nor shall a student strike another student.

#### **Possession of Any Firearm or Other Weapon Prohibited on School Property- Act 104 of 1983 Social Session**

A student shall not possess, handle or transmit a knife, razor, ice pick, explosive, pistol, shotgun, pellet gun or any other object that can be considered a weapon or a dangerous instrument.

Immediate suspension at the discretion of the administration and police will be summoned

**Using, Offering for Sale or Selling Beer, Alcoholic Beverages or Other Illicit Drugs by Students or Adults at School Activities**

1. No student or adult shall possess, use, transmit, or be under the influence of any controlled substance or dangerous drugs as defined by the law, nor alcoholic beverage or other intoxicant while attending any school sponsored activity as defined in Act 590 of 1971 of the State of Arkansas as amended.
2. Controlled substances may be possessed and used by a student who has a prescription for the substance provided the substance remains in the container in which it was obtained from the pharmacist.
3. No student shall possess drug paraphernalia while attending any school sponsored activity.

Any student engaging in any of the activities with any of the prohibited substances listed above shall be subject to the following penalties:

The student may be suspended off campus up to (10) school days; police may be called and may be recommended for expulsion. Proof of professional help is required; and parental conference is required prior to readmission; community school service may be required; all-day detention may be used.

Any student suspended for the first violation, may be required to seek professional counseling prior to readmission to school. The student will receive full counseling services at his/her own expense. Upon readmission, continued enrollment shall be contingent upon completion of the alcohol/drug counseling program. Failure to complete the alcohol/drug counseling may be grounds for expulsion.

**Selling or transfer of any prescription medication, diet pill or over-the-counter medication.**

Students shall not sell or transfer (give) any prescription medication, diet pill, or over-the-counter medication to any other student.

**Sexual Harassment**

Sexual harassment will not be tolerated at Dierks High School. The definition of sexual harassment means unwelcome sexual advances, requests for sexual favors, and verbal, written or physical contact of a sexual nature. The legal definition of sexual harassment is broad and in addition to the above definition, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment, but the following are some examples of conduct, which if unwelcome, may constitute sexual harassment:

Unwelcome sexual advances—whether physical or not

Sexual epithets, jokes, written or oral references to sexual conduct gossip regarding one's sex life, comments about someone else's body, etc.

Displaying sexually suggestive objects, pictures or cartoons

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments

Inquiries into one's sexual experience

Discussion of one's sexual activities

Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperation in an investigation of a sexual harassment complaint will not be allowed and will also subject the guilty party to disciplinary action.

## **SCHOOL DISTRICT–ANTI-BULLYING POLICY**

Bullying is intentional, repeated hurtful behaviors committed by one or more children against another. These behaviors are not provoked by the victims, but result from a real or perceived imbalance of power between the bully and the victim. Bullying will not be tolerated on school property, at school sponsored activities, at the bus stop, on the school bus, in school vehicles and at school sanctioned events. Any student who engages in bullying will be subject to disciplinary action as listed below. This rule is in compliance with Act 681 of 2003.

Any school employee who witnesses or has reliable information that a pupil has been a victim of bullying shall report the incident to the principal of the school.

### **Electronic Bullying**

Electronic act means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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.

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

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.

## **Other Rules/Policies**

### **Violation of the Technology Acceptable Use Policy**

Any student that violates the Dierks School District's Technology Acceptable Use Policy will be subject to the appropriate disciplinary action as listed below. The Technology Acceptable Use Policy is listed on subsequent pages of the student handbook.

CONSEQUENCES - Loss of computer privileges for a period of time determined by the teacher, loss of computer privileges for a longer period of time determined by the suspension, 1-10 days of Out of School suspension, parent conference, loss of computer privileges for the remainder of the school term, loss of computer privileges for one year, expulsion.

### **Entering the School Building**

Students are strongly discouraged from arriving before 7:30 a.m. Doors will be opened at 7:30 a.m., by the duty teacher. Students will be permitted to enter by permission of the duty teacher to study. Any other teacher that allows students to enter, will supervise them until the duty teacher arrives or the children's homeroom teacher arrives. In extremely bad weather, students are allowed in the study hall or hall.

### **Student Automobile Use**

The following rules will apply to any student who drives a motor vehicle to school:

1. Cars, motorcycles, scooters or bicycles are to be parked in designated student parking areas upon arrival in the morning.
2. Students are not allowed to sit in parked vehicles at any time during the school day.
3. Drivers will observe the 15 MPH speed limit in the immediate area of the campus, both elementary and high school.
4. Students are not to block driveway to the agriculture building.
5. Only legal, licensed, insured drivers will be allowed to drive on the school campus. Students will provide a copy of their driver's license and proof of insurance at the beginning of each school year.
6. All vehicles must give right-of-way to buses at all times.

CONSEQUENCES: Suspension of driving privileges for ten (10) days to one semester, corporal punishment, 1-10 days in-school suspension, 1-10 days out-of-school suspension, conferencing, permanent expulsion, parent conference, detention.

### **Discipline for the Handicapped**

Dierks Public School students who are receiving special education services are subject to the following disciplinary guidelines:

1. Handicapped students who engage in misbehavior are subject to normal school disciplinary rules and procedures so long as such treatment does not abridge their right to free and appropriate public education.
2. The Individualized Education Plan (IEP) team for a handicapped student will consider whether particular discipline procedures should be adopted for that student and be included in the IEP. Classroom teachers should be informed if a special plan is adopted.

3. Handicapped students may be excluded from school only in emergencies and only for the duration of emergency. In no case, will a handicapped student be excluded for more than ten (10) days in a school year for normal discipline problems.
4. 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.
5. After the initial 10 days, the suspended student will be offered an alternate educational program for the duration of any other suspension.
6. Mrs. Jana Strode will be the grievance officer with the duty of enforcing Act 504 for elementary school and Mrs. Nancy Alsabrook for high school.

#### **Behavior not covered above**

The school district reserves the right to punish behavior which is not conducive to good order and discipline in the schools, even though such behavior is not specified in the preceding written rules. The type punishment will be at the discretion of the teacher or principal.

Any behavior not covered above, but punishable by law, will be dealt with to the fullest extent of the law.

#### **Persistent Disregard for School Rules**

A student who persists in act of misconduct after reasonable efforts have been made by the school to secure the student's adherence to the established rules shall be recommended for expulsion. Efforts toward behavior modification will be made prior to recommendation for expulsion except when very serious offenses have been committed.

## DUE PROCESS

Every student is entitled to due process in every instance of disciplinary action for which he/she may be subjected to penalties of suspension. (Arkansas State Ann. 80-1516).

The due process rights of students and parents are as follows:

Prior to any suspension, the school principal or his/her designee, shall advise the pupil in question of the particular misconduct of which he/she is accused, as well as the basis for such accusation.

2. The pupil shall be given an opportunity at that time to explain his/her version of the facts to the school principal or his/her designee.
3. Written notice of suspension and the reason(s) for the suspension shall be given to the parent(s) of the pupil.
4. Any parent(s), tutor or legal guardian of a pupil suspended, shall have the right to appeal to the Superintendent of the Schools.

Due Process is afforded to students in disciplinary cases of some magnitude such as:

1. Suspension
2. Expulsion
3. Statements removed from student's records, and
4. Clearing one's reputation.

## **RULES FOR IN-SCHOOL SUSPENSION**

1. Schedule of the all-day detention must include the entire school day - 8:00 - 3:13 to count as a day.
2. Must not be tardy.
3. Students are required to bring all their textbooks to the detention room and have adequate pen/pencil and paper for each day.
4. Isolation from the rest of the student body.
5. No food, candy, drink, gum or tobacco will be allowed in room.
6. NO talking at any time to other students.
7. Must complete assignments given by all teachers.
8. Must cooperate with the teacher at all times.
9. May not sit and do nothing.
10. Students will not get out of their desks unless given permission by the teacher.
11. Students will not leave the room unless given permission by the teacher.
12. Students will not mark on the desks or walls and will help maintain the room in a clean and orderly fashion.

13. Students will not be allowed to attend pep-rallies or assemblies while assigned to ISS.
14. Misbehavior in the detention room will be cause for the teacher to send the student to the principal.
15. Additional days may be added by the principal for infractions of ISS.
16. Students will have one restroom break in the morning ( between 9:30 and 10 a.m.) and one in the afternoon (between 1:30 and 2pm). Students will not talk to each other or other individuals during the breaks. All students will go the restroom and water area whether or not they wish to use the facilities.
17. Each may buy or bring his or her lunch. All ISS students will eat at the same time.
18. All students from the 7<sup>th</sup> through 12<sup>th</sup> grade may be assigned to In-school suspension. Attendance in ISS will be mandatory and no student will be readmitted to his/her regular classes until they have attended ISS for the minimum number of days specified by the principal.
19. Students assigned to ISS will be given the opportunity to complete assignments and tests while there for full credit. Regular teachers will not be expected to assign make up work, give make up tests or help the students catch up.
20. When assigned to ISS, students will not be permitted to participate in nor attend assemblies, athletic contests, band activities or any other school activity that takes place during their time of in school suspension. The ISS time will be over at 3:15 of the last assigned day. This does not include after school practices.
21. Students that elect not to go to ISS will not be allowed to return to regular classes until they have attended ISS and have fulfilled its requirements. They may be assigned out of school suspension for an equal number of days.
22. Procedures for assignment to ISS will be those that exist for suspension. Due process will be given and parents will be notified with the reasons for the referral to ISS made clear. Disruptive behavior in ISS may result in expulsion.

23. Repeated assignments to ISS or failure on the part of the student to modify his/her behavior will be subject to recommendation for expulsion.

### **AFTER SCHOOL DETENTION**

After school detention will be utilized for repetitive offenses in which the student has been assigned noon detention but continues to be non-compliant. The after school detention will be held immediately after school from 3:15- 4:15 on Wednesday afternoons by a Dierks High School staff member.

After the fifth detention assignment, a student will be given a day of after school detention and on every third offense thereafter. If a student does not attend the assignment, an additional day will be added and if those 2 days are not served a day of ISS will be assigned.

### **DETENTION**

Detention will be assigned by the teacher for minor infractions such as, but not limited to: gum chewing, talking in class, being tardy to class, not coming to class with needed materials, etc. Students arriving late at school in the morning will need to come to the office for an admit slip. They will be assigned detention for being tardy.

Noon detention will be in place for students in grades 7-12. This will take place in room #10 (junior high and senior high) promptly at the start of each lunch period. It will last for the first 15 minutes of the lunch period. The students will then be taken by the instructor to the lunchroom for their lunch the last 15 minutes of the lunch period when other students have their lobby and outside break. The students will not be allowed to talk while in the lunchroom and must eat on the regular line and can not buy extra lunch items from Ala Cart. A special table will be set aside for the detention students. Assignments will be provided by the detention teachers if the students do not have material to work on.

Upon referral by the principal, the student's CAPS mentor shall hold an intervention conference to help the student succeed and have positive behavior.

The student must be on time. There will be **no excuses**. If the student is late, he/she will be assigned one more day of detention. If a student does not show up for detention, they will be assigned two (2) more days of detention. If the student does not show up for the second day of detention, he/she will be assigned 1 day of ISS and still must serve the days of detention. If the student does not show up for the third day of detention, he/she will be assigned 1 day of OSS and still must serve the detention days. ISS/OSS will affect the semester test exemption and extracurricular activities and practices.

1. Student is assigned one day of detention.
2. Student serves his one day **or**
  - a. student is late for detention-assigned another day
  - b. student does not show up for detention-2 more days of detention
3. If a student does not show up for detention on the second day, he/she will be assigned 1 day of ISS and the student must still serve the detention days.
4. If a student does not show up for detention on the third day, he/she will be assigned 1 day of OSS and the student must still serve the detention days.

If a student is assigned detention and serves his detention as outlined above, his semester test status will not be affected. If he/she is assigned ISS or OSS due to detention, they will be required to take all semester tests.

Teachers must be consistent with detention assignment. A teacher may issue from 1 to 5 days per class period depending upon the severity of the infraction. For a more serious or recurrent infraction, a teacher may refer the student to the principal's office for more severe consequences.

#### **STUDENT CONDUCT NOT PERMITTED**

Teachers are charged with the responsibility of supervising students and providing an orderly environment of learning. Teachers are responsible for student discipline in all sections of the school. The greatest number of problems confronted by a teacher are from those students whose behavior is mischievous, disconcerting, or disturbing and/or time consuming. The consequences for infractions which fall into this category will range from a warning for a first offense to teacher discipline for second and third offenses and finally a trip to the principal's office.

However, students sometimes engage in more serious behavior problems. The following activities are considered major infractions of proper conduct and will subject the student to disciplinary action including, but not limited to, suspension or expulsion from school and/or notification of law enforcement officials. The violation of a rule will occur whether the conduct takes place on the school ground at anytime, off the school grounds at a school supervised activity, function, or event, or enroute to and from school.

Below each rule is a standardized list of disciplinary actions to be taken. The administration may exercise more extreme action in severe situations or in situation where a student has been involved in other rule infractions. The concept of equity, as defined by the Arkansas Department of Education, recognizes that some students must receive differential treatment in order to achieve fairness within the educational system.

The underlying goal for a school district's disciplinary policies and procedures is to change inappropriate behavior into appropriate behavior and to assist the student in becoming responsible for, and able to control his/her own behavior. This may be accomplished through counseling and/or disciplinary measures.

Consequences will be chosen according to the severity of the infraction from consequences listed. The disciplinary action may include one or more of the consequences, not necessarily in the order listed. Consequences from least to greatest severity are as follows: Warning, Teacher Discipline, Detention, Parent Conferencing, Corporal Punishment, One to ten days ISS, One to ten days OSS, and Permanent Expulsion.

#### **Disregard of Directions or Commands**

A student shall comply with reasonable directions or commands of teachers, student teachers, substitute teachers, teachers' aides, principals, drivers or other authorized school personnel. This includes non-certified staff and volunteers.

Any student who is antagonistic, insubordinate, disrespectful, disobedient or uses foul language (cursing) directed at or to any school personnel, is subject to immediate disciplinary action.

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

Students are subject to the same rules of conduct while traveling to and from school as they are while on school grounds. Appropriate disciplinary actions may be taken against commuting students who violate student code of conduct rules.

The preceding paragraph also applies to student conduct while on school buses. Students shall be instructed in safe riding practices.<sup>1</sup> The driver of a school bus shall not operate the school bus until every passenger is seated. Disciplinary measures for problems related to bus behavior shall include suspension or expulsion from school, or suspending or terminating the student's bus transportation privileges. Transporting students to and from school who have lost their bus transportation privileges shall become the responsibility of the student's parent or legal guardian.

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

### **BUS RIDERS**

Students who ride buses are subject to all school policies while on the bus. Drivers are in complete charge. All passengers must remain seated while the bus is in motion. Bus rules and regulations will be posted on each bus and are given to parents at the beginning of the school year. Unauthorized persons are prohibited from entering a bus at any time.

### **BUS OPERATING PROCEDURES**

All students who use school buses, either regularly or occasionally, should be familiar with the following rules:

1. Be at the bus stop at the scheduled time. Stand back about ten feet from the bus stop and wait until the door is opened before moving closer to the bus; do not attempt to hitchhike to or from school.
2. While entering or leaving the bus, be orderly and quick.
3. While riding the bus, you are under the supervision of the driver and must obey the driver at all times.

4. Students are expected to conduct themselves in a manner such that they will not distract the attention of their driver or disturb other riders. This means to keep your hands to yourself, attend to your own business, let other students alone, and be reasonably quiet.
5. No food or drink, except lunches, will be brought aboard buses.
6. No knives or sharp objects of any kind are allowed, nor firearms, pets, or other living animals.
7. Do not tamper with the safety devices such as door latches, fire extinguishers, etc. Keep your seat while the bus is in motion, heads and bodies inside the bus. Act 1744--requires students to be seated while the bus is in motion.
8. Do not deface the bus or damage the seats. Do not throw food, paper, or other objects on the floor of the bus. Keep the aisle free of books, lunches, coats, etc. Do not put feet in the aisle.
9. If you must cross the road to enter the bus, try to be on the right side of the road waiting for the bus. If you should arrive at the stop just as the bus approaches, wait until the bus has come to a complete stop and the driver has signaled for you to cross in front of the bus (unless he directs you differently).
10. If you must cross the road after leaving the bus, go to a point on the shoulder of the road ten feet in front of the bus. Cross the road only after the driver or student patrol has signaled you to do so.
11. No balloons or glass containers will be allowed on buses.

#### **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.

#### **4.20—DISRUPTION OF SCHOOL~DHS**

##### **Disruption and Interference with School**

NO STUDENT SHALL DO THE FOLLOWING:

1. Block the doorway or corridor.
2. Prevent students from attending class or school activities.
3. Block normal pedestrian or vehicular traffic.
4. Use violence, force, noise, coercion, threat intimidation, hazing, harassment, fear, passive resistance or any other conduct intentionally to cause disruption or a fight.
5. Refuse to identify himself/herself on request.
6. Intentionally make noises or act in a manner so as to interfere with the teacher's ability to conduct the class or any other school activity.
7. Leave school or cut classes without direct permission from the principal or teacher.
8. Encourage other students to violate any rule or school board policy.

9. Use of pagers, cell phones, laser pointers or any other device that would interfere with the educational process inside the school building during regular school hours or disrupt school activities, such as laser pointers being used for the purpose of distracting or disrupting the activity

#### **4.21—STUDENT ASSAULT OR BATTERY**

A student shall not threaten, physically abuse, or 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 understanding, is calculated to: a) cause a breach of the peace; b) materially and substantially interfere with the operation of the school; 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 student disciplinary measures.

#### **4.22—WEAPONS AND DANGEROUS INSTRUMENTS**

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.

A weapon is defined as any firearm, knife, razor, ice pick, dirk, box cutter, numchucks, pepper spray or other noxious spray, explosive, 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 that he/she has accidentally brought a weapon, other than a firearm, to school including a weapon, other than a firearm, that is in a 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.<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.

#### **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-pipes, or under any other name or descriptor.

#### **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 Dierks 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 en 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.

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.

#### **4.24—DRUGS AND ALCOHOL~DHS**

##### **Using, Offering for Sale or Selling Beer, Alcoholic Beverages or Other Illicit Drugs by Students or Adults at School Activities**

1. No student or adult shall possess, use, transmit, or be under the influence of any controlled substance or

dangerous drugs as defined by the law, nor alcoholic beverage or other intoxicant while attending any school sponsored activity as defined in Act 590 of 1971 of the State of Arkansas as amended.

2. Controlled substances may be possessed and used by a student who has a prescription for the substance provided the substance remains in the container in which it was obtained from the pharmacist. Any student engaging in any of the activities with any of the prohibited substances listed above shall be subject to the following penalties:

The student may be suspended off campus up to (10) school days; police may be called and may be recommended for expulsion. Proof of professional help is required; and parental conference is required prior to readmission; community school service may be required; all-day detention may be used.

Any student suspended for the first violation, may be required to seek professional counseling prior to readmission to school. The student will receive full counseling services at his/her own expense. Upon readmission, continued enrollment shall be contingent upon completion of the alcohol/drug counseling program. Failure to complete the alcohol/drug counseling may be grounds for expulsion.

#### **Selling or transfer of any prescription medication, diet pill or over-the-counter medication.**

Students shall not sell or transfer (give) any prescription medication, diet pill, or over-the-counter medication to any other student.

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

The Dierks 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.

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

##### **STUDENT DRESS**

Student dress and grooming shall be left primarily to the discretion of the student and his/her parents. The school officials, however, shall have the authority to require a student who is improperly dressed to change into more appropriate clothing. Improper dress shall be defined as any clothing which might interfere with the daily school routine as determined by school administration. Shorts are discouraged; however, shorts and skirts are acceptable as long as the hem is no shorter than four (4) inches from the bend of the knee. No pajamas, house shoes or other sleeping attire shall be worn to school. The only exception will be during Principal-Approved Activities. Fringed cut-off shorts are not acceptable. Inappropriate clothing will include the following:

1. Clothing that depicts or refers to alcoholic beverages, drugs, nudity, or contains obscene slogans or other slogans or other emblems - or writing that may reasonably be expected to cause disruption of or interference with normal school operations.
2. Shirts or blouses are to be closed (buttoned) to show modesty and appropriateness. Undershirts, tank tops, see-through shirts or blouses, or clothing with spaghetti straps are not acceptable for school wear unless worn under other clothing. Tights or leggings must be worn with a shirt, shorts, or skirt with a hem no shorter than four (4) inches from the bend of the knee.

Shoes must be worn at all times, and should be chosen for safety, health reasons, and for quietness, no shoes with rollers or wheels are allowed.

Bicycle shorts or sliders are not allowed in high school. Sliders may be worn under shorts as long as the length of the shorts follow the district policy. Hats, headbands, or other headwear will not be worn indoors at any time, including Spirit Week. This applies to both male and female.

In accordance to Act 835 of the 2011 Arkansas Legislative Session, students may not wear clothing that exposes underwear, buttocks, or the breast of the female. This includes jeans with holes in them above the appropriate 4 inch length for shorts. This policy is effective for school and for school-sponsored events.

### **Boys**

Must not wear shirts that do not completely cover the back and stomach. Sleeveless shirts are prohibited unless a sleeved shirt is worn underneath. Pants should be worn at the waist line. No underwear should show.

### **Girls**

Must not wear dresses or blouses that do not cover the back and stomach. Must not wear dresses or blouses that are cut in front or at arm holes below a moderate level.

Must not wear skirts or dresses that are inappropriate in length as defined by school administration. (Skirts may not be shorter than four (4) inches from the bend of the knee).

**PENALTY:** Students will be asked to correct the item in question. If the item is not corrected, the student and the parent will be counseled and a one (1) to three (3) day suspension may be imposed. If students repeat this offense then consequences regarding rule 1 will be imposed.

#### **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:

4. Wearing or possessing any clothing, bandanas, jewelry, symbol, or other sign associated with membership in, or representative of, any gang;
5. Engaging in any verbal or nonverbal act such as throwing signs, gestures, or handshakes representative of membership in any gang;
6. Recruiting, soliciting, or encouraging any person through duress or intimidation to become or remain a member of any gang; and/or
7. 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.

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

The Dierks School District is committed to having an academic environment in which all students are treated 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.

Believing that prevention is the best policy, the District will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the district does not tolerate sexual harassment and that students can report inappropriate behavior of a sexual nature without fear of adverse consequences. The information will take into account and be appropriate to the age of the students.

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment as defined in this policy. Any student found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion.

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:

Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's education;

Submission to, or rejection of, such conduct by an individual is used as the basis for academic decisions affecting that individual; and/or

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 which 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.

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. Depending upon such circumstances, examples of sexual harassment include, but are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing 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; and spreading rumors related to a person's alleged sexual activities.

Students who believe they have been subjected to sexual harassment, or parents of a student who believes their child has been subjected to sexual harassment, are encouraged to file a complaint by contacting a counselor, teacher, Title IX coordinator, or administrator who will assist them in 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.

To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Students who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

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.

#### **4.27—STUDENT SEXUAL HARASSMENT~DHS**

##### **Sexual Harassment**

Sexual harassment will not be tolerated at Dierks High School. The definition of sexual harassment means unwelcome sexual advances, requests for sexual favors, and verbal, written or physical contact of a sexual nature. The legal definition of sexual harassment is broad and in addition to the above definition, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment, but the following are some examples of conduct, which if unwelcome, may constitute sexual harassment:

Unwelcome sexual advances—whether physical or not

Sexual epithets, jokes, written or oral references to sexual conduct gossip regarding one's sex life, comments about someone else's body, etc.

Displaying sexually suggestive objects, pictures or cartoons

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments

Inquiries into one's sexual experience

Discussion of one's sexual activities

Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperation in an investigation of a sexual harassment complaint will not be allowed and will also subject the guilty party to disciplinary action.

#### **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; 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. 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.

#### **4.29—INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY**

##### **Definition**

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

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

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

into board policy and is considered part of the student handbook.

### **Technology Protection Measures**

The District is dedicated to protecting students from materials on the Internet or world wide web that are inappropriate, obscene, or otherwise harmful to minors<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.

#### **4.29—INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY~DHS**

##### **Technology Acceptable Use Policy**

The Dierks School District believes that technology is a tool for lifelong learning, and that access to Local Area Network (LAN) and Wide Area Network (WAN) is one of the resources that promote educational and organizational excellence. We believe the responsible use of network resources will propel today's schools into the information age allowing students and staff to significantly expand their knowledge by accessing and using information resources, and by analyzing, collaborating and publishing information.

Students and staff should use network resources in a responsible, efficient, ethical and legal manner in accordance with the mission of Dierks School District. The use of technology is a privilege, not a right, which may be revoked at any time for inappropriate behavior. Users assume responsibility for understanding the policy and guidelines as a condition of using available technology. Staff members are accountable to teach and use technology responsibly. Use of technology resources that are inconsistent with this policy may result in loss of access as well as other disciplinary or legal action. This will be at the discretion of the faculty and the administration of the Dierks School District.

##### **Network Access**

The following individuals are authorized to use the Dierks Public School Network (including, but not limited to e-mail and internet):

0. Dierks School employees are issued an individual network account.
1. High School students at Dierks High School (grades 7-12) may be issued an account with email and internet privileges upon return of a contract signed by parent and student. This will depend upon the class and instructor.
2. Seventh and eighth grade students are issued network accounts without internet and email access.

3. Elementary students have access to the school network only under their teacher's direct supervision using a classroom account. Individual elementary students will be issued an account upon the discretion of the teachers and the administration.
4. Others may be issued Guest Accounts based on their need for doing network business. (Examples of such accounts would be adult education classes and college students needing to do research.)

### **Acceptable Internet Use Guidelines**

Staff members are expected to teach responsible use to students when students are accessing the Internet and to provide guidance and supervision of students using the Internet in the following ways:

- \* Teachers and other supervising adults will discuss the appropriate use of technology resources with their students, monitor their use, and intervene if the resource is not being used appropriate.

Computers that allow access to the Internet should only be placed in areas where adults are present.

Content filtering is provided by the state to help limit access to inappropriate material. Even with filtering, it is possible that students may find materials on the Internet that parents consider objectionable. Although students may be supervised when they use the Internet, this does not guarantee that students will not access inappropriate materials. District guidelines for accessing the Internet prohibit access to materials that is inappropriate access of materials to a teacher, other staff persons or their parents. Parents are encouraged to discuss responsible use of the Internet with their children and how this responsibility includes using the Internet at school, as well as from home.

### **Unacceptable Use**

The following uses of technology are unacceptable and may result in suspension or revocation of network privileges. Unacceptable use is defined to include, but not be limited to, the following:

- \* Violation of School Board Policy, District Administrative Rules, or any provision in the Student Handbook.

- \* Transmission of any material in violation of any local, state, or federal law. This includes, but is not limited to: copyrighted materials, threatening or obscene material, or materials protected by trade secret.
- \* The use of profanity, obscenity or other language that may be offensive to another user.
- \* Any form of vandalism, including but not limited to, damaging computers, computer systems, or networks, and/or disrupting the operation of the network.
- \* Copying and/or downloading commercial software or other material (e.g. music) in violation of federal copyright laws.
- \* Use of the network for financial gain, commercial activity, or illegal activity, e.g. hacking.
- \* Use of the network for political activity.
- \* Use of the network to access pornographic or obscene material.
- \* Creating and/or placing a computer virus on the network.
- \* Accessing another person's individual account without prior consent or accessing a restricted account without prior consent of the responsible administrator or teacher. The person whose name an account is issued is responsible at all time for its proper use. Passwords should never be shared with another person and should be changed frequently.

Students who use a school issued computer 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.

### **Privacy**

Staff and student users of Dierks must be aware that information accessed, created, sent, received or stored on the network is not private. It is subject to review by network system administrators. System administrators may investigate complaints regarding email that may contain inappropriate or illegal material.

### **Web Content**

The content on the Dierks School District website shall be consistent with its purpose of supporting and enhancing learning and teaching that prepares students for success. Dierks' website includes information about the district and functions as a communication tool.

Staff members who publish pages on Dierks School District's website should use criteria appropriate to selecting material that enriches the learning environment. In addition to applying the principles used to establish a rich educational environment, web page content should be designed to reflect the following criteria.

- \* Authority
- \* Accuracy
- \* Objectively
- \* Currency
- \* coverage

### **Internet Privacy Protections and Considerations for Students**

The school district has an obligation to protect student safety and to balance this with the need for open communications when using the Internet. There are documented instances of students being inappropriately identified via the Internet and thereby becoming subjected to unhealthy situations or unwelcome communications.

The purpose of these guidelines is:

0. To inform school staff of the possible dangers of allowing students to publish identifying information on the Internet.
1. To recognize that there are potential advantages of allowing students to publish identifying information on the Internet.
2. To provide to schools a recommended set of guidelines governing how student identifying should be allowed in publishing on the internet.

It is clear that there are significant risks, as well as significant advantages, involved with allowing students to be identified on the Internet. Therefore, students should not be easily identifiable from materials they might publish on the Internet.

### **Guidelines**

- \* Only first name shall be used in published student work.
- \* Pictures that are a part of student publishing should not include identifying information.
- \* Under no circumstances should a student's home address or phone number be included.
- \* If replies to published student work are appropriate, the sponsoring teacher's address should be the email address displayed, not the student's.
- \* In special circumstances with parent-signed release, identifying information can be added.

**Guidelines:** To make this determination the submitting high school students and the supervising staff member must

carefully weigh the potential for risk against the perceived advantage of posting this identifying information. Students are required to seek guidance and approval from school staff and are encouraged to involve parents in instances where there is uncertainty before posting identifying information.

### **Copyright and Plagiarism**

Adherence to federal copyright law is required in both the print and the electronic environments. All users of the Dierks network are expected to adhere to the provision of Public Law 94-553 and subsequent federal legislation and guidelines related to the duplication and/or use of copyrighted materials. District guidelines permit copying specifically allowed by copyright law, fair use guidelines, license agreements or proprietor's permission. The following are not permitted:

- \* Using network resources to commit plagiarism
- \* Unauthorized use, copying, or forwarding of copyrighted material.
- \* Unauthorized installing, use, storage, or distribution of copyrighted software.

### **CIPA GUIDELINES**

Per CIPA compliance the following are part of the Technology Acceptable Use Policy:

Filtering is incorporated with the service provided by Internet Service Provider, locally for all Internet-enabled computers on a networked basis, and individually on each Internet-enabled computer with the filtering product M-86.

Filtering will be provided for all Internet-enabled computers used by students, patrons, and staff.

Filtering will be disabled only for bona fide research or other lawful purposes.

Online activities of minors will be monitored for appropriate use.

Safe and secure use by minors of direct electronic communications (including e-mail, chat rooms, and instant messaging) will be monitored by staff and checked by filtering product.

Unauthorized online access, including "hacking" and other unlawful activities, is prohibited.

Unauthorized disclosure, use, and dissemination of personal identification information regarding minors is prohibited.

Educating minors about appropriate behavior, including interacting with other individuals on social networking websites and its chat rooms and cyberbullying awareness and response will be taught and enforced.

### **Violation of the Technology Acceptable Use Policy**

Any student that violates the Dierks School District's Technology Acceptable Use Policy will be subject to the appropriate disciplinary action as listed below. The Technology Acceptable Use Policy is listed on subsequent pages of the student handbook.

CONSEQUENCES - Loss of computer privileges for a period of time determined by the teacher, loss of computer privileges for a longer period of time determined by the suspension, 1-10 days of Out of School suspension, parent conference, loss of computer privileges for the remainder of the school term, loss of computer privileges for one year, expulsion.

### **4.30—SUSPENSION FROM SCHOOL**

Students 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; going to and from school or a school activity. A student may be suspended for behavior including, but not limited to that which:

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;
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 readmittance to class will be given to the parent(s), legal guardian(s), or to the student if age 18 or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), 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 parents' or legal guardians' responsibility to provide current contact information to the district which the school shall use to immediately notify the parent or legal guardian 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 or legal guardian.

During the period of their suspension, students serving OSS are not permitted on campus except to attend a student/parent/administrator conference.<sup>3</sup>

During the period of their suspension, students serving in-school suspension shall not attend any school-sponsored activities during the imposed suspension nor shall the student participate in any school-sponsored activities.<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.

#### **4.30—SUSPENSION FROM SCHOOL~DHS**

### **SUSPENSION AND EXPULSION**

#### **SUSPENSION PROCEDURE:**

0. A teacher may temporarily dismiss for disciplinary reasons any student from class.
1. The teacher shall, when feasible, accompany the student to the office of the principal or designee and shall, as soon as practical, file with the principal a written statement about the student's dismissal from class.
2. The principal or designee shall determine whether to reinstate the student in class, reassign his/her or take other disciplinary action.
3. The principal of any school or designee is authorized to suspend students from school for disciplinary reasons up to ten school days, including the day upon which the suspension was initially imposed.
4. Prior to such suspension, the principal or designee, shall inform the student either orally or in writing about the

infraction.

5. If the student denies the charges, the principal shall explain to him/her the evidence that forms the basis of the charges and shall permit the student to present his/her side of the story.
6. When the principal considers that a suspension is proper, he/she shall send the student home with a suspension notice.
7. Additionally, the parent will be mailed a copy of the suspension notice which shall include the reasons for the suspension, its duration, the manner in which the student may be readmitted to school, which shall include a student/parent/principal or designee conference, and the procedure for review of the suspension.
8. When a student has been notified that he/she is suspended from school, he/she shall remain away from school premises until the principal or designee reinstates him/her, except that a suspended student may return to the school premises when accompanied by his/her parent or guardian for a student/parent/principal or designee conference. This includes all extra-curricular activities.
9. The suspended student or his/her parent or guardian may request a hearing before the superintendent.
10. The superintendent of schools or designee shall have the authority to revoke, terminate, or otherwise modify the suspension.
11. Notwithstanding the policy concerning suspension and expulsion, students may be suspended indefinitely without notice, hearing and other rights provided herein having been first given if the process has otherwise been substantially disrupted. This would apply only in rare instances such as riots or where emergency circumstances make it unreasonable for the administration and board to consider the case within the usual time. In all such cases, notices, hearings and other rights shall be provided in accordance with the normal provisions at the earliest practical date after order is restored.

#### 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 or legal guardians (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, 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, that 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 not less than 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 or legal guardians 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 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 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.

#### 4.31—EXPULSION~DHS

##### EXPULSION PROCEDURE TO BE USED:

0. The principal or designee may recommend that a student be expelled from school. A written recommendation to the superintendent shall include a statement of the charge against the student.
  1. If the superintendent concurs with the recommendation, he/she shall schedule a hearing before the school board.
  2. The school board may expel a student for more than 10 days, the remainder of the semester, for the remainder of the school year, or permanently for conduct it deems to be of such seriousness as to make a suspension inappropriate where it finds that the student's continued attendance at school would be unacceptable disruptive to the educational program or would be attended with unreasonable danger to the other students and faculty members.
3. Permanent expulsion is appropriate only for those instances in which serious bodily harm occurred or reasonable could have been expected to occur to another person.
4. The superintendent or designee shall give written notice mailed within ten calendar days from the alleged incident, which caused the expulsion recommendation, to the student if he/she is an adult. Such a hearing will be conducted not earlier than three calendar days or more than seven calendar days following the date of the notice except that the superintendent and the student and the student's parent may agree in writing.
5. The notice also will state charges against the student in clear and concise terms, the names of witnesses who will appear against the student and a brief statement concerning the nature of their testimony.
6. In every case of a hearing held by a school board regarding the expulsion of a student, the president of the board shall preside at the hearing. The student shall be entitled to representation by a lawyer or lay counsel.

##### HEARING FORMAT:

1. After the meeting is called to order, the purpose of the hearing is to be stated.
2. The student is to be asked if he/she is to represent themselves, if they are an adult, if his/her parent is to represent them if they are a minor, or if they have other representation.
3. It is them to be determined, by the student if he/she is an adult or by the parent if the student is a minor, if the hearing is to be "open" or "closed". "Open" means that anyone, including the press, may be present. "Closed" means that only those directly involved in the hearing may be present. If the hearing is "closed" then everyone

- is to be removed from the room except: the student; the student's parents; the student's representative, if they have any; the superintendent; the principal, if involved; the board's attorney, if they have one; and the board.
4. The superintendent will then to state the recommendation.
  5. The superintendent or other person (such as the principal or teacher) will then set out the facts surrounding the reason for the recommendation.
  6. The Board President will then inform the student that the student or his representative may then question the person making the statement. Only questions and not statements are to be permitted. Only one individual may question any given witness. Questioning of a witness from more than one individual will not be permitted. However, different individuals may question different witnesses.
  7. When the administration's presentation in support of the recommendation of expulsion is completed, the student (or parent or representative) will then be permitted to go forward with their witnesses, one at a time. When the original questioning of the witness is concluded, the school board members, the principal or the superintendent may ask questions.
  8. After the witness in support of the student has been concluded, the student (or their parent or representative), may make a closing statement, as may wither the principal or superintendent.
  9. If the hearing was an "open" hearing, the board must remain in open session to discuss the recommendation before voting. If the hearing was a "closed" hearing, the board should excuse themselves to executive session to discuss the recommendations before voting. Irregardless of whether the session was "open" or "closed" the board must vote in open session.
  10. The board may accept, reject, or modify the recommendation of expulsion. Any modification may not exceed the recommendation of the administration.
  11. The board shall briefly state its findings in writing within ten days after the hearing.
  12. The board shall make a record of the evidence taken at the proceedings by use of a court reporter.
  13. If the student wishes, the record will be transcribed and a copy furnished the student. Copies of all statements used, as evidence will be included with the record.
  14. The president of the board or the presiding officer has the authority to limit unproductively long or irrelevant questioning by non-board members.

#### **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 suspicion to believe such student or property contains illegal items or other items in violation of Board policy or dangerous to the school community. School authorities may seize evidence found in the search and disciplinary action may be taken. Evidence found which appears to be in violation of the law shall be reported to the appropriate authority.

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

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

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

State Law requires that Department of Human Services employees, local law enforcement, or agents of the Crimes Against Children Division of the Department 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, or other person having lawful control by court order, or person acting in loco parentis on student enrollment forms. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or an investigator or employee of the Department of Human Services.

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release of the student, the principal or designee shall give the student's parent, legal guardian, or other person having

lawful control by court order, or person acting 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.

#### **4.32—SEARCH, SEIZURE, AND INTERROGATIONS~DHS**

##### **SEARCH AND SEIZURE**

Students have the right to be protected from unreasonable search and seizure by either state, federal or school officials.

School administrators have the responsibility to make a determination of the point at which the student's right to protection against unreasonable search and seizure is in conflict with the administrator's official duty to maintain a safe, orderly and efficient school. Search and seizure by the administrator and/or his designee may occur when suspicion exists.

Search and seizure by law enforcement officials shall occur when a warrant exists. School administrators have the responsibility to make students aware of search and seizure procedures involving school property and/or person.

Notification required in the above section is not required if school personnel make a report or file a complaint based on suspected child maltreatment as required under Arkansas Code 122-12-507 or if a law enforcement officer, Department of Arkansas State Police Crimes Against Children Division investigator or Department of Human Services investigator or personnel member interviews a student during the course of an investigation of suspected child maltreatment. (Act 1415 of the Regular Session, 2005)

##### **LOCKER, PERSONAL, AND AUTOMOBILE SEARCHES**

School districts must create a climate in the school which assures the safety and welfare of all students. School authorities may search a student's locker, automobile, or make a personal search and seize any illegal or contraband materials.

A search should be limited to a situation in which the administration has reasonable belief that the student is concealing the evidence of an illegal act, contraband, or has violated a school rule. Dangerous items (such as firearms, weapons, knives), controlled substances as defined by Act 590 of 1971, as amended, and other items which may be used to disrupt

substantially the educational process will be removed from the student's possession and will be reported and transmitted to the proper authorities.

### **Locker**

Lockers belong to the school district; therefore, the locker and a student's property in the locker are subject to periodic administrative searches, and without the consent of the student if necessary. Searches should be made under the following conditions:

1. Students should be informed of the conditions governing the use of school lockers when locker assignments are made.
2. Searches should be made by only the building principal or an official duly authorized for that purpose by the building principal with a witness present. The search of a particular locker should be made only upon a reasonable assumption that the student is secreting evidence of an illegal act or contraband materials.
3. Blanket searches of every locker should not be permitted except in unusual circumstances, such as a bomb threat.
4. If practical, the student should be given the opportunity to be present when a search of personal possessions of his/her locker is conducted, and if there is no reason to believe that his/her presence would be a threat to the safety of the student or others.

### **Personal**

Personal searches should be made under the following conditions:

1. An adult witness will be present when a personal search is conducted.
2. Students should be asked for their consent prior to a personal search. A search warrant should be obtained if a student objects to a personal search, unless there is reasonable cause to believe that a dangerous weapon such as a gun or knife is being concealed.

3. A pat down search of a student's person should be done by a school official of the same sex and with an adult witness present.

### **Automobile**

Warrantless searches of student automobiles are generally valid upon a showing of probable cause.

#### **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.

#### **4.33—STUDENTS' VEHICLES~DHS**

##### **VEHICLES**

Only legal, licensed insured drivers will be allowed to drive on the school campus. Proof of license and insurance are to be kept on file in the principal's office. Any student driving on campus without a valid license or insurance will lose his/her driving privileges until a legal license and proper insurance is obtained. Parents will be notified and the authorities will be informed. Proof of license and insurance must be turned in at the beginning of the school year. Students receiving their license during the school year must notify the principal's office immediately upon gaining their license and they must supply the appropriate insurance papers to the principal's office.

The following rules will apply to any student who drives a motor vehicle to school:

1. Cars, motorcycles, scooters, or bicycles are to be parked in designated student parking areas upon arrival in the morning.
2. Students are not allowed to sit in parked vehicles at any time during the school day.

3. Drivers will observe the 15 MPH speed limit in the immediate area of the campus, both elementary and high school.
4. Students are not to block the driveway to the agri building.

A student's privileges to operate a motor vehicle in the school area may be terminated for any driving, operating or using that vehicle in an improper manner. Repeated violations may result in the vehicle being towed away at the owner's expense.

Traffic regulations for the street to the high school set the speed limit at 25 MPH and 10 MPH in the parking area.

Do not cruise around in or on a motor vehicle in the vicinity of school during noon hour. This driving creates an extremely dangerous condition, and we feel that student's lives and property must be protected. Students should only be leaving if they check out or arriving if they are just getting to school.

Students will observe proper laws and procedures when arriving on campus as buses are being loaded and unloaded. No driver shall pass a school bus with its lights on while it is loading or unloading students. Anyone that does will be turned over to the police for a ticket. It is very important that safety procedures are followed around school buses.

In accordance to Act 37 of the 2011 State Legislature, no one shall use a handheld wireless telephone while operating a motor vehicle when passing a school building or school zone during school hours when children are present and outside the building, except for an emergency purpose.

### **Student Automobile Use**

The following rules will apply to any student who drives a motor vehicle to school:

1. Cars, motorcycles, scooters or bicycles are to be parked in designated student parking areas upon arrival in the morning.
2. Students are not allowed to sit in parked vehicles at any time during the school day.

3. Drivers will observe the 15 MPH speed limit in the immediate area of the campus, both elementary and high school.
4. Students are not to block driveway to the agriculture building.
5. Only legal, licensed, insured drivers will be allowed to drive on the school campus. Students will provide a copy of their driver's license and proof of insurance at the beginning of each school year.
6. All vehicles must give right-of-way to buses at all times.

CONSEQUENCES: Suspension of driving privileges for ten (10) days to one semester, corporal punishment, 1-10 days in-school suspension, 1-10 days out-of-school suspension, conferencing, permanent expulsion, parent conference, detention.

#### **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: 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 (100.4 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 bloodborne, 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).

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 the 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.

#### **4.34—COMMUNICABLE DISEASES AND PARASITES~DHS**

##### **AIDS**

Because of the changing nature of the problem of AIDS, the Dierks Public School District chooses not to adopt a policy but rather to establish and rely on the following administrative guidelines:

All cases are decided on individual basis. The name of the child is not to be revealed except to those involved in the decision as to whether or not school attendance is appropriate.

Upon notification that a student with AIDS is enrolled or about to enroll, the Board of Education is notified and the Arkansas Department of Education AIDS Advisory Committee is notified. A panel is convened to examine the information about the case. The panel consists of the superintendent, principal of the student's school, the student's teacher, the school nurse, the student's parents and physician, and personnel from the County Health Department and AIDS Advisory Committee.

School district personnel rely on medical personnel to determine whether the student's presence in school is likely to pose a threat to other students. Medical personnel rely mainly upon the guidelines of the Centers for Disease Control. If it is determined the student is not a likely threat to other students, he/she is allowed to attend. School district personnel will request the assistance of the Arkansas Department of Health, the Arkansas Department of Education AIDS Advisory Committee and other groups of individuals knowledgeable in the handling of such cases.

Staff development and student awareness of AIDS will be provided as the need arises. The content of such programs, if needed, will be tailored to the various audiences and will be based on the latest information.

Due to public concern regarding AIDS, should a case be reported and/or made public, the superintendent is the only member of the district staff authorized to discuss particular case(s) with the media.

#### 4.35—STUDENT MEDICATIONS

Prior to the administration of any medication 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, students are not allowed to carry any medications, including over-the-counter medications or any 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-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. 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 over-the-counter medications to the extent giving such medications are included in the student's IHP.

Students taking Schedule II medications methylphenidate (e.g. Ritalin or closely related medications as determined by the school nurse), dextroamphetamine (Dexedrine), and amphetamine sulfate (e.g. Adderall or closely related medications as determined by the school nurse)<sup>1</sup> shall be allowed to attend school.

Students taking Schedule II medications not included in the previous sentence<sup>1</sup> shall be allowed to bring them to school under the provisions of this policy and shall be permitted to attend and participate in classes **only** to the extent the student's doctor has specifically authorized such attendance and participation.<sup>2</sup> A doctor's prescription for a student's Schedule II medication is **not** an authorization. Attendance authorization shall specifically state the degree and potential danger of physical exertion the student is permitted to undertake in the student's classes and extracurricular activities. Without a doctor's written authorization, a student taking Schedule II medications, other than those specifically authorized in this policy, shall **not** be eligible to attend

classes, but shall be eligible for homebound instruction if provided for in their IEP or 504 plans.<sup>3</sup>

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

Students who have written permission from their parent or guardian and a licensed health care practitioner to self-administer either a rescue inhaler or auto-injectable epinephrine, or both and 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. Students are 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 an rescue inhaler or auto-injectable epinephrine, or both 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 or auto-injectable epinephrine, or both 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 be administered Glucagon 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 developed under Section 504 of the Rehabilitation Act of 1973 which provides for the administration of Glucagon 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.

#### 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>1</sup> and certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP developed under Section 504 of the Rehabilitation Act of 1973 which 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 certified 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 and 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>1</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.

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

#### **4.35—STUDENT MEDICATIONS~DHS**

##### **FIRST AID**

It is the policy of the board that no drug or medication preparation, except for medicines or medications approved for first aid by the Arkansas school first aid guidelines, will be administered to a student by school personnel unless the student required the medication to attend school and unless a current valid doctor's prescription and instructions, as well as a written request form from the child's parents are received by the school. The Medication Administration Release Form may be obtained in the office of the principal.

##### **HEALTH SERVICES**

Rules and regulations of the Arkansas State Board of Health require the school personnel to refuse admittance of children with communicable diseases. Communicable diseases common to children are chicken pox, colds, diphtheria, measles, meningitis, mumps, poliomyelitis, scarlet fever, smallpox, typhoid fever, whooping cough, skin disease, lice, pinkeye, trench mouth, ring worms and contagious conjunctivitis.

Teachers should always be alert to symptoms of illness, and children with evidence of communicable diseases should be sent to the principal's office. If the child is to be sent home the parents should be notified of the child's condition and the reason for sending the child home. All pupils who have been absent with a communicable disease must present a written release from the doctor.

Oral medications for pupils given by the staff is prohibited by the law.

The administration of first aid, however, is permitted and expected. Although schools are not liable for injuries incurred on the school premises when proper supervision is provided, the teacher and other staff members are obligated to see that an injured child receives proper attention.

When an injury or illness of serious nature occurs, the parent or guardian should be notified immediately. When the parent or guardian cannot be located, the school may refer the child to the physician authorized by the parent.

The Dierks Public School does not assume liability for doctor's fees or accident or injuries occurring at school.

No student will be allowed to clean up any bodily fluids. The parent/guardian of a student who needs to carry an asthma inhaler or auto-injectable epinephrine, or both shall provide the school with written authorization for the student to carry an asthma inhaler or auto-injectable epinephrine, or both, on his or her person for use while in school, at an on-site school sponsored activity, or at an off-site school sponsored activity as stated in Arkansas code 6-18-707. (Act 1694)

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

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.

#### **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. 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>2</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 an earthquake or terrorist attack that might include the use of biological or chemical agents. Students shall be included in the drills to the extent practicable.<sup>2</sup>

#### **4.37—EMERGENCY DRILLS-DHS**

##### **EMERGENCY DRILLS**

In accordance with Arkansas law, a fire drill is held at least once a month. The buildings should be evacuated as quickly and orderly as possible. The fire alarm is three (3) short rings of the bell. Sounding the fire alarm, or in case of power failure, sounding a hand held air horn. The tornado alarm is one continuous ringing of the bell.

#### **4.38—PERMANENT RECORDS**

Permanent school records, as required by the Arkansas Department of Education (ADE), shall be maintained for each student enrolled in the District until the student receives a high school diploma or its equivalent or is beyond the age of compulsory school attendance<sup>1</sup>. 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<sup>2</sup>.

#### **4.39—CORPORAL PUNISHMENT**

The Dierks 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 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 punishment and be given an opportunity to refute the charges.

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

#### **4.39—CORPORAL PUNISHMENT~DHS**

##### **CORPORAL PUNISHMENT**

Act 904 of 1977 authorized any teacher of principal to use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public school.

In 1988, the U.S. Supreme Court held that spanking children as a means of maintaining school discipline did not constitute cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution.

Reasonable discipline may include the administration of corporal punishment to a student in the exercise of a sound discretion by a certified employee, provided that corporal punishment shall not be excessive or unduly severe.

1. It may be used only after other alternatives, including but not limited, to counseling, have failed or in unusual circumstances.
2. It will be administered in the presence of at least one certified employee in addition to the person dispensing it.
3. It will not be administered in the presence of other students, with malice or anger or in excess.
4. Before corporal punishment is administered, the student should be advised of the rule and infraction for which the student is being punished in the presence of the witness. If the student claims innocence, the certified employee will permit the student to state his/her position.
5. Refusal to take corporal punishment may result in suspension or other disciplinary measures.
6. The principal will be notified when corporal punishment is administered, and a written report shall be filed in the principal's office.

#### **4.40—HOMELESS STUDENTS**

The Dierks 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) 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 non homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

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

○ Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

○ Consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth.

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

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

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

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

(a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(b) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(c) are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and includes

(d) are migratory children who are living in circumstances described in clauses (a) through (c).

#### **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 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.

#### **4.41—PHYSICAL EXAMINATIONS OR SCREENINGS~DHS**

## **DAILY LISTENING CHECK FOR EAR-LEVEL**

### **HEARING AID POLICY**

The person responsible for implementing the policy for the Daily Listening Check for Ear-Level Hearing Aid will be the building principal. The hearing aid will be checked at the beginning of each school day.

#### **4.42—STUDENT HANDBOOK**

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

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

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

#### **4.43—BULLYING**

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.

A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

**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;

“Electronic act” means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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.

**Cyberbullying of School Employees** is expressly prohibited and 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; making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;
- e. 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;
- f. Signing up a school employee for a pornographic Internet site; or

- g. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Examples of "Bullying" may also include but are not limited to a pattern of behavior involving one or more of the following:

- 12. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes,
- 13. Pointed questions intended to embarrass or humiliate,
- 14. Mocking, taunting or belittling,
- 15. Non-verbal threats and/or intimidation such as "fronting" or "chesting" a person,
- 16. Demeaning humor relating to a student's race, gender, ethnicity or actual or perceived attributes,
- 17. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
- 18. Blocking access to school property or facilities,
- 19. Deliberate physical contact or injury to person or property,
- 20. Stealing or hiding books or belongings,
- 21. Threats of harm to student(s), possessions, or others,
- 22. Sexual harassment, as governed by policy 4.27, is also a form of bullying, and/or
- 23. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: "Slut") or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: "You are so gay." "Fag" "Queer").

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 principal. Parents or legal guardians may submit written reports of incidents they feel constitute bullying, or if allowed to continue would constitute bullying, to the principal. The principal shall be responsible for investigating the incident(s) to determine if

disciplinary action is warranted.

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

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>

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. Parents, students, school volunteers, and employees shall be given copies of the notice.

#### **4.43—BULLYING—DHS**

##### **SCHOOL DISTRICT—ANTI-BULLYING POLICY**

Bullying is intentional, repeated hurtful behaviors committed by one or more children against another. These behaviors are not provoked by the victims, but result from a real or perceived imbalance of power between the bully and the victim. Bullying will not be tolerated on school property, at school sponsored activities, at the bus stop, on the school bus, in school vehicles and at school sanctioned events. Any student who engages in bullying will be subject to disciplinary action as listed below. This rule is in compliance with Act 681 of 2003.

Any school employee who witnesses or has reliable information that a pupil has been a victim of bullying shall report the incident to the principal of the school.

#### **Electronic Bullying**

Electronic act means without limitation a communication or image transmitted by means of an electronic device,

including without limitation a telephone, wireless phone or other wireless communications device, computer or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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.

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

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.

#### **4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2018, 2019, AND 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, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* will be sent home with students prior to their enrolling in seventh (7th) grade, or when a twelfth (12) grade student enrolls in the district for the first time and there is not a signed form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the student's permanent records.<sup>1</sup> 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 requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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.

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents at least every other year<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>

## **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 Arkansas Department of Education, the district requires an additional 2 units to graduate for a total of 24 units. The additional required units may be taken from any electives offered by the district.<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.

Beginning in the 2018-2019 school year, all students must pass the test approved by ADE that is similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services 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 – 9th, 10th, 11th, and 12th

Oral Communications: one-half (1/2) unit

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

- Algebra I or Algebra A & B\* which may be taken in grades 7-8 or 8-9
  - Geometry or Investigating 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.
- Algebra II
  - Beyond Algebra II: this can include Pre-Calculus, Calculus, AP Statistics, Algebra III, Advanced Topic and Modeling in Mathematics, Mathematical Applications and Algorithms, Linear Systems and Statistics, or any of several IB or Advanced Placement math courses
- (Comparable concurrent credit college courses may be substituted where applicable)

Natural Science: a total of three (3) units with lab experience chosen from

One unit of Biology; and

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each)

- Physical Science
- Chemistry
- Physics or Principles of Technology I & II or PIC Physics

Social Studies: three (3) units

- Civics one-half (½) unit
- World History - one unit
- American History - one unit

Physical Education: one-half (1/2) unit

**Note:** While one-half (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 (1/2) 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>7</sup>

Fine Arts: one-half (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 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.

**CORE: Sixteen (16) units**

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

Oral Communications: one-half (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 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

- at least one (1) unit of biology or its equivalent
- one (1) unit of a physical science

Social Studies: three (3) units

- Civics one-half (1/2) unit
- World history, one (1) unit
- American History, one (1) unit

Physical Education: one-half (1/2) unit

**Note:** While one-half (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 (1/2) 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>7</sup>

Fine Arts: one-half (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.

#### **4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2018, 2019, AND 2020~DHS**

### **GRADUATION REQUIREMENTS**

Graduation from senior high school will require 24 units of academic credit (of which 4 may be P.E./Athletics) and 72 quality points. The graduation requirements include the following:

#### **1. REQUIRED COURSES FOR GRADUATION**

4 units            English

4 units            Math

Core Requirements are Algebra I, Geometry, Financial Algebra, Algebra II, Trigonometry or Algebra III

3 units            Science

Core Requirements are Biology, Physical Science, Chemistry, Physics, Environmental Science, or Computer & Mathematics

1/2 unit	Civics
1/2 unit	Economics
1 unit	World History
1 unit	American History
1 unit	Computerized Business Applications
1/2 unit	Fine Arts
1/2 unit	Health
1/2 unit	Physical Education
1/2 unit	Speech
1/2 unit	Intro to Finances
1/2 unit	Investments and Securities
<u>1/2 unit</u>	Creative Writing

18 1/2 units      (Electives of 5 1/2 units will remain)

Students attending Dierks High School that complete the required 24 credits will be allowed to graduate at the end of the

school year in which they attain the 24 credits if the student desires to graduate early. The early graduation is in accordance with Act 275 passed in 1997 by the State Legislature. It is understood that this Act only applies to graduation and does not affect Prom attendance, Sr. rings, etc. Act 275 passed in 1997 by the state legislature allows students to graduate early if they complete the required courses. Students of Dierks High School that complete the required 24 credits (both state and district requirements), will be allowed to graduate at the end of the school year in which they complete the required credits. Due to scheduling problems, no student will be allowed to enter senior level classes before their senior year. (This may not apply to students that transfer to Dierks High School from other schools. They may have already taken some of our required senior classes elsewhere.) Therefore, to graduate early, there are certain classes students will be required to take outside the regular school day. These are English IV, , and Personal Finance/Investments and Securities and a 4<sup>th</sup> Math. These classes may be taken at any college and the student must request credit for these college classes via the concurrent credit system. Classes that may be substituted are Composition I and Composition II for English IV. Success Strategies may be substituted for Intro to Finance only if a student is attempting to graduate early.

2. The Dierks School District will attach seals to the transcripts and diplomas of students who complete the core curriculum with a 2.75 GPA. (Act 977 of 1977)

3. ELECTIVES

All students must take 8 subjects each semester. No high school diploma will be awarded to any student having an insufficient number of quality points based on the following:

- A four points (five points for weighted courses)
- B three points (four points for weighted courses)
- C two points (three points for weighted courses)
- D one point (two points for weighted courses)
- F no points (no points for weighted courses)

When two or more students have the same number of quality points their rank in the graduating ranking shall be the same.

The Valedictorian and Salutatorian are determined at the end of the eighth semester of work by the total number of quality points obtained. (Grade point is not a consideration). No student shall be eligible for Valedictorian or Salutatorian who has not attended Dierks High School the last three (3) consecutive semesters before graduation.

Participation in graduation exercises will be limited to those students who are receiving diplomas.

The Valedictorian and Salutatorian and Honor Students will be determined after eight (8) semesters. Beginning with the Class of 2005, all students who have a 3.50 cumulative grade point average at the end of the eighth semester of work will be recognized as Honor Students at graduation. This shall be based on a 4.00 grade point. (No weighted quality points will be added to help a student achieve a 3.50) cumulative grade point average means for all work from the ninth grade through the second semester of the 12th grade. (See Concurrent Credit Policy) Also, for a student to be recognized as valedictorian, salutatorian, or honor graduate, he/she will have completed the Smart Core curriculum and the graduation requirements for Dierks High School. Beginning with the graduating class of 2020, these honors must be earned by taking at least two (2) advanced placement courses as well.

For the purpose of arranging the honor students only to march in at graduation, they shall be arranged according to quality points obtained at the end of the eighth semester of work. Quality points for weighted classes will count for graduation walking arrangements. The remainder of the class will march in, in alphabetical order. For the purpose of walking, students wishing to graduate early will walk at the end of this year's class or the end of the honor graduates, whichever applies to that student.

#### **SCHEDULE CHANGES FOR 9-12**

Schedules may only be changed during the first week of each semester through the counselor's office, only if the student and parent meet with the counselor and shows due cause. After the first week has expired, any subject dropped must be approved by the principal. Unusual cases involving dropping a course, will require permission from principal's office.

For students to change their schedule in the fall or at midterm, will require that: (a) They pick up a drop-add form from the counselor; (b) The have the form signed by both the losing teacher, the gaining teacher, and the counselor; and (c) The counselor will decide if the schedule is to be changed.

4. Act 1326-Graduation--Math and Science School Seniors

Students who attended school at the Dierks School District prior to acceptance to the Arkansas School for Mathematics and Sciences may elect to participate in graduation activities.

Students attending the Math and Science School will be sent a questionnaire at the beginning of their fourth year of high school in which they are to indicate which activities they plan to attend. The questionnaire will be sent to the last address of record in school district records. Failure to return the questionnaire by October 1 will constitute a waiver of the election to participate. Students who will graduate early and who intend to participate in any activities must notify the senior high principal, in writing by October 1 that they will graduate early and plan to participate in graduation activities.

Math and Science students will be responsible for the costs of these activities to the same extent as Dierks students, and agree by participating to abide by the Student Handbook of the Dierks School District at these functions. Math and Science students may be barred from attending one or more future events upon recommendation of senior high school principal, subject to appeal to the superintendent, whose decision shall be final.

Math and Science students who participate in the graduation ceremony are not eligible to be recognized as valedictorian or salutatorian, but upon presentation of an official transcript from the Math and Science School, at least, 7 school days before graduation, will be recognized as honor graduates. Math and Science students who choose to participate in graduation ceremonies will not receive diplomas issued by the Dierks School District, but will instead be presented with certificates of recognition.

5. Participation in Graduation

Students fulfilling all graduation requirements will receive a diploma from Dierks High School.

Students not fulfilling all requirements for graduation may be permitted to participate in graduation only under the following conditions:

A student may fail up to two required courses during the spring semester of the graduation year, but this student must have made-up all required courses for graduation, that has been failed during the 9th, 10th, 11th, and the 1st semester of the 12th grades, by the end of the fall semester of the graduation year. Also, this student must have at least 23 credits completed by the end of the spring semester of the graduation year. The student will receive a certificate of attendance until all graduation requirements have been successfully completed.

6. Rules Regarding the Graduation Ceremony Students will be required to sign a behavioral contract prior to graduation insuring proper behavior. All diplomas will be withheld until the week after graduation (an empty folder will be presented during the ceremony). Appropriate attire (dress pants or skirt with dress shoes-no flip flops, tennis shoes or jeans/shorts )will be strictly enforced. If students are not dressed appropriately they will be denied the right to walk and will be escorted from the building. If students misbehave during the ceremony they will be escorted out of the gym: Their diploma will be withheld until they serve in school suspension through the end of the last regular day of school.

#### **GENERAL REQUIREMENTS FOR PROMOTION**

##### **MINIMUM CORE COURSES FOR SMART CORE**

Beginning with the 2003-04 school year, to qualify for valedictorian, salutation, honor graduate, or membership in the National Honor Society, students must successfully complete the Smart Core curriculum. These requirements are in addition to those established.

Junior High School (Grades 7-8)

All Junior High pupils must pass four (4) subjects, excluding P.E., or repeat the entire grade.

High School Students (Grades 9-12)

High School students do not have to repeat all classes failed, but must repeat any state-required subject and satisfy all graduation requirements in order to graduate.

In order to be considered a member of a particular class, a student must have earned a specified number of credits. The

number of credits will be used to determine a student's eligibility to participate in class activities such as the Jr./Sr. Prom, the ordering of caps and gowns, etc.

To be classified as a students must have earned:

Sophomore	3 credits
Junior	10 credits
Senior	17 credits

Twenty-four (24) units of academic credit are required for graduation. Students will be classified at the beginning of the school year and will keep their classification the entire school year.

#### **POLICY CONCERNING SMART CORE AND CORE**

BEGINNING WITH THE 2004-2005 SEVENTH GRADE CLASS, ALL STUDENTS WILL BE ENCOURAGED TO PARTICIPATE IN THE SMART CORE OF CLASSES UNLESS A SIGNED WAIVER FROM THE PARENT IS RETURNED TO SCHOOL. ALL STUDENTS WILL BE REQUIRED TO PARTICIPATE IN THE SMART CORE UNLESS A WAIVER IS SIGNED AND RETURNED, THEN, THE STUDENTS WILL BE ALLOWED TO PARTICIPATE IN THE CORE. LIKEWISE, THE STUDENTS MUST PASS THE CLASSES PRESCRIBED OR GRADUATION COULD BE IN JEOPARDY. IF AT ALL POSSIBLE, THE STUDENTS WILL BE ALLOWED TO RETURN TO THE SMART CORE IF THE COURSE OF STUDY CAN BE COMPLETED BEFORE THE END OF THE SENIOR YEAR.

#### **SMART CORE (22 UNITS)**

##### **English—4 units (years)**

- \* English 9<sup>th</sup> Grade
- \* English 10<sup>th</sup> Grade
- \* English 11<sup>th</sup> Grade
- \* English 12<sup>th</sup> Grade

##### **Oral Communications—1/2 unit (½ year)**

##### **Mathematics—4 units (years); one unit must be taken in 11<sup>th</sup> or 12<sup>th</sup> grade**

- \* Algebra I
- \* Geometry
- \* Algebra II
- \* Choice of: Algebra III, Pre-Calculus, Computer Science & Mathematics an AP mathematics
- \* (Comparable concurrent credit college courses may be substituted where applicable.)

##### **Natural Science—3 units (years) with lab experience chosen from the list below(or 2 units with lab experience and Computer Science)**

\* Biology 1 unit  
Two units from the following three options

\* Physical Science  
\* Chemistry  
\* Physics

**Social Studies–3 units (years)**

\* Civics or Civics ½ unit  
\* Economics ½ unit  
\* World History  
\* U.S. History

**Physical Education–1/2 unit (½ year)**

**Health and Safety–1/2 unit (½ year)**

**Fine Arts–1/2 unit (½ year)**

**Career Focus–6 units**

**CORE (22 UNITS)**

**English–4 units (years)**

\* English 9<sup>th</sup> Grade  
\* English 10<sup>th</sup> Grade  
\* English 11<sup>th</sup> Grade  
\* English 12<sup>th</sup> Grade

**Oral Communications–1/2 unit**

**Mathematics–4 units (years)**

\* 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 two-year algebra equivalent or a two-year geometry equivalent may each be counted as two (2) units of the 4 (4) unit requirement.

**Science–3 units (years)or 2 units with lab experience and 1 unit of Computer Science.**

\* At least one (1) unit of Biology  
\* At least one (1) unit of Physical Science, Chemistry, and/or Physics

**Social Studies–3 units (years)**

\* Civics or government, ½ unit  
\* Economics ½ unit  
\* World History, 1 unit  
\* U.S. History 1 unit

**Physical Education–1/2 unit (½ year)**

**Health and Safety—1/2 unit (½ year)**

**Fine Arts—1/2 unit (½ year)**

**Career Focus—6 units**

#### **4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER**

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are 18 years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* will be sent home with students prior to their enrolling in seventh grade, or when a 7-12 grade student enrolls in the district for the first time and there is not a signed form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the student's permanent records.<sup>1</sup> This policy is to be included in student handbooks for grades 6-12 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 requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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.

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents at least every other year<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>

## **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 22 units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the 22 units required for graduation by the Arkansas Department of Education, the district requires an additional 2 units to graduate for a total of 24 units. The additional required units may be taken from any electives offered by the district.<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.

### **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 – 9th, 10th, 11th, and 12th

Oral Communications: one-half (1/2) unit

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

- Algebra I or Algebra A & B\* which may be taken in grades 7-8 or 8-9
- Geometry or Investigating 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.

- Algebra II
  - Beyond Algebra II: this can include Pre-Calculus, Calculus, AP Statistics, Algebra III, Advanced Topic and Modeling in Mathematics, Mathematical Applications and Algorithms, Linear Systems and Statistics, or any of several IB or Advanced Placement math courses
- (Comparable concurrent credit college courses may be substituted where applicable)

Natural Science: a total of three (3) units with lab experience chosen from

One unit of Biology; and

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each)

- Physical Science
- Chemistry
- Physics or Principles of Technology I & II or PIC Physics

Social Studies: three (3) units

- Civics one-half ( $\frac{1}{2}$ ) unit
- World History - one unit
- American History - one 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.

**CORE: Sixteen (16) units**

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

Oral Communications: one-half (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 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

- at least one (1) unit of biology or its equivalent
- one (1) unit of a physical science

Social Studies: three (3) units

- Civics one-half (1/2) unit
- World history, one (1) unit
- American History, one (1) unit

Physical Education: one-half (1/2) unit

**Note:** While one-half (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 (1/2) 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 (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.

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

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are eighteen (18) years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* 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 form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the student's permanent record.<sup>1</sup> 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 requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the

consent forms.

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 at least every other year<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.

## **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 Arkansas Department of Education, the district requires an additional --\_\_ units to graduate for a total of \_\_ units. The additional required units may be taken from any electives offered by the district.<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 pass the test approved by ADE that is similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services 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**

In tenth (10th), eleventh (11th), or twelfth (12th) grade, all students shall cover the Personal and Family Finance Standards by receiving credit for:<sup>8</sup>

#### **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 Investigating 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 beyond Algebra II: this can include Pre-Calculus, Calculus, AP Statistics, Algebra III, Advanced Topic and Modeling in Mathematics, Mathematical Applications and Algorithms, Linear Systems and Statistics, or any of several IB or Advanced Placement math courses (Comparable concurrent credit college courses may be substituted where applicable); or
- A computer science flex credit may be taken in the place of a fourth math credit.

Natural Science: a total of three (3) units with lab experience chosen from

One unit of Biology; and either:

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each):

- Physical Science;
- Chemistry;
- Physics or Principles of Technology I & II or PIC Physics; or
- One unit from the three categories above and 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

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>9</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.

**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

- at least one (1) unit of biology or its equivalent; and

Two units chosen from the following three categories:

- Physical Science;
- Chemistry;
- Physics; or

One unit from the three categories above and 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

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>9</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.

#### **4.46—PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance shall be recited during the first class period of each school day. Those students choosing to participate shall do so by facing the flag with their right hands over their hearts, or in an appropriate salute if in uniform, while reciting the Pledge. Students choosing not to participate shall be quiet while either standing or sitting at their desks.

Students shall not be compelled to recite the Pledge, but students who choose not to recite the Pledge shall not disrupt those students choosing to recite the Pledge.

Students choosing not to recite the Pledge shall not be subject to any comments, retaliation, or disciplinary action.

#### **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 test administration unless specifically permitted individualized education plan (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 take photographs in locker rooms or 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 individualized (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.

Parents or guardians of 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>

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 which that is in motion and on school property. Violation may result in disciplinary action up to and including suspension.<sup>5</sup>**

#### 4.47— POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES~DHS

##### 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 is expressly forbidden.

As used in this policy, “electronic devices” means anything that can be used to transmit or capture images, messages, sound, or data.

Misuse of electronic devices includes, but is not limited to:

1. Permitting any audible sound, visible flash, or light to come from the device when not being used.
2. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, or wrongfully obtaining test copies or scores;
3. Using the device to take photographs in locker rooms or bathrooms;
4. 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 individualized education plan (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. Students may use their cell phone at times and places listed below (#2).. The following rules for cell phone use at school shall apply:

1. Cell phones are to be placed in the designated area set by the teacher and turned off in classrooms.

2. Cell phones may be used between classes and at lunch in designated areas only (cafeteria, lobby, courtyard area).
3. The camera and video features may not be used on campus.
4. During state testing, phones must be turned in to the teacher.
5. Cell phone privileges may be revoked for violations.

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.

#### Consequences

1<sup>st</sup> offense: 1 day ISS, parent must pick up phone from the principal's office.

2<sup>nd</sup> offense: 2 days ISS, parent must pick up phone from principal's office.

3<sup>rd</sup> offense: 3 days ISS, parent must pick up phone from principal's office, and student loses cell phone privileges for 30 days.

#### **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 30 days 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.

#### **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's responsibilities shall be ensuring district enforcement of the due process rights of students with disabilities and their parents.

#### 4.49—SPECIAL EDUCATION~DHS

**RESOURCE ROOM** - Students receive individualized instruction plans in reading and math content areas, emphasizing basic review and practical compensatory skills, tutoring in any academic or vocational class.

In order for a student to be enrolled in Special Education, the following procedures are required:

1. Referral process - student may be referred by parent, teacher, principal or counselor.
2. Referral conference
3. Evaluation - comprehensive psychological test
4. Evaluation conference
5. Additional evaluations if necessary
6. Evaluation and placement conference
7. End of the conference.

#### 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 such a dietary accommodations for their student with a disability must submit a Certification of Disability for Special Dietary Needs Form completed by a State licensed health care

professional which includes:

- 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.

## **4.50—SCHOOL LUNCH SUBSTITUTIONS~DHS**

### **SCHOOL LUNCH PROGRAM**

Dierks High School operates hot breakfast/lunch program at minimal cost. Prices may vary from year to year depending on the cost of operation.

Students may pay in the office or pay the lunchroom clerk in the cafeteria. Three classifications of lunches are available: (1) full cost; (2) reduced price; (3) free.

Forms are distributed at the beginning of each school year and are always available in the office explaining the lunch program. Those who feel that they qualify for reduced price or free school lunches may fill out a form and return it to the office. Every effort is made to keep recipients' status confidential.

Students will not run from any school building to the lunchroom, nor will they be allowed to cut in line. Students are to form a single line along the wall of the entrance to the cafeteria. No student will take food or drink from the lunchroom.

Any group or individual using the lunchroom after school hours must obtain permission from the administration. If the kitchen is used a cook must be present and will be paid a fee.

## **4.51— FOOD SERVICE PREPAYMENT~DHS**

## CHARGES

Lunch charges will be limited to any amount equal to two (2) days of meals. When the amount reaches this level, no more meals may be charged until payment is received.

All charges, fees, or fines must be paid at the end of each grading period before report cards are issued. Charging privileges will be suspended a few days before the end of each 9-weeks period while accounts are paid up.

### **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 ADE, 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 current school, 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 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 ADE 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.

#### **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 14<sup>th</sup> 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.

#### **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<sup>1</sup> 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 (GT) Program Coordinator<sup>1</sup> 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<sup>1</sup>. The District's GT Coordinator<sup>1</sup> and the Acceleration Placement Committee will again thoroughly review the case study that was completed on the student. Upon completion of the review, the Committee will either request additional new testing be conducted to help the Committee make its determination or it will uphold the initial decision. The Committee's decision may not be further appealed.

## **4.54 - STUDENT ACCELERATION~DHS**

### **ACCELERATION OF A STUDENT**

The following are the criteria a student must meet to be eligible for acceleration to a higher grade:

1. Request by parent
2. 99% on an Achievement Test
3. 130+ on an Intelligence Test
4. Psychological Test
5. Recommended by a panel of teachers
6. High School students must meet all graduation requirements

## 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 or guardians 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 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.

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 between the building principal, the student's teacher(s), counselor, a 504/special education representative (if applicable), and the student's parents shall be held before a final decision is made. 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.

Beginning with the 2018-2019 school year, 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:

- Guide the student along pathways to graduation;
- Address accelerated learning opportunities;
- Address academic deficits and interventions; and
- Include college and career planning components.

Based on a student's score on the college and career assessment:

§ The student's SSP will be updated in order to assist the student with college and career readiness skills, course selection in high school, and improved academic achievement; and

§ Provide a basis for counseling concerning postsecondary preparatory programs.

An SSP shall be created:

1. By no later than the end of the school year for a student in grade eight (8) or below who enrolls in the District during the school year; or
2. As soon as reasonably possible for a student in grade nine (9) or above who enrolls in the District at the beginning or during the school year.<sup>2</sup>

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.

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. 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>6</sup>

## **4.55—STUDENT PROMOTION AND RETENTION~DHS**

### **CORRESPONDENCE WORK**

The Dierks High School does not encourage correspondence work toward graduation, but in some instances feels that it is necessary to permit a student to use this means to achieve a diploma. Listed below are guidelines that may be used in determining whether a student is eligible to take correspondence work:

No one will be allowed to take correspondence toward a degree if he/she can attend regular classes.

Students who drop regular class work at the school's request, will be permitted to take four units of correspondence work.

Students who fail will be permitted to make up this deficiency while attending a regular term. A student will not be allowed to take over two units of correspondence work.

If a physical disability keeps a child from attending school, he may take an unlimited amount of correspondence.

Any course of correspondence must be approved by the school administration and all such work must be from an accredited institution.

Students doing correspondence work toward a degree from Dierks High School, must meet all the graduation requirements of regular students.

Students will not be permitted to take correspondence courses for the purpose of making quality points to overtake other students in quality points. Quality points will only be counted for correspondence courses if needed to meet the minimum required for graduation.

Students, who complete their school work by correspondence after their scheduled class graduates, will receive a diploma but will not be permitted to take part in graduation exercises. Students must be in attendance in order to take place in graduation ceremonies.

## **4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS**

### **Definitions:**

“Academic Courses” are those courses for which class time is scheduled, which can be credited to meet the minimum requirements for graduation, which is taught by a teacher required to have State licensure in the course or is otherwise qualified under Arkansas statute, and has a course content guide which has been approved by the Arkansas Department of Education (ADE). Any of the courses for which concurrent high school credit is earned may be from an institution of higher education recognized by ADE. If a student passes an academic course offered on a block schedule, the course can be counted twice toward meeting the requirement for students to pass four (4) academic courses per semester as required by this policy.

“Extracurricular activities” are defined as: any school sponsored program where students from one or more schools meet, work, perform, practice under supervision outside of regular class time, or are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition. Examples include, but are not limited to, inter/intrascholastic athletics, cheerleading, band, choral, math, or science competitions, field trips, and club activities.

“Field Trips” are when individual students or groups of students are invited to programs or events when there is no competition and the students are not interacting with each other for the purpose of planning, qualifying, or arranging for future programs or for the purpose of receiving recognition.

“Interscholastic Activities” means athletic or non-athletic/academic activities where students compete on a

school vs. school basis.<sup>1</sup>

“Intrascholastic 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 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.**

## **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, three (3) of which shall be in the core curriculum areas specified by ADE's Standards for Accreditation of Arkansas Public Schools.

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, three (3) of which shall be in the core curriculum areas specified by ADE's Standards for Accreditation of Arkansas Public Schools.

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:

- 128) Have earned a minimum Grade Point Average (GPA) of 2.0 from all academic courses the previous semester; or
- 129) If the student has passed four (4) academic courses the previous semester but does not have a 2.0 GPA the student must be enrolled and successfully participating in an SIP to maintain their competitive interscholastic extracurricular eligibility.

### **STUDENTS WITH AN INDIVIDUAL EDUCATION PROGRAM**

In order to be considered eligible to participate in competitive interscholastic activities, students with disabilities must pass at least four (4) courses per semester as required by their individual education program (IEP).

### **ARKANSAS ACTIVITIES ASSOCIATION**

In addition to the foregoing rules, the district shall abide by the rules and regulations of AAA governing interscholastic activities. AAA provides catastrophic insurance coverage for students participating in AAA governed extracurricular activities who are enrolled in school. As a matter of District policy, no student may participate in a AAA governed extracurricular activity unless he or she is enrolled in a district school, to ensure all students are eligible for AAA catastrophic insurance.<sup>6</sup>

#### **Intrascholastic Activities**

#### **AAA Governed Activities**

Students participating in intrascholastic extracurricular activities that would be governed by AAA if they were to occur between students of different schools shall meet all interscholastic activity eligibility requirements to

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

### **Non-AAA Governed Activities**

Unless made ineligible by District policies, all students shall be eligible to participate in non-AAA governed intrascholastic extracurricular activities. Intrascholastic activities designed for a particular grade(s) or course(s) shall require the student to be enrolled in the grade(s) or course(s).

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

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<sup>2</sup> as permitted by this policy.

Home-schooled students whose parent or legal guardian are not residents of the school district will be permitted to pursue participation in an interscholastic activity in the District if the superintendent of the

student's resident district and the superintendent of the District both agree in writing to allow the student to participate in interscholastic activities at the District.

Although not guaranteed participation in an interscholastic activity, home-school students who meet the provisions of this policy, AAA Rules, and applicable Arkansas statutes shall have an equal opportunity to try out and participate in an interscholastic activities without discrimination. The District shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.

To be eligible to tryout 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 30<sup>th</sup> 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<sup>3</sup> 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 (11<sup>th</sup>) 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;<sup>4</sup>
- 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.

4.56.2F— HOME SCHOOLED STUDENTS' LETTER OF INTENT TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY AT DIERKS HIGH SCHOOL

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

\_\_\_\_\_

4.56.2F2— HOME SCHOOLED STUDENTS' LETTER OF INTENT TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY AT \_\_\_\_\_

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: \_\_\_\_\_

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

The District allows private school and home school students whose parents, legal guardians, or other responsible adult with whom the student resides are residents of the District to attend academic courses offered in grades 7-12<sup>1</sup>. The District will place a list of courses that a private school or home school student may request to attend on its website by:<sup>2</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 school 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>2</sup>

- a. August 1 for Fall semester courses; or
- b. December 1 for Spring semester courses.

The District may reject a private school or home school student's request for attendance if the District's

acceptance would:<sup>3</sup>

- Require the addition of staff or classrooms;
- Exceed the capacity of a program, class, grade level, or school building;
- Cause the District to provide educational services the District does not currently provide; 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 school 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 school 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 school 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 school student shall:

- Indicate the course(s) the private school or home school student is interested in attending;
- If the course(s) the private school or home school 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 school student intends to attend the physical course or the digital course;
- Agree to follow the District's discipline policies; and
- Submit immunization documentation required by Policy 4.57—IMMUNIZATIONS. In addition to the documentation methods provided in Policy 4.57, a home school student may submit a letter to the superintendent, or designee, stating an objection to immunizations and listing the immunizations the student has received, if any.

A private school or home school student who fails to attend an academic course by the eleventh (11) day of class shall be dropped from the course.

The responsibility for transportation of any private school or home school student attending academic courses in the District shall be borne by the student or the student's parents.



# **SCHOOL, HOME, AND COMMUNITY RELATIONS**

## 6.1—COMMUNICATION GOALS

The single most significant factor in student achievement is the teacher. The teacher’s effectiveness is greatly enhanced when supported by the school community as a whole, the student’s home, and the community at large. The Arkansas General Assembly and the Department of Education have demonstrated their understanding of the importance of involving such groups by repeatedly mandating their inclusion in the educational system and process. Communication with staff, parents, grandparents, legal guardians, business, and community members is fundamental to increasing their concern for, and involvement in, raising student achievement.

Communication should be two-way between the District and the public. The communications program shall strive to:

1. Increase mutual understanding, trust, and support between the District and parents, business, and the community as a whole;
2. Keep District staff regularly informed of upcoming District programs and events as well as noteworthy staff and student accomplishments to enable all the staff to help promote positive public relations;
3. Create and disseminate brochures, flyers, and fact sheets that will help parents and community members better understand school policies and procedures and acquaint them with areas where their volunteer services are most needed;
4. Inform legislators of the accomplishments of the District’s students and staff, as well as how proposed legislation could affect the district;
5. Maintain good relations with the news media and provide the media with pertinent news releases; and
6. Increase the participation of parents, grandparents, legal guardians, business, and community members in school activities and programs.

The Board will appoint committees, when appropriate, to help the District examine issues facing it. Such committees may include members of the public, students, parents, and school employees, as well as members of the Board. Members may serve until the committee makes its non-binding recommendations to the Board.

Any committee, which includes among its members a member of the School Board, shall operate according to the requirements of the Arkansas Freedom of Information Act.\*

The Board shall hold a public meeting, at least annually, to report on the District's progress toward attaining its goals and to review its long-range plan. Those individuals attending shall have an opportunity to ask questions.

Legal References:       A.C.A. § 6-18-1003(2)

A.C.A. § 6-18-1005(a)(1)

A.C.A. § 6-15-1005(c), (f)(1)(2)

A.C.A. § 6-16-603 (a) (3)

\*A.C.A. § 25-19-106

Arkansas State Board of Education: Standards for Accreditation: 7.02.3

Arkansas Department of Education: Gifted and Talented Program Approval Standards:  
4.0; 10.03

Date Adopted: 9/28/2015

Last Revised:

## **6.2—RELATIONS WITH SCHOOL SUPPORT ORGANIZATIONS**

The Board recognizes and values the many contributions support organizations make to the District's schools. Parent/teacher organizations and booster clubs work to augment and strengthen the District's educational and extracurricular objectives through the goods and services they provide.

Groups wishing to be recognized as a support organization must have open membership and have their by-laws approved by the school principal, the Superintendent, and the Board. School personnel shall assist approved booster organizations in their efforts to the extent practicable. Meetings of such organizations, cleared through the principal, shall not be subject to school use fees. School staff members are encouraged to attend and participate.

Fund-raising activities are to be approved in advance by the principal or his/her designee. Prior to the donation of equipment and/or supplies to the school, the organization should seek the advice of the principal to help ensure the compatibility of the donation with present school equipment. All equipment donated to the District becomes the property of the District.

Date Adopted: 9/28/2015

Last Revised:

### **6.3—PUBLIC GIFTS AND DONATIONS TO THE SCHOOLS**

The District and the Board of Education may receive monetary gifts or donations of goods or services which serve to improve or enhance the goals of the District. Any gifts to the District become the property of the District and are subject to the same regulations as any other District owned property.

It is a breach of ethical standards and a violation of Arkansas law for any Board member, administrator, or District employee to, in any manner, receive a gift in return for employment, or to influence the award of any contract or transaction with the District. Prior to accepting any gift or donation in the name of a school or the District, all personnel shall examine the “reasonableness” of the gift against its potential for real or perceived violation of the aforementioned ethical standards.

The Board reserves the right to not accept any gift or donation that would not contribute to the attainment of District goals or that would obligate the District to unacceptable outlays of District resources. The administration shall present for Board consideration and approval any gifts or donations they deem could so obligate the District.

The Board will strive to honor the donor’s intent regarding gifts earmarked for a specific purpose. Laws and District’s needs change with time and the District reserves the right to adjust the use of any gift to meet current needs of the educational program.

Legal References:       A.C.A. § 6-24-110  
                                  A.C.A. § 6-24-112

Date Adopted: 9/28/2015

Last Revised:



## 6.4—VOLUNTEERS

Enlisting the support of volunteers is a way in which the District can expand the scope of resources and knowledge available to enrich the students' educational experiences, while strengthening the relationship between the school and the community. Volunteers can also perform non-instructional tasks that allow licensed personnel more time to devote to instruction.

The Superintendent shall be responsible for establishing and maintaining a program to coordinate the services volunteers are willing and able to contribute with the needs of District personnel. The program shall establish guidelines to ensure volunteers are aware of pertinent District policies and rules. Volunteers who violate school policies or rules, or knowingly allow students to violate school rules, may be asked to leave the school campus. The guidelines should also include provision for evaluation of the volunteer program and a method for soliciting suggestions from both the volunteers and staff for its improvement.

All volunteers who intend to act as head coaches or assistant coaches must:

- 1) Be at least twenty-two (22) years of age;
- 2) Not be a member of the board of directors of the District or the spouse of a member of the board of directors of the District; and
- 3) Meet the requirements adopted by the Arkansas Activities Association (AAA) to volunteer for any athletics program for grades 7-12.

A volunteer may act as a head coach in all varsity junior and senior high sports administered by the AAA except in the following sports:

- Football;
- Basketball; and
- Track and field.

### Background Checks for Volunteers

For the purposes of this policy, "clear background check" shall mean that a background check was performed, as authorized by A.C.A. §§ 12-12-1601 et seq., and that a potential school volunteer has not committed any of the crimes or offenses contained in A.C.A. §§ 6-17-410, 6-17-411 or 6-17-414, as amended, with regard to both the Arkansas and national background checks, and whose name is not found on the Child Abuse Central Registry.

A person wishing to volunteer in a capacity that requires a background check may not perform volunteer services

requiring a background check until a clear background check is received by the District. Once received, a clear background check is good for 5 years; a background check renewal must be applied for and a clear background check received prior to the time of renewal or an interruption of permitted volunteer service could occur. A clear background check will be accepted of any individual wishing to volunteer provided it was conducted within the timeframe provided for in this policy.

The Application for an initial background check may be made through the District administrative office. The District may charge the potential volunteer the same fee charged by the State of Arkansas for

performing the check. For a volunteer who has passed his/her previous background check, the District will incur the fee charged by the State of Arkansas for performing a renewal background check.

A person who failed a previous background check may petition the Board for a waiver from this policy's requirement. The petition shall be accompanied by a signed authorization for disclosure of his or her entire criminal and child abuse registry history. In deciding whether to grant a waiver, the board may take into consideration the circumstance or circumstances under which the act or omission leading to conviction or Child Abuse Registry true finding, the age of the person at the time of the act or omission, the length of time that has passed without reoffending, and other relevant circumstances. If the Superintendent recommends a waiver be granted, the Board may, by a majority vote adopt a resolution providing an exception to this policy's requirement for a time period not to exceed five years. The board must consider this matter in open session, and may not confer or deliberate in closed or executive session.

The board shall not have the authority to waive the application of this policy to any potential volunteer who is a Registered Sex Offender.

Clear background checks for school volunteers are only required for those individuals who are required to be or who seek to become Registered Volunteers, as defined in A.C. A. § 6-22-102 et seq.

No information relating to the application for or receipt of a criminal background check, including that a background check has or has not been applied for, shall be subject to disclosure under the Arkansas Freedom of Information Act, as provided by A.C.A. §§ 12-12-1601 et seq. Requests for background checks and reports on background checks obtained under this policy shall be retained by the district for a minimum of three years.

The District shall maintain the following information on volunteers:

- a) The total number, location, and duties of all volunteers;
- b) The total number of annual hours of service provided by volunteers; and
- c) Any reimbursements made to volunteers for expenses, transportation, or other costs incurred in connection with volunteer services.

Volunteers will be made aware that the Arkansas Department of Human Services considers volunteers for school districts to be mandated reporters of child maltreatment and will receive training on the responsibilities of a mandated reporter.

Legal References: A.C.A. §§ 6-17-410, 411, 414

A.C.A. § 6-22-101 et seq.

A.C.A. §§ 12-12-1601 et seq.

A.C.A. § 12-18-402

A.C.A. § 12-18-909(g)(21)

A.C.A. § 21-13-101 et seq.

Date Adopted: 9/28/2015

Last Revised:

## 6.5—VISITORS TO THE SCHOOLS

Parents, grandparents, legal guardians, business, and community members are welcome and encouraged to visit District schools. To minimize the potential for disruption of the learning environment, visitors, for a purpose other than to attend an activity open to the general public, are required to first report to the school’s main office. No one shall be exempt from this requirement. Visitors who are Level 3 or Level 4 sex offenders may only enter a school campus under the provisions listed in Policy 6.10.

Parents and legal guardians are encouraged to participate in regularly scheduled visitation events such as school open houses and parent/teacher conferences. Additional conferences are best when scheduled in advance. Conferences shall be scheduled at a time and place to accommodate those participating in the conference. Visits to individual classrooms during classtime are permitted on a limited basis with the principal’s prior approval and the teacher’s knowledge.

Visitors, including parents, wishing to speak with students during the school day shall register first with the office.

The District has the right to ask disruptive visitors to leave its school campuses. Principals are authorized to seek the assistance of law enforcement officers in removing any disruptive visitors who refuse to leave school property when requested to do so

Cross References:       For non-adult visitors see Policy 4.16—STUDENT VISITORS  
                                   For Level 3 and Level 4 sex offenders see Policy 6.10—SEX OFFENDERS ON CAMPUS  
                                   (MEGAN’S LAW)

Legal References:       A.C.A. § 6-21-606  
                                   A.C.A. § 6-21-607

Date Adopted: 9/28/2015

Last Revised:

## **6.6—FUND RAISING**

All fund raising activities held in the District or in the name of the District must be pre-approved in writing by the Superintendent and affected school principal. Approval will be predicated on the potential for return relative to the time and energy to be invested in the fund raising. Fund raising that conflicts excessively with and/or detracts from student or teacher instructional time in either the planning or the execution of the activity will not be approved.

Neither an individual school nor the District shall be liable for any contract between clubs or organizations and third parties.

Student participation in any fund raising activity shall:

- 1) Be voluntary. Students who choose not to participate shall not forfeit any school privileges. It shall not be considered discriminatory to reward those who participate; and
- 2) Not influence or affect the student's grade.

For purposes of this policy, "Door-to-door sales" means the selling of merchandise outside of the child's home and off the school grounds.

### **Secondary Schools**

Fund raising in the secondary schools may only be done by officially sanctioned student clubs, spirit groups, school PTAs, or parent booster clubs. Student clubs and spirit groups must receive written approval from their sponsor and the school principal before submitting the fund raising proposal to the Superintendent.

Door to door fundraising activities are generally discouraged. If approved, students wishing to participate who are under the age of eighteen (18) must return to their sponsor a signed parental notification and permission form.

### **Elementary Schools (K-6)**

Fund raising in the elementary schools may only be done by the school or a school sponsored organization. Door to door fundraising activities are generally discouraged, but there shall be no more than one such activity per school per school year.

Schools must provide written notification of the following to parents or legal guardians of elementary students who participate in fund raising programs.

- 1) Student participation in fund raising programs is voluntary;
- 2) Students who do not participate will not forfeit any school privileges;

- 3) Students may not participate in fund raising programs without written parental permission returned to school authorities;
- 4) An elementary student who sells fund raising merchandise door to door must be accompanied by a parent or an adult; and
- 5) Unless the school provides supervision, parents must accept responsibility for appropriate adult supervision.

Legal References:       A.C.A. § 6-18-1102

                              A.C.A. § 6-18-1104

Date Adopted: 9/28/2015

Last Revised:

## 6.7—COMPLAINTS

It is a goal of the Board and the District to be responsive to the community it serves and to continuously improve the educational program offered in its schools. The Board or the District welcomes constructive criticism when it is offered with the intent of improving the quality of the system's educational program or the delivery of the District's services.

The Board formulates and adopts policies to achieve the District's vision and elects a Superintendent to implement its policies. The administrative functions of the District are delegated to the Superintendent, who is responsible for the effective administration and supervision of the District. Individuals with complaints concerning personnel, curriculum, discipline (including specific discipline policies), coaching, or the day to day management of the schools need to address those complaints according to the following sequence:

5. Teacher, coach, or other staff member against whom the complaint is directed
6. Principal
7. Superintendent

Other than in the few instances where statutorily allowed or required, student discipline and personnel matters may not be discussed in Board meetings. Individuals with complaints regarding such matters need to follow the sequence outlined above.

Unless authorized by the Board as a whole for a specific purpose, no individual Board member has any authority when acting alone. District constituents are reminded that the Board serves as a finder of fact, not unlike a jury, in matters such as student suspensions initiated by the Superintendent, expulsions, and personnel discipline. For this reason, the board may not be involved or informed prior to a board hearing on particular disciplinary matters.

Complaints that are related to district use or administration of federal funds generated through specific programs identified by the Arkansas Department of Education and authorized in the 2002 reauthorization of the Elementary and Secondary Education Act <sup>1</sup> may be taken directly from a patron or by referral from the Arkansas Department of Education (ADE). If taken directly from a patron, the complaint may be submitted by either a signed statement or by a certified, recorded deposition or statement in which the complainant is identified. The complaints shall be addressed in the following manner.

1. The complaint shall be referred to the federal programs director,<sup>2</sup> who shall assemble a team of at least two people to investigate the complaint.
2. Throughout the investigation, sufficient notes and records will be taken and maintained to substantiate the position of the findings of the investigation.
3. The team will interview the complainant and others as necessary to enable the team to make a determination of the validity of the complaint. The team may consult with individuals with knowledge or expertise in the matter which is the subject of the complaint, including legal counsel.

4. The investigation of complaints referred by the ADE shall be completed within 30 work days of receipt of the complaint, unless a longer time period has been approved by the ADE.<sup>3</sup>
5. The investigation of complaints made directly to the district shall be completed within 40 work days unless there are extenuating circumstances; in such a case, a preliminary report shall be made within 40 work days of receipt of the complaint, which shall include an explanation of the unusual circumstances requiring additional time to complete the investigation.<sup>4</sup>
6. The report of the conclusions of the investigation shall be given to the complainant. It shall contain: a summary of the allegations of the complaint; a summary of the investigative actions taken by the team; a summary of the findings concerning each alleged violation or implied violation; a statement of corrective actions needed to resolve the issues involved in each allegation and finding of complaint.

Date Adopted: 9/28/2015

Last Revised:

## **6.8—DISTRIBUTION OF PRINTED MATERIALS**

The District shall devise and maintain a system for distributing District communications and other printed materials between the Administration and the schools. Use of the system by employees or employee organizations shall be with prior approval of the Superintendent or his/her designee.

Distribution of printed materials, flyers, photographs, or other visual or auditory materials not originating within District schools to students or staff shall have prior approval of the Superintendent or his/her designee.

Date Adopted: 9/28/2015

Last Revised:

## **6.9—MEDIA RELATIONS AND NEWS RELEASES**

It is important that the District maintain good relations with the media. The Superintendent or his/her designee shall devise and implement a plan for the release of pertinent information to the media regarding educational programs, awards, or other student and staff achievements, and special events. The plan shall not require schools to clear the release of public service announcements through the District Administration prior to their release, but may require schools to obtain the approval of the Superintendent's Office prior to the release of any statistical type data.

The District shall attempt, within reason, to accommodate media requests for interviews and shall endeavor to be fair and impartial in its treatment of media representatives.

The release of information to the media shall be done in a timely manner, either by written releases or by telephone interviews, to keep patrons abreast of newsworthy District achievements and shall strive to be factual and objective with personal opinions duly noted.

The Board encourages students and staff to participate in academic competitions and programs. Awards earned in such endeavors shall be communicated to the media. Award recipients may also be recognized at Board meetings.

Date Adopted: 9/28/2015

Last Revised:

## 6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW)

The Dierks School District shall work with area law enforcement in a manner consistent with applicable state law and Arkansas Department of Education Regulations to communicate the presence of a sexual offender. When necessary, law enforcement may contact building principals and give them information concerning registered sex offenders. The decision regarding which school principals to notify rests solely with law enforcement officials who use a rating system to determine those needing to be notified according to the offender’s dangerousness to the community.

Building principals should, in turn, notify any person who in the course of their employment is regularly in a position to observe unauthorized persons on or near the school’s property. Those notified could include employees such as aides, bus drivers, coaches, maintenance staff, professional support staff, school level administrative staff, security personnel, teachers’ assistants, and teachers.

It is important that school personnel receiving notice understand that they are receiving sex offender notifications in their official capacity and are **not** to disseminate information about an offender to anyone outside the school. If school personnel are asked about notification information by an organization using school facilities, they should be referred to the area law enforcement agency that issued the notice.

Persons **not** to be notified except at the specific discretion of area law enforcement officials include members of parent-teacher organizations, other schools, organizations using school facilities, students, parents or guardians of students, and the press. Personnel may inform the press about procedures which have been put in place and other general topics, but may not reveal the name or any other specifics regarding an offender.

A parent or guardian who is a Level 1 or Level 2 sex offender shall be allowed to enter the school campus to attend parent-teacher conferences or any other activity which is appropriate for a parent or guardian, or community member.

Level 3 and Level 4 sex offenders may only enter the school campus in the following instances.

1. The offender is a student attending school in the district;
2. To attend a graduation or baccalaureate ceremony, or a school sponsored event for which an admission fee is charged or tickets are sold or distributed;
3. It is a non-student contact day according to the school calendar or no school-sponsored event is taking place on campus;

4. The offender is a parent or guardian of a student enrolled in the district and goes directly to the school office to have school personnel deliver medicine, food, or personal items for the student;
5. The offender is a parent or guardian of a student and enters the school campus where the student is enrolled to attend a scheduled parent-teacher conference **and** the offender is escorted to and from the conference by a designated school official or employee.

A Level 3 and Level 4 sex offender who is the parent or guardian of a child enrolled in the district and who wishes to enter the school campus in which the student is enrolled for any other purpose than those listed above, must give reasonable notice to the school principal or his/her designee. The principal or designee may allow the sex offender to enter upon the campus provided there is a designated school official or employee to escort and supervise the sex offender while they remain on campus. The sex offender shall not enter upon the school campus until such time as a designated school official or employee is available.

Copies of the notification from law enforcement should be kept in a secure place accessible to teachers and staff, but should not be posted on school bulletin boards or made available to students or members of the community at large.

Legal References:       A.C.A. § 12-12-913 (g)(3)  
                                   Arkansas Department of Education Guidelines for “Megan’s Law”  
                                   A.C.A. § 5-14-131

Date Adopted: 9/28/2015

Last Revised:

## **6.11—PARENTAL/COMMUNITY INVOLVEMENT - DISTRICT**

The Dierks School District understands the importance of involving parents and the community as a whole in promoting higher student achievement and general good will between the district and those it serves. Therefore, the district shall strive to develop and maintain the capacity for meaningful and productive parental and community involvement that will result in partnerships that are mutually beneficial to the school, students, parents, and the community. To achieve such ends, the district shall work to

1. Involve parents and the community in the development of the long range planning of the district;
2. Give the schools in the district the support necessary to enable them to plan and implement effective parental involvement activities;
3. Have a coordinated involvement program where the involvement activities of the district enhance the involvement strategies of other programs such as Head Start, HIPPIY, Parents as Partners, Parents as Teachers, ABC, ABC for School Success, area Pre-K programs, and Even Start;
4. Explain to parents and the community the State's content and achievement standards, State and local student assessments and how the district's curriculum is aligned with the assessments and how parents can work with the district to improve their child's academic achievement;
5. Provide parents with the materials and training they need to be better able to help their child achieve. The district may use parent resource centers or other community based organizations to foster parental involvement and provide literacy and technology training to parents.
6. Educate district staff, with the assistance of parents, in ways to work and communicate with parents and to know how to implement parent involvement programs that will promote positive partnerships between the school and parents;
7. Keep parents informed about parental involvement programs, meetings, and other activities they could be involved in. Such communication shall be, to the extent practicable, in a language the parents can understand;
8. Find ways to eliminate barriers that work to keep parents from being involved in their child's education. This may include providing transportation and child care to enable parents to participate, arranging meetings at a variety of times, and being creative with parent/teacher conferences;

9. Find and modify other successful parent and community involvement programs to suit the needs of our district;
10. Train parents to enhance and promote the involvement of other parents;
11. Provide reasonable support for other parental involvement activities as parents may reasonably request.

To ensure the continued improvement of the district's parental/community involvement program, the district will conduct an annual review of its parental involvement policies to examine their affect on promoting higher student achievement. The review shall be done by a committee consisting of parents and other community members, certified and classified staff, and member(s) of the administration.

This policy shall be part of the school's Title I plan and shall be distributed to parents of the district's students and provided, to the extent practicable, in a language the parents can understand.

Legal References:       20 U.S.C. § 6318 (a)(2),(A),(B),(D),(E) (NCLB Act of 2001, Section 1118)

                                  20 U.S.C. § 6318 (e)(1),(2),(3),(4),(5),(6),(8),(9),(10),(11),(13),(14) (NCLB Act of 2001, Section 1118)

Date Adopted: 9/28/2015

Last Revised:

## 6.12—PARENTAL/COMMUNITY INVOLVEMENT - SCHOOL

Dierks High and Jo Ann Walters Elementary Schools understand the importance of involving parents and the community as a whole in promoting higher student achievement and general good will between the school and those it serves. Therefore, these schools shall strive to develop and maintain the capacity for meaningful and productive parental and community involvement that will result in partnerships that are mutually beneficial to the school, students, parents, and the community. To achieve such ends, the school shall work to

- e. Involve parents and the community in the development and improvement of Title I programs for the school;
- f. Have a coordinated involvement program where the involvement activities of the school enhance the involvement strategies of other programs such as Head Start, HIPPY, Parents as Partners, Parents as Teachers, ABC, ABC for School Success, area Pre-K programs, and Even Start;
- g. Explain to parents and the community the State's content and achievement standards, State and local student assessments and how the school's curriculum is aligned with the assessments and how parents can work with the school to improve their child's academic achievement;
- h. Provide parents with the materials and training they need to be better able to help their child achieve. The school may use parent resource centers or other community based organizations to foster parental involvement and provide literacy and technology training to parents.
- i. Educate school staff, with the assistance of parents, in ways to work and communicate with parents and to know how to implement parent involvement programs that will promote positive partnerships between the school and parents;
- j. Keep parents informed about parental involvement programs, meetings, and other activities they could be involved in. Such communication shall be, to the extent practicable, in a language the parents can understand;
- k. Find ways to eliminate barriers that work to keep parents from being involved in their child's education. This may include providing transportation and child care to enable parents to participate, arranging meetings at a variety of times, and being creative with parent/teacher conferences;
- l. Find and modify other successful parent and community involvement programs to suit the needs of our school;
- m. Train parents to enhance and promote the involvement of other parents;

n. Provide reasonable support for other parental involvement activities as parents may reasonably request.

To help promote an understanding of each party's role in improving student learning, Dierks High and Jo Ann Walters Elementary Schools shall develop a compact that outlines the responsibilities of parents, students, and the school staff in raising student academic achievement and in building the partnerships that will enable students to meet the State's academic standards.

Dierks High and Jo Ann Walters Elementary Schools shall convene an annual meeting, or several meetings at varying times if necessary to adequately reach parents of participating students, to inform parents of the school's participation in Title I, its requirements regarding parental involvement, and the parents right to be involved in the education of their child.

Dierks High and Jo Ann Walters Elementary Schools shall, at least annually, involve parents in reviewing the school's Title I program and parental involvement policy in order to help ensure their continued improvement.

This policy shall be part of the school's Title I plan and shall be distributed to parents of the district's students and provided, to the extent practicable, in a language the parents can understand.

Legal References:        20 U.S.C. § 6318 (b)(1) (NCLB Act of 2001, Section 1118)  
                                   20 U.S.C. § 6318 (c)(1),(2),(3),(4) (NCLB Act of 2001, Section 1118)  
                                   20 U.S.C. § 6318 (d) (NCLB Act of 2001, Section 1118)  
                                   20 U.S.C. § 6318 (e)(1),(2),(3),(4),(5),(6),(8),(9),(10),(11),(13),(14) (NCLB Act of 2001,  
                                   Section 1118)

Date Adopted: 9/28/2015

Last Revised:

## 6.13D USE OF SCHOOL PROPERTY BY PUBLIC

### 1. LIMITATIONS

The use of school facilities (cafeteria, classrooms, gym) by groups outside the school must be approved by the Superintendent.

After completion of the basketball season, the school gymnasium may be used by independent basketball teams for a fee.

The sponsoring team will be responsible for damages to gym or equipment and must obey rules and regulations set up by the administration.

Community sponsored activities may use either gym. Requests for school facilities should be made to the Superintendent. Use of the gym will require supervision by school personnel, and a \$50.00 fee will be paid to the supervisor. Custodial services will be the responsibility of those using the facility.

School personnel supervisor and the \$50.00 fee may be waived by the board in lieu of a substitute supervisor approved by the board.

### 2. SECURING PERMISSION

a. A request for use of school facilities should be made to the Superintendent.

### 3. CHARGES

a. Cafeteria - \$450.00 per night + cafeteria supervisor @\$10.00 per hour up to \$40.00

b. Either Gym - \$50.00 per night + supervisor

c. Classroom -\$10.00 per night

The use of tobacco in any form in the school building or seating area of stadium is prohibited

“An act to protect the rights of non-smokers by prohibiting smoking in schools; to provide a criminal penalty of violation thereof; and for other purposes (Act 854, 1987; House Bill 1337)

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# **CLASSIFIED PERSONNEL**

## 8.1—CLASSIFIED PERSONNEL SALARY SCHEDULE

### DIERKS SCHOOL DISTRICT 2017-2018 CLASSIFIED SALARY SCHEDULE

<u>HRLY</u>	<u>CLASSIFIED PERSONNEL</u>	<u>HRS</u>	<u>DAYS</u>	<u>SALARY</u>
\$11.65	Food Service Director	8.0	220	\$20,504
\$10.02	Elem. Cafeteria Manager	8.0	182	\$14,589
\$ 9.02	Cafeteria Worker	8.0	182	\$13,133
\$ 9.02	Cafeteria Worker	7.0	182	\$11,491
\$ 9.02	Custodians	8.0	182	\$13,133
\$ 9.02	Custodian/Cafeteria Worker	8.0	182	\$13,133
\$ 9.02	Custodian/Cafeteria Worker	7.0	182	\$11,491
\$ 9.02	Custodian	5.0	182	\$ 8208
\$15.50	Maintenance	8.0	240	\$29,760*
\$ 9.02	Maintenance (part-time)	8.0	145 (est)	\$10,463
\$16.75	Transportation & Gen. Maint.Dir.	8.0	240	\$32,160*

\*Includes \$150 Monthly Tool/Vehicle Allowance. A \$100 per month fuel allotment is allowed but not included in the contract amount.

\$10.46	IMPAC Lab Coordinator	8.0	178	\$14,895
\$ 9.22	Teacher Aide	7.0	178	\$11,488
\$ 9.22	Teacher Aide	8.0	178	\$13,129
\$15.23	Deaf Interpreter Aide	8.0	178	\$21,688
\$13.48	School Nurse/Medicaid Coor**	8.0	178	\$19,196

\*\*A \$75 per month fuel allotment is allowed but not included in the contract amount.

\$25.00	Registered Nurse (as needed)			
\$15.19	Bus Driver	3.0	178	\$8,111**
	Summer School Bus Drivers	\$40 per day		

\*\*\*Substitute Bus Drivers are paid \$45.56 per day(2 trips)

\*\*\*\*Special trips/extended travel/overnight bus driver pay according to policy....)

\$9.22	Prin.Sec/Stud. eSch. Data Mgmt	8.0	190	\$14,014
\$9.22	Prin.Sec/Stud.eSch. Data Mgmt	8.0	220	\$16,227
\$10.91	ASBOA Cert. PrinSec/StudeSc	8.0	190	\$16,583
\$10.91	ASBOA Cert. PrinSec/StudeSc	8.0	220	\$19,202
\$10.32	Admin.Asst/Bookkeeper	8.0	240	\$19,814
\$11.66	ASBOA Certif Admin.AsstBkpr	8.0	240	\$22,387
\$11.50	Supt.Sec/Admin.Asst/Bkkper	8.0	240	\$22,080
\$12.85	ASBOA Certif. Supt.Sec/AdmBk	8.0	240	\$24,672

(ASBOA Certification added \$2,500 to the position)

\$24.52	Gen.Bus.Mgr/Fed Prog/Dist.Treas	8.0	240	\$47,078
\$23.77	Technology Coord/Technician	8.0	240	\$45,620

\$8.50 Classified Substitutes (except bus drivers)

Board approved: 6/19/17

The District's salary schedule for this policy accurately reflects the district's actual pay practices and is not required by law to include step increases for additional years of experience.<sup>1</sup> State law requires each District to include its classified employee's salary schedule in its written personnel policies unless the District recognizes a classified employees' union in its policies for, among other things, the negotiation of salaries. The District is required to have a salary schedule for at least the following five categories of classified personnel: 1) Maintenance and Operations; 2) Transportation; 3) Food Service; 4) Secretarial and Clerical; and 5) Aids and Paraprofessionals. The District is required to post the salary schedule on its website by September 15 of each year and to place an obvious hyperlink, button, or menu item on the website's homepage that links directly to the current year classified policies and salary schedule.

The Superintendent has the authority, when recommending an applicant and his/her placement on the District's salary schedule to the Board for its approval, to consider the applicant's previous work experience with similar duties, responsibilities, and skill sets to those job duties and responsibilities the applicant would assume for the District.<sup>3</sup>

Legal References:       A.C.A. § 6-17-2203  
                              A.C.A. § 6-17-2301  
                              ADE Rules Governing School District Requirements for Personnel Policies, Salary  
                              Schedules, Minimum Salaries, and Documents Posted to District Websites

Date Adopted: April 26, 2016  
Last Revised: April 26, 2016

## 8.1D – Special Trip Bus Driver Pay

This policy does not apply to trips taken as part of the normal activity of sports, FFA, band, etc. This means that coaches, FFA sponsor, Band Director or any sponsor qualified to drive a bus carrying their team, club, band, judging team, show team, etc. to games, events and other sponsored activities including overnight stays does not apply.

Qualified driver not employed in another full time position in the school district:

1. For school day trips (field trips, etc.) 4 hours or less pay ½ day substitute teacher pay.
2. For school day trips over 4 hours but back before school is out pay whole day substitute teacher pay
3. For school day trips that last longer than the end of school the driver would be paid whole day substitute teacher pay plus minimum wage for hours over 8.
4. For overnight trips the driver would be paid whole day substitute teacher pay plus minimum wage for hours worked after regular working hours for each day of the trip. In addition the driver would be paid whole day substitute teacher pay for each night away from home on that trip.

Qualified driver employed in another full time position in the school district classified or certified:

1. For any day trip that ends before school is out the driver would receive no compensation.
2. For any day trip that ends after the regular work hours the driver would be paid minimum wage for all hours worked over the regular work hours.
3. For overnight trips the driver would receive no compensation for time driving or otherwise for the regular work day(s). For any hours worked after the end of the regular work day the driver would be paid minimum wage. The driver would receive substitute teacher pay for each night away from home on that trip.

Qualified drivers for events that take place after regular school hours but not staying over

1. If the time spent round trip to the event(s) is 4 hours or less the driver would be paid ½ day substitute teacher pay.
2. If the time spent round trip to the event(s) is over 4 hours but not more than 8 hours the driver would be paid whole day substitute teacher pay.
3. If the time spent is over 8 hours the driver would be paid whole day substitute teacher pay plus minimum wage for all hours over 8.

Date Adopted: 11/15/16

Last Date Revised: 11/15/16

## **8.2—CLASSIFIED PERSONNEL EVALUATIONS**

Classified personnel may be periodically evaluated.

Any forms, procedures or other methods of evaluation, including criteria, are to be developed by the Superintendent and or his designee(s), but shall not be part of the personnel policies of the District.

Legal Reference:       A.C.A. § 6-17-2301

Date Adopted: 03/10/16

Last Revised: 04/26/16

### **8.3—EVALUATION OF CLASSIFIED PERSONNEL BY RELATIVES**

No person shall be employed in, or assigned to, a position which would require that he/she be evaluated by any relative, by blood or marriage, including spouse, parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, or first cousin.

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.4—CLASSIFIED EMPLOYEES DRUG TESTING**

### **Scope of Policy**

Each person hired for a position that allows or requires the employee operate a school bus shall meet the following requirements:

1. The employee shall possess a current commercial vehicle driver's license for driving a school bus;
2. Have undergone a physical examination, which shall include a drug test, by a licensed physician or advanced practice nurse within the past two years; and
3. A current valid certificate of school bus driver in service training.

Each person's initial employment for a job entailing a safety sensitive function is conditioned upon the district receiving a negative drug test result for that employee. The offer of employment is also conditioned upon the employee's signing an authorization for the request for information by the district from the Commercial Driver Alcohol and Drug Testing Database.

### **Methods of Testing**

The collection, testing methods and standards shall be determined by the agency or other medical organizations chosen by the School Board to conduct the collection and testing of samples. The drug and alcohol testing is to be conducted by a laboratory certified pursuant to the most recent guidelines issued by the United States Department of Health and Human Services for such facilities ("Mandatory Guidelines for Federal Workplace Drug Testing Programs").

### **Definitions**

"Safety sensitive function" includes:

- a) All time spent inspecting, servicing, and/or preparing the vehicle;
- b) All time spent driving the vehicle;
- c) All time spent loading or unloading the vehicle or supervising the loading or unloading of the vehicle; and
- d) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

"School Bus" is a motorized vehicle that meets the following requirements:

1. Is designed to carry more than ten (10) passengers;
2. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the District; and
3. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

### **Requirements**

Employees shall be drug and alcohol free from the time the employee is required to be ready to work until the employee is relieved from the responsibility for performing work and/or any time they are performing a safety-sensitive function. In addition to the testing required as an initial condition of employment, employees shall

submit to subsequent drug tests as required by law and/or regulation. Subsequent testing includes, and/or is triggered by, but is not limited to:

1. Random tests;
2. Testing in conjunction with an accident;
3. Receiving a citation for a moving traffic violation; and
4. Reasonable suspicion.

### **Prohibitions**

- A. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
- B. No driver shall use alcohol while performing safety-sensitive functions;
- C. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol;
- D. No driver required to take a post-accident alcohol test under # 2 above shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- E. No driver shall refuse to submit to an alcohol or drug test in conjunction with # 1, 2, and/or 4 above;
- F. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when using any controlled substance, except when used pursuant to the instructions of a licensed medical practitioner who, with knowledge of the driver's job responsibilities, has advised the driver that the substance will not adversely affect the driver's ability to safely operate his/her vehicle. It is the employee's responsibility to inform his/her supervisor of the employee's use of such medication;
- G. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Violation of any of these prohibitions may lead to disciplinary action being taken against the employee, which could include termination or non-renewal.

### **Testing for Cause**

Drivers involved in an accident in which there is a loss of another person's life shall be tested for alcohol and controlled substances as soon as practicable following the accident. Drivers shall also be tested for alcohol within eight (8) hours and for controlled substances within thirty two (32) hours following an accident for which they receive a citation for a moving traffic violation if the accident involved: 1) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or 2) one or more motor vehicles incurs disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.<sup>6</sup>

### **Refusal to Submit**

Refusal to submit to an alcohol or controlled substance test means that the driver:

- Failed to appear for any test within a reasonable period of time as determined by the employer consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;

Failed to provide a urine specimen for any required drug test;  
 Failed to provide a sufficient amount of urine without an adequate medical reason for the failure;  
 Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;  
 Failed or declined to submit to a second test that the employer or collector has directed the driver to take;  
 Failed to cooperate with any of the testing process; and/or  
 Adulterated or substituted a test result as reported by the Medical Review Officer.

School bus drivers should be aware that refusal to submit to a drug test when the test is requested based on a reasonable suspicion can constitute grounds for criminal prosecution.

### **Consequences for Violations**

Drivers who engage in any conduct prohibited by this policy, who refuse to take a required drug or alcohol test, refuse to sign the request for information required by law, or who exceed the acceptable limits for the respective tests shall no longer be allowed to perform safety sensitive functions. Actions regarding their continued employment shall be taken in relation to their inability to perform these functions and could include termination or non-renewal of their contract of employment.

Drivers who exhibit signs of violating the prohibitions of this policy relating to alcohol or controlled substances shall not be allowed to perform or continue to perform safety-sensitive functions if they exhibit those signs during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the provisions of this policy. This action shall be based on specific, contemporaneous, articulable observations concerning the behavior, speech, or body odors of the driver. The Superintendent or his/her designee shall require the driver to submit to “reasonable suspicion” tests for alcohol and controlled substances. The direction to submit to such tests must be made just before, just after, or during the time the driver is performing safety-sensitive functions. If circumstances prohibit the testing of the driver the Superintendent or his/her designee shall remove the driver from reporting for, or remaining on, duty for a minimum of 24 hours from the time the observation was made triggering the driver’s removal from duty.

If the results for an alcohol test administered to a driver are equal to or greater than 0.02, but less than 0.04, the driver shall be prohibited from performing safety-sensitive functions for a period no less than 24 hours from the time the test was administered. Unless the loss of duty time triggers other employment consequence policies, no further other action against the driver is authorized by this policy for test results showing an alcohol concentration of less than 0.04.

Legal References:       A.C.A. § 6-19-108  
                                   A.C.A. § 6-19-119  
                                   A.C.A. § 27-23-201 et seq.  
                                   49 C.F.R. § 382.101 – 605  
                                   49 C.F.R. § part 40  
                                   49 C.F.R. § 390.5  
                                   Arkansas Division of Academic Facilities and Transportation Rules Governing Maintenance and Operations of Arkansas Public School Buses and Physical Examinations of School Bus Drivers

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.5—CLASSIFIED EMPLOYEES SICK LEAVE

### Definitions

1. “Employee” is an employee of the District working 20 or more hours per week who is not required to have a teaching license as a condition of his employment.
2. “Leave” is absence from work.
3. “Current Sick Leave” means those days of sick leave for the current contract year, which leave is granted at the rate of one day of sick leave per month worked, or major part thereof.
4. “Accumulated Sick Leave” is the total of unused sick leave, up to a maximum of ninety (120) days accrued from previous contracts, but not used. Accumulated sick leave also includes the sick leave transferred from an employee’s previous public school employment.

### Sick Leave

For the district to function efficiently and have the necessary personnel present to effect a high achieving learning environment, employee absences need to be kept to a minimum.

All leave days can be used at the discretion of the employee. Leave days should not be used the days before or after school breaks/holidays. Under certain circumstances, the building administrator may make exceptions. If the employee quits before his/her contract is met and has used more days than he/she has earned, he/she will have to pay (be docked or reimburse district) for the days he/she has gone over. Leave days shall not be used for a second job. (Note: accumulation and accounting of leave days will remain the same).

Pay for leave shall be at the employee’s daily rate of pay, which is that employee’s total contracted salary, divided by the number of days employed as reflected in the contract. Absences for illness in excess of the employee’s accumulated and current sick leave shall result in a deduction from the employee’s pay at the daily rate as defined above.

At the discretion of the principal (or Superintendent), and, if FMLA is applicable, subject to the certification or recertification provisions contained in policy 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE the District may require a written statement from the employee’s physician documenting the employee’s illness. Failure to provide such documentation of illness may result in sick leave not being paid, or in discipline up to and including termination.

If the employee's absences are not subject to the FMLA or are in excess of what is protected under the FMLA, excessive absenteeism, to the extent that the employee is not carrying out his/her assigned duties to the degree that the education of students or the efficient operation of a school or the district is substantially adversely affected (at the determination of the principal or Superintendent) may result in termination.

A classified employee shall be entitled to one day per month of leave at full pay (per contracted days) .The leave may accumulate until a total of 120 days has accumulated. Employees who accumulate the total maximum leave days (120 days) shall be paid \$40.00 per day up to a total of six (6) days for unused leave. 120 days accumulated and unused leave

shall be credited to the employee by the district upon receipt of written proof from the school district in which the employee was formerly employed or is currently employed.

After an employee has used up his or her leave and is not able to return to work, the employee will petition for a leave of absence, petition for leave under FMLA, petition for the sick bank (if a member) or, resign. A classified replacement will be found as soon as possible.

A record of amount of leave used and accumulated will be maintained in the school office. A sick bank has been established, and is organized and monitored by a committee.

After an individual uses their allowed number of leave days the individual's salary will be deducted at the individual's daily rate of pay.

After 15 days above the individual's allowed number of leave days the individual will need to satisfy one of the following:

Request and be granted leave under FMLA, Request and be granted a leave of absence, or Resign their position

Classified employees of the Dierks School District have the option of being paid for unused leave days, including days transferred from other districts, when an application for entering T-DROP, retirement through the Arkansas Teacher Retirement System has been completed by the school administration office, at the following rates:

<u>Years in Dierks District</u>	<u>Rate of Pay</u>
6-14 Years	\$10.00/day
15-24 Years	\$12.50/day
25+ Years	\$15.00/day

## **1. Husband and Wife Leave**

District employees who are husband and wife may share accumulated leave. (ACA 6-17-1306)

### ATTENDANCE REWARD POLICY

In an effort to reward personnel attendance, attendance will be measured in semesters, with the first semester ending December 15<sup>th</sup> and the second semester ending the last day of school. After each semester, the days absent will be reset according to the bonus policy, that if a classified employee missed 3 days in the fall semester and 0 days in the spring semester, they would be eligible for a bonus in the spring, although they were not eligible for the bonus in the fall. Bonuses will be awarded for the following days absent:

0 days = \$400	1 ½ days = \$250
½ day = \$350	2 days = \$200
1 day = \$300	

The only exception to this policy is for school related absences, jury duty and 12 month staff members vacation days. All based on 178 student calendar days.

Bus drivers will be given four (4) days of the nine (9) days allowed for the year in the first semester, which ends December 15<sup>th</sup>. Of these four (4) days the driver has the option to be paid for the days that remain or those days will be allowed to carry forward to the second semester. If the driver chooses to carry the days to the second semester, the remaining five (5) days of the original nine (9) and the carryover days from the first semester are available to be used or at the end of the second semester attendance period, June 15<sup>th</sup>, the driver can be paid for any of the remaining nine (9) days. Nine (9) days is equal to eighteen (18) trips and pay per trip is based on the current classified salary schedule. Days do not carry forward to the next school year. Drivers will need to sign a confirmation form to carry first semester days forward to second semester.

### **Sick Leave and Family Medical Leave Act (FMLA) Leave**

When an employee takes sick leave, the District shall determine if the employee is eligible for FMLA leave and if the leave qualifies for FMLA leave. The District may request additional information from the employee to help make the applicability<sup>4</sup> determination. If the employee is eligible for FMLA leave and if the leave qualifies under the FMLA, the District will notify the employee in writing, of the decision within five (5) workdays. If the circumstances for the leave as defined in policy 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE don't change, the District is only required to notify the employee once of the determination regarding the applicability of sick leave and/or FMLA leave within any applicable twelve (12) month period. To the extent the employee has accumulated sick leave, any sick leave taken that qualifies for FMLA leave shall be paid leave and charged against the employee's accrued leave including, once an employee exhausts his/her accumulated sick leave, vacation or personal leave. See 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE.

### **Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 8.36, if an employee who works a non-district job while taking district sick leave for personal or family illness or accident, Workers Comp, or FMLA, shall be subject to discipline up to and including termination.

Cross References:       8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT  
                                   8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE  
                                   8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS'  
                                   COMPENSATION

Legal References:       A.C.A. § 6-17-1301 et seq.  
                                   29 USC §§ 2601 et seq.  
                                   29 CFR 825.100 et seq.

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.6—SICK LEAVE BANK —CLASSIFIED EMPLOYEES**

A sick leave bank is established for the purpose of permitting employees, upon approval, to obtain sick leave in excess of accumulated and current sick leave, when the employee has exhausted all such leave. Only those employees who contribute to the sick leave bank during a given contract year shall be eligible to withdraw from the sick leave bank.

The Superintendent shall appoint a Sick Leave Bank Committee. That committee shall consist of six (6) members: five (5) employees and one (1) principal.

The terms of the committee shall be for three years with two (2) members being replaced each year.

The committee shall meet as necessary for the purpose of reviewing requests for withdrawal from the bank. The determination of the committee shall be final.

### **Withdrawals**

The Committee may grant sick leave up to forty (40) days per contract year for personal or family illness, disabilities or accidents (not including accidents for which the employee is receiving Workers' Compensation), which cause the employee to be absent from work and when the employee has exhausted all accumulated and current sick leave.

Requests for withdrawal from the sick leave bank must state the reason(s) for the request and the number of days requested and must be accompanied by a detailed statement from an attending physician of the nature of the malady and the expected duration thereof.

If the information provided to the Committee is deemed by a majority of the Committee to be insufficient, the Committee may require additional information or deny the employee's request, at its discretion.

The Committee shall have the authority to grant, reduce or deny any request. However, the Committee may grant no request, or any granted time may be withdrawn, when the employee accepts retirement; is eligible for Social Security Disability; or other disability insurance or the employee returns to work.

### **Spousal Donations**

District employees who are husband and wife are eligible to utilize each other's sick leave. Written permission must be received for each day of donated sick leave. If the employees are paid at different rates of pay, the lesser rate of pay shall be used for the purpose of the donated sick leave days.

Legal Reference: A.C.A. § 6-17-1306

Date Adopted: 03/10/16  
Last Revised: 10/10/16

## **8.7—CLASSIFIED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE**

See 8.5 Sick Leave

### PROFESSIONAL LEAVE

“Professional Leave” is leave granted for the purpose of enabling an employee to participate in professional activities (e.g., workshops or serving on professional committees) which can serve to improve the school District’s instructional program or enhances the employee’s ability to perform his duties. Professional leave will also be granted when a school District’s employee is subpoenaed for a matter arising out of the employee’s employment with the school district. Any employee seeking professional leave must make a written request to his immediate supervisor, setting forth the information necessary for the supervisor to make an informed decision. The supervisor’s decision is subject to review and overruling by the superintendent. Budgeting concerns and the potential benefit for the District’s students will be taken into consideration in reviewing a request for professional leave.

Applications for professional leave should be made as soon as possible following the employee’s discerning a need for such leave, but, in any case, no less than two (2) weeks before the requested leave is to begin, if possible.

If the employee does not receive or does not accept remuneration for his/her participation in the professional leave activity and a substitute is needed for the employee, the District shall pay the full cost of the substitute. If the employee receives and accepts remuneration for his/her participation in the professional leave activity, the employee shall forfeit his/her daily rate of pay from the District for the time the employee misses. The cost of a substitute, if one is needed, shall be paid by the employee/-District.

Legal Reference:       A.C.A. § 6-17-211

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.8—CLASSIFIED PERSONNEL RESPONSIBILITIES IN DEALING WITH SEX OFFENDERS ON CAMPUS**

Individuals who have been convicted of certain sex crimes must register with law enforcement as sex offenders. Arkansas law places restrictions on sex offenders with a Level 1 sex offender having the least restrictions (lowest likelihood of committing another sex crime), and Level 4 sex offenders having the most restrictions (highest likelihood of committing another sex crime).

While Levels 1 and 2 place no restrictions prohibiting the individual's presence on a school campus, Levels 3 and 4 have specific prohibitions. These are specified in Policy 6.10—SEX OFFENDERS ON CAMPUS (MEGAN'S LAW) and it is the responsibility of district staff to know and understand the policy and, to the extent requested, aid school administrators in enforcing the restrictions placed on campus access to Level 3 and Level 4 sex offenders.

It is the intention of the board of directors that district staff not stigmatize students whose parents or guardians are sex offenders while taking necessary steps to safeguard the school community and comply with state law. Each school's administration should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians.<sup>1</sup>

Cross Reference: 6.10—SEX OFFENDERS ON CAMPUS (MEGAN'S LAW)

Legal References:       A.C.A. § 12-12-913 (g) (2)  
                              Arkansas Department of Education Guidelines for "Megan's Law"  
                              A.C.A. § 5-14-132

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.9—PUBLIC OFFICE –CLASSIFIED PERSONNEL**

An employee of the District who is elected to the Arkansas General Assembly or any elective or appointive public office (not legally constitutionally inconsistent with employment by a public school district) shall not be discharged or demoted as a result of such service.

Prior to taking leave, and as soon as possible after the need for such leave is discerned by the employee, he/she must make written request for leave to the Superintendent, setting out, to the degree possible, the dates such leave is needed.

Cross Reference: Policy 8.17—Classified Personnel Political Activity

Legal Reference: A.C.A. § 6-17-115

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.10—JURY DUTY –CLASSIFIED PERSONNEL**

Employees are not subject to discharge, loss of sick leave, loss of vacation time or any other penalty due to absence from work for jury duty, upon giving reasonable notice to the District through the employee's immediate supervisor.

The employee must present the original (not a copy) of the summons to jury duty to his/her supervisor in order to confirm the reason for the requested absence.

Employees shall receive their regular pay from the district while serving jury duty, and shall reimburse the district from the stipend they receive for jury duty, up to, but not to exceed, the cost of the substitute hired to replace the employee in his/her absence.<sup>1</sup>

Legal Reference:       A.C.A. § 16-31-106

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.11—OVERTIME, COMPTIME, and COMPLYING WITH FLSA

The Dierks School District shall comply with those portions of the Fair Labor Standards Act (FLSA) that relate to the operation of public schools. The FLSA requires that covered employees receive compensation for each hour worked at greater than or equal to the applicable minimum wage for workweeks of less than or equal to forty (40) hours.<sup>A</sup> It also requires that employees be compensated for workweeks of greater than forty (40) hours at one and a half (1 ½) times their regular hourly rate of pay, either monetarily<sup>B</sup> or through compensatory time off<sup>C</sup>.

### Definitions

“Covered Employees” (also defined as non-exempt employees) are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionists, paraprofessionals, food service workers, secretaries, and bookkeepers.

“Exempt Employees” are those employees who are not covered under the FLSA because the employee’s:<sup>1, D</sup> Primary job duties are considered to be exempt eligible due to being administrative or professional in nature. Examples include teachers, counselors, registered nurses, and supervisors; and whose salary meets or exceeds a minimum weekly/annual amount. Any employee who is unsure of their coverage status should consult with the District’s Administration.

“Overtime” is hours worked in excess of forty (40) per workweek. Compensation given for hours **not** worked such as for holidays or sick days do **not** count in determining hours worked per workweek.<sup>E</sup>

“Regular Rate of Pay” includes all forms of remuneration for employment<sup>2</sup> and shall be expressed as an hourly rate.<sup>F</sup> For those employees previously paid on a salary basis, the salary shall be converted to an hourly equivalent. Employees shall be paid for each and every hour worked.

“Straight time pay” is the amount of hourly compensation an employee receives for each hour worked during that week.

“Workweek” is the seven day consecutive period of time from 12:00AM on Sunday to midnight on the following Saturday.<sup>3</sup> Each workweek is independent of every other workweek for the purpose of determining the number of hours worked and the remuneration entitled to by the employee for that week.<sup>G</sup>

### Employment Relationships

The District does not have an employment relationship in the following instances:

1. Between the District and student teachers;
2. Between the District and its students; and
3. Between the District and individuals who as a public service volunteer or donate their time to the District without expectation or promise of compensation.

The District does not have a joint employment relationship in the following instances:

- a. Between the District and off-duty policemen or deputies who are hired on a part-time basis for security purposes or crowd control. The District is separate from and acts independently of other governmental entities.
- b. Between the District and any agency contracted with to provide transportation services, security services, substitute teachers or other temporary employees, or other services.

### Hours Worked

Employees shall be compensated for all the time they are required to be on duty<sup>H</sup> and shall be paid for all hours worked each workweek. Employees shall accurately record the hours they work each week.<sup>I</sup>

The District shall determine the manner to be used by employees to accurately record the hours they work. Each employee shall record the exact time they commence and cease work including meal breaks. Employees arriving early

may socialize with fellow workers who are off the clock, but shall not commence working without first recording their starting time.<sup>J</sup>

Employees shall sign in/clock in where they start work and sign out/clock out at the site where they cease working. Employees who do not start and end their workday at the same site shall carry a time card or sheet with them to accurately record their times. They shall turn in their time sheets or cards to their immediate supervisor no later than the following Monday morning after reviewing them to be sure that they accurately reflect their hours worked for that week.<sup>4</sup>

Each employee is to personally record his or her own times. Any employee who signs in or out (or who punches a time clock) for another employee or who asks another employee to do so for him or her will be dismissed.

Employees whose normal workweek is less than forty (40) hours and who work more than their normal number of hours in a given workweek may, at the District's option, be given compensatory time for the hours they worked in excess of their normal workweek in lieu of their regular rate pay. Compensatory time given in this manner shall be subject to the same conditions regarding accumulation and use as compensatory time given in lieu of overtime pay.

### **Breaks and Meals**

Each employee working more than twenty (20) hours per week shall be provided two (2), paid, fifteen (15) minute duty free breaks per workday.<sup>K</sup>

Meal periods that are less than thirty (30) minutes in length or in which the employee is not relieved of duty are compensable.<sup>L</sup> Employees with a bona fide meal period shall be completely relieved of their duty to allow them to eat their meal, which they may do away from their work site, in the school cafeteria, or in a break area.

The employee shall not engage in any work for the District during meal breaks except in rare and infrequent emergencies.

### **Overtime**

Covered employees shall be compensated at not less than one and a half (1.5) times his or her regular rate of pay for all hours worked over forty (40) in a workweek.<sup>M</sup> Overtime compensation shall be computed on the basis of the hours worked in each week and may not be waived by either the employee or the District. Overtime compensation shall be paid on the next regular payday for the period in which the overtime was earned.<sup>N</sup>

The rate of overtime pay for employees who work two (2) or more jobs for the District at different rates of pay shall be determined by creating a weighted average of the different rates (a.k.a. blended rate).<sup>O</sup> The weighted average will be calculated by multiplying the number of hours worked during that week for each position by the position's rate of pay, combining the resulting amounts for each position (straight time pay), and dividing the straight time pay by the total number of hours the employee worked in that week. The weighted average will then be multiplied by one half (0.5), which will then be multiplied by the number of hours the employee worked that week over forty (40).<sup>6</sup>

Provided the employee and the District have a written agreement or understanding before the work is performed,<sup>P</sup> compensatory time off may be awarded in lieu of overtime pay for hours worked over forty (40) in a workweek and shall be awarded on a one-and-one-half (1 1/2) time basis for each hour of overtime worked.<sup>Q</sup> The District reserves the right to determine if it will award compensatory time in lieu of monetary pay for the overtime worked. The maximum number of compensatory hours an employee may accumulate at a time is twenty (20).<sup>7</sup> the employee must be able to take the compensatory time off within a reasonable period of time that is not unduly disruptive to the District.

An employee whose employment is terminated with the District, whether by the District or the employee shall receive monetary compensation for unused compensatory time. Of the following methods, the one that yields the greatest money for the employee shall be used.

1. The average regular rate received by the employee during the last 3 years of employment. Or
2. The final regular rate received by the employee.<sup>R</sup>

### **Overtime Authorization**

There will be instances where the district's needs necessitate an employee work overtime. It is the Board's desire to keep overtime worked to a minimum. To facilitate this, employees shall receive authorization from their supervisor in advance of working overtime except in the rare instance when it is unforeseen and unavoidable.

All overtime worked will be paid in accordance with the provisions of the FLSA, but unless the overtime was pre-approved or fit into the exceptions noted previously, disciplinary action shall be taken for failure to follow District policy. In extreme and repeated cases, disciplinary action could include the termination of the employee.

### **Leave Requests**

All covered employees shall submit a leave request form prior to taking the leave if possible. If a request for leave was not possible in advance due to unforeseen or emergency circumstances, the leave form shall be turned in the day the employee returns to work. Unless specifically granted by the Board for special circumstances, the reason necessitating the leave must fall within District policy.

Payment for leave could be delayed or not occur if an employee fails to turn in the required leave form. Leave may be taken in a minimum of four (4) hour increments.<sup>8</sup>

### **Record Keeping<sup>S</sup> and Postings<sup>T</sup>**

The District shall keep and maintain records as required by the FLSA for the period of time<sup>U</sup> required by the act.<sup>9</sup>

The District shall display minimum wage posters where employees can readily observe them.<sup>10</sup>

### **Cooperation with Enforcement Officials<sup>V</sup>**

All records relating to the FLSA shall be available for inspection by, and District employees shall cooperate fully with, officials from the Department of Labor (DOL) and/or its authorized representatives in the performance of their jobs relating to:

- a. Investigating and gathering data regarding the wages, hours, and other conditions and practices of employment;
- b. Entering, inspecting, and/or transcribing the premises and its records;
- c. Questioning employees and investigating such facts as the inspectors deem necessary to determine whether any  
The reason why it appears that a person who works two differently paid jobs receives such a small amount per hour for overtime pay is because the payment formula takes into account that you have already paid the person their standard rate of pay for the additional hours worked as part of the employee's straight time pay so you are only needing to determine the additional one half (0.5) the employee is eligible to receive for each hour of overtime. For more information visit [http://www.twc.state.tx.us/news/efte/i\\_employees\\_two\\_rates.html](http://www.twc.state.tx.us/news/efte/i_employees_two_rates.html).

- Legal References:
- A: 29 USC § 206(a), ACA § 6-17-2203
  - B: 29 USC § 207(a) (1), 29 CFR § 778.100
  - C: 29 USC § 207(o), 29 CFR § 553.50
  - D: 29 USC § 213(a), 29 CFR §§ 541 et seq.
  - E: 29 CFR § 778.218(a)
  - F: 29 USC § 207(e), 29 CFR § 778.108
  - G: 29 CFR § 778.105

- H: 29 CFR §§ 785.9, 785.16
- I: 29 CFR § 516.2(7)
- J: 29 CFR §§ 785.1 et seq.
- K: A.C.A. § 6-17-2205 and 2207
- L: 29 CFR §§ 785.19
- M: 29 USC § 207(a), 29 CFR § 778.100, 29 USC § 207(o), 29 CFR §§ 553.20 – 553.32
- N: 29 CFR § 778.106
- O: 29 USC § 207(g) (2), 29 CFR § 778.115
- P: 29 USC § 207(o) (2) (A), 29 CFR § 553.23
- Q: 29 CFR § 553.20
- R: 29 USC § 207(o) (4), 29 CFR § 553.27
- S: 29 USC § 211(c), 29 CFR §§ 516.2, 516.3, 553.50
- T: 29 CFR § 516.4
- U: 29 CFR §§ 516.5, 516.6
- V: 29 USC § 211(a) (b)

Date Adopted: 06/06/16  
Last Revised: 09/13/17

End of 8.11

## **8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT**

An employee of the District may not be employed in any other capacity during regular working hours.

An employee may not accept employment outside of his/her district employment which will interfere, or otherwise be incompatible with the District employment, including normal duties outside the regular work day; nor shall an employee accept other employment which is inappropriate for an employee of a public school.

The Superintendent, or his designee(s), shall be responsible for determining whether outside employment is incompatible, conflicting, or inappropriate.

When a classified employee is additionally employed by the District by a contract for a second classified position or to perform supplementary duties for a stipend or multiplier, the duties, expectations, and obligations of the primary position employment contract shall prevail over all other employment duties unless the needs of the district dictate otherwise. If there is a conflict between the expectations of the primary position and any other contracted position, the employee shall notify the employee's building principal as far in advance as is practicable. The Building principal shall verify the existence of the conflict by contacting the supervisor of the secondary contracted position. The building principal shall determine the needs of the district on a case-by-case basis and rule accordingly. The principal's decision is final with no appeal to the Superintendent or the School Board. Frequent conflicts or scheduling problems could lead to the non-renewal or termination of the conflicting contract of employment or the contract to perform the supplementary duties.

For employees who work two or more jobs for the District, the superintendent or designee shall specify which the employee's primary job is. If circumstances change, the determination can be changed to reflect the current needs of the District. Furthermore, if on any given day, one of the employee's jobs requires more hours worked than is customary, the District reserves the right to lessen the number of hours the employee may work in his/her other job such that the employee does not exceed forty (40) hours worked in that week.<sup>1</sup>

### **Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 8.26, if an employee who works a non-district job while taking district sick leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

Cross References:     8.5—CLASSIFIED EMPLOYEES SICK LEAVE  
                               8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE  
                               8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS'  
                                   COMPENSATION

Legal References:     A.C.A. § 6-24-106, 107, 111

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.13—CLASSIFIED PERSONNEL EMPLOYMENT

All prospective employees must fill out an application form provided by the District, in addition to any resume provided; all of the information provided is to be placed in the personnel file of those employed.

If the employee provides false or misleading information, or if he/she withholds information to the same effect, it may be grounds for dismissal. In particular, it will be considered a material misrepresentation and grounds for termination of contract of employment if an employee's application information is discovered to be other than as was represented by the employee, either in writing on application materials or in the form of representations made to the school district.

It is grounds for termination of contract of employment if an employee fails a criminal background check or receives a true report on the Child Maltreatment Central Registry check.<sup>1</sup>

An employee who receives notification of a failure to pass a criminal background check or a true result on the Child Maltreatment Central Registry check shall have thirty (30) days following the notification to submit to the Superintendent, or designee, a written request for a hearing before the Board to request a waiver. The written request should include any documentation, such as police reports, or other materials that are related to the event giving rise to the failed background check or true result on the Child Maltreatment Registry as well as information supporting your request for the waiver. Employees requesting a board hearing to request a waiver should be aware that this hearing is subject to the Arkansas Freedom of Information Act and it must be fully open to the public as a result.

An individual with a currently suspended license or whose license has been revoked by the State Board of Education is not eligible to be employed by the District; this prohibition includes employment as a substitute teacher, whether directly employed by the District or providing substitute teaching services under contract with an outside entity.

The District is an equal opportunity employer and shall not discriminate on the grounds of race, color, religion, national origin, sex, age, or disability.<sup>2</sup>

Inquiries on non-discrimination may be directed to the Superintendent, who may be reached at 870-286-2191.

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.

In accordance with Arkansas law<sup>5</sup>, the District provides a veteran preference to applicants who qualify for one of the following categories:

1. a veteran without a service-connected disability;
2. a veteran with a service-connected disability; and
3. a deceased veteran's spouse who is unmarried throughout the hiring process.

For purposes of this policy, "veteran" is defined as:

- a. A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or
- b. Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether or not the person has retired or been discharged.

In order for an applicant to receive the veterans' preference, the applicant must be a citizen and resident of Arkansas, be substantially equally qualified as other applicants and do all of the following:

1. Indicate on the employment application the category the applicant qualifies for;
2. Attach the following documentation, **as applicable**, to the employment application:

Form DD-214 indicating honorable discharge;

A letter dated within the last six months from the applicant's command indicating years of service in the National Guard or Reserve Forces as well as the applicant's current status;

Marriage license;

Death certificate;

Disability letter from the Veteran's Administration (in the case of an applicant with a service-related disability).

Failure of the applicant to comply with the above requirements shall result in the applicant not receiving the veteran preference; in addition, meeting the qualifications of a veteran or spousal category does not guarantee either an interview or being hired.

Legal References:      A.C.A. § 6-17-414  
                               A.C.A. § 21-3-302  
                               A.C.A. § 21-3-303  
                               A.C.A. § 25-19-101 et seq.  
                               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

Date Adopted: 03/10/16

Last Revised: 09/13/17

## **8.14—CLASSIFIED PERSONNEL REIMBURSEMENT OF TRAVEL EXPENSES**

Employees shall be reimbursed for personal and/or travel expenses incurred while performing duties or attending workshops or other employment-related functions, provided that prior written approval for the activity for which the employee seeks reimbursement has been received from the Superintendent, principal (or other immediate supervisor with the authority to make school approvals), or the appropriate designee of the Superintendent and that the employee's attendance/travel was at the request of the district.

It is the responsibility of the employee to determine the appropriate supervisor from which he/she must obtain approval.

Reimbursement claims must be made on forms provided by the District and must be supported by appropriate, original receipts. Copies of receipts or other documentation are not acceptable, except in extraordinary circumstances.

The provisions of policy 7.12—EXPENSE REIMBURSEMENT are incorporated by reference into this policy.

Cross Reference: Policy 7.12—EXPENSE REIMBURSEMENT

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.15—CLASSIFIED PERSONNEL TOBACCO USE**

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, or other school vehicles is prohibited.

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

Violation of this policy by employees shall be grounds for disciplinary action up to, and including, dismissal.

Legal Reference:       A.C.A. § 6-21-609

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.16—DRESS OF CLASSIFIED EMPLOYEES**

Employees shall ensure that their dress and appearance are professional and appropriate to their positions.

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.17—CLASSIFIED PERSONNEL POLITICAL ACTIVITY**

Employees are free to engage in political activity outside of work hours and to the extent that it does not affect the performance of their duties or adversely affect important working relationships.

It is specifically forbidden for employees to engage in political activities on the school grounds or during work hours. The following activities are forbidden on school property:

1. Using students for preparation or dissemination of campaign materials;
2. Distributing political materials;
3. Distributing or otherwise seeking signatures on petitions of any kind;
4. Posting political materials; and
5. Discussing political matters with students, in or out of the classroom, in other than circumstances appropriate to the employee's responsibilities to the students and where a legitimate pedagogical reason exists.

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.19—CLASSIFIED PERSONNEL GRIEVANCES

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies or salary payments of this district.

### Definitions

Grievance: a claim or concern related to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal or state laws and regulations, or terms or conditions of employment, raised by an individual employee of this school district. Other matters for which the means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. Specifically, no grievance may be entertained against a supervisor for directing, instructing, reprimanding, or “writing up” an employee under his/her supervision.<sup>1</sup> A group of employees who have the same grievance may file a group grievance.

Group Grievance: A grievance may be filed as a group grievance if it meets the following criteria: (meeting the criteria does not ensure that the subject of the grievance is, in fact, grievable)

1. More than one individual has interest in the matter; and
2. The group has a well-defined common interest in the facts and/or circumstances of the grievance; and
3. The group has designated an employee spokesperson to meet with administration and/or the board; and
4. All individuals within the group are requesting the same relief.

Employee: any person employed under a written contract by this school district.

Immediate Supervisor: the person immediately superior to an employee who directs and supervises the work of that employee.

Working day: Any weekday other than a holiday whether or not the employee under the provisions of their contract is scheduled to work or whether they are currently under contract.

### Process

Level One: An employee who believes that he/she has a grievance shall inform that employee’s immediate supervisor that the employee has a potential grievance and discuss the matter with the supervisor within ten working days of the occurrence of the grievance. The supervisor shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family present at their conference. (The ten-day requirement does not apply to grievances concerning back pay.) If the grievance is not advanced to Level Two within ten working days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

If the grievance cannot be resolved by the immediate supervisor, the employee can advance the grievance to Level Two. To do this, the employee must complete the top half of the Level Two Grievance Form within ten working days of the discussion with the immediate supervisor, citing the manner in which the specific personnel policy was violated that has given rise to the grievance, and submit the Grievance Form to his/her immediate supervisor. The supervisor will have ten working days to respond to the grievance using the bottom half of the Level Two Grievance Form which he/she will submit to the building principal or, in the event that the employee’s immediate supervisor is the building principal, the superintendent.

Level Two (when appeal is to the building principal): Upon receipt of a Level Two Grievance Form, the building principal will have ten working days to schedule a conference with the employee filing the grievance. The principal shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the principal will have ten working days in which to deliver a written response to the grievance to the employee. If the grievance is not advanced to Level Three within ten working days the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

Level Two (when appeal is to the superintendent): Upon receipt of a Level Two Grievance Form, the superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.

Level Three: If the proper recipient of the Level Two Grievance was the building principal, and the employee remains unsatisfied with the written response to the grievance, the employee may advance the grievance to the superintendent by submitting a copy of the Level Two Grievance Form and the principal's reply to the superintendent within ten working days of his/her receipt of the principal's reply. The superintendent will have ten working days to schedule a conference with the employee filing the grievance. The superintendent shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the superintendent will have ten working days in which to deliver a written response to the grievance to the employee.

Appeal to the Board of Directors: An employee who remains unsatisfied by the written response of the superintendent may appeal the superintendent's decision to the Board of Education within ten working days of his/her receipt of the Superintendent's written response by submitting a written request for a board hearing to the superintendent<sup>2</sup>. If the grievance is not appealed to the Board of Directors within ten working days of his/her receipt of the superintendent's response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

The school board will address the grievance at the next regular meeting of the school board, unless the employee agrees in writing to an alternate date for the hearing. After reviewing the Level Two Grievance Form and the superintendent's reply, the board will decide if the grievance, on its face, is grievable under district policy. If the grievance is presented as a "group grievance," the Board shall first determine if the composition of the group meets the definition of a "group grievance." If the Board determines that it is a group grievance, the Board shall then determine whether the matter raised is grievable. If the Board rules the composition of the group does not meet the definition of a group grievance, or the grievance, whether group or individual, is not grievable, the matter shall be considered closed. (Individuals within the disallowed group may choose to subsequently refile their grievance as an individual grievance beginning with Level One of the process.) If the Board rules the grievance to be grievable, they shall immediately commence a hearing on the grievance. All parties have the right to representation by a person of their own choosing who is not a member of the employee's immediate family at the appeal hearing before the Board of Directors. The employee shall have no less than 90 minutes to present his/her grievance, unless a shorter period is agreed to by the employee and both parties shall have the opportunity to present and question witnesses. The hearing shall be open to the public unless the employee requests a private hearing. If the hearing is open, the parent or guardian of any student

under the age of eighteen years who gives testimony may elect to have the student's testimony given in closed session. At the conclusion of the hearing, if the hearing was closed, the Board of Directors may excuse all parties except board members and deliberate, by them, on the hearing. At the conclusion of an open hearing, board deliberations shall also be in open session unless the board is deliberating the employment, appointment, promotion, demotion, disciplining, or resignation of the employee. A decision on the grievance shall be announced no later than the next regular board meeting.

**Records**

Records related to grievances will be filed separately and will not be kept in, or made part of, the personnel file of any employee.

**Reprisals**

No reprisals of any kind will be taken or tolerated against any employee because he/she has filed or advanced a grievance under this policy.

Legal References: A.C.A. § 6-17-208, 210

Date Adopted: 03/10/16

Last Revised: 03/10/16

**8.19F—LEVEL TWO GRIEVANCE FORM - CLASSIFIED**

Name: \_\_\_\_\_

Date submitted to supervisor: \_\_\_\_\_

Classified Personnel Policy grievance is based upon:

\_\_\_\_\_

Grievance (be specific):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What would resolve your grievance?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Response

Date submitted to recipient: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.20—CLASSIFIED PERSONNEL SEXUAL HARASSMENT

The Dierks School District is committed to having an academic and work environment in which all students and employees are treated with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment 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.

Believing that prevention is the best policy, the district will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the district does not tolerate sexual harassment and that students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences.

It shall be a violation of this policy for any student or employee to be subjected to or to subject another person to, sexual harassment as defined in this policy. Any employee found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination.

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:

1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; and/or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creates an intimidating, hostile, or offensive academic or work environment.

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

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

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. Depending upon such circumstances, examples of sexual harassment include, but are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing 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 individual self-identifies as homosexual; and spreading rumors related to a person's alleged sexual activities.

Employees who believe they have been subjected to sexual harassment are encouraged to file a complaint by contacting their immediate supervisor, administrator, or Title IX coordinator who will assist them in the complaint process. Under no circumstances shall an employee 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. To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

Employees who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

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

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 termination.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC 2000-e, et seq.  
A.C.A. § 6-15-1005 (b) (1)

Date Adopted: 03/10/16  
Last Revised: 03/10/16

## **8.21—CLASSIFIED PERSONNEL SUPERVISION OF STUDENTS**

All District personnel are expected to conscientiously execute their responsibilities to promote the health, safety, and welfare of the District's students under their care. The Superintendent shall direct all principals to establish regulations ensuring adequate supervision of students throughout the school day and at extracurricular activities.

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.22—CLASSIFIED PERSONNEL COMPUTER USE POLICY

The Dierks School District provides computers and/or computer Internet access for many employees to assist employees in performing work related tasks. Employees are advised that they enjoy **no expectation of privacy** in any aspect of their computer use, including email, and that under Arkansas law both email and computer use records maintained by the district are subject to disclosure under the Freedom of Information Act. Consequently, no employee or student-related reprimands or other disciplinary communications should be made through email.

Passwords or security procedures are to be used as assigned, and confidentiality of student records is to be maintained at all times. Employees must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the district's technology network security, alter data without authorization, disclose passwords to other staff members or students, or grant students access to any computer not designated for student use. It is the policy of this school district to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors. The District Information Technology Security Officer or designee may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.

Employees who misuse district-owned computers in any way, including excessive personal use, using computers for personal use during work or instructional time, using computers to violate any other policy, knowingly or negligently allowing unauthorized access, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, up to and including termination or non-renewal of the employment contract.

Legal References: Children's Internet Protection Act; PL 106-554  
20 USC 6777  
47 USC 254(h)  
A.C.A. § 6-21-107  
A.C.A. § 6-21-111

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.22F—CLASSIFIED PERSONNEL INTERNET USE AGREEMENT

Name (Please Print) \_\_\_\_\_

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

The Dierks School District agrees to allow the employee identified above (“Employee”) to use the district’s technology to access the Internet under the following terms and conditions:

1. Conditional Privilege: The Employee’s use of the district’s access to the Internet is a privilege conditioned on the Employee’s abiding by this agreement.
2. Acceptable Use: The Employee agrees that in using the District’s Internet access he/she will obey all federal and state laws and regulations. Internet access is provided as an aid to employees to enable them to better perform their job responsibilities. Under no circumstances shall an Employee’s use of the District’s Internet access interfere with, or detract from, the performance of his/her job-related duties.
3. Penalties for Improper Use: If the Employee violates this agreement and misuses the Internet, the Employee shall be subject to disciplinary action up to and including termination.
4. “Misuse of the District’s access to the Internet” includes, but is not limited to, the following:
  - a. using the Internet for any activities deemed lewd, obscene, vulgar, or pornographic as defined by prevailing community standards;
  - b. using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
  - c. posting anonymous messages on the system;
  - d. using encryption software other than when required by the employee’s job duties;
  - e. wasteful use of limited resources provided by the school including paper;
  - f. causing congestion of the network through lengthy downloads of files other than when required by the employee’s job duties;
  - g. vandalizing data of another user;
  - h. obtaining or sending information that could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
  - i. gaining or attempting to gain unauthorized access to resources or files;
  - j. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization;
  - k. using the network for financial or commercial gain without district permission;
  - l. theft or vandalism of data, equipment, or intellectual property;
  - m. invading the privacy of individual’s other than when required by the employee’s job duties;
  - n. using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
  - o. introducing a virus to, or otherwise improperly tampering with, the system;
  - p. degrading or disrupting equipment or system performance;
  - q. creating a web page or associating a web page with the school or school district without proper authorization;

- r. attempting to gain access or gaining access to student records, grades, or files of students not under their jurisdiction;
- s. providing access to the District's Internet Access to unauthorized individuals;
- t. taking part in any activity related to Internet use that creates a clear and present danger of the substantial disruption of the orderly operation of the district or any of its schools;
- u. making unauthorized copies of computer software;
- v. personal use of computers during instructional time; or
- w. installing software on district computers without prior approval of the Information Technology Security Officer or his/her designee except for District technology personnel as part of their job duties.

5. Liability for debts: Staff shall be liable for any and all costs (debts) incurred through their use of the District's computers or the Internet including penalties for copyright violations.

6. No Expectation of Privacy: The Employee signing below agrees that in using the Internet through the District's access, he/she waives any right to privacy the Employee may have for such use. The Employee agrees that the district may monitor the Employee's use of the District's Internet Access and may also examine all system activities the Employee participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system.

7. Signature: The Employee, who has signed below, has read this agreement and agrees to be bound by its terms and conditions.

Employee's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE\***

The Family and Medical Leave Act (FMLA) leave offers job protection for what might otherwise be considered excessive absences. Employees need to carefully comply with this policy to ensure they do not lose FMLA protection due to inaction or failure to provide the District with needed information. The FMLA provides up to 12 work weeks (or in some cases 26 weeks) of job-protected leave to eligible employees with absences that qualify under the FMLA. While an employee can request FMLA leave and has a duty to inform the District as provided in this policy of foreseeable absences that may qualify for FMLA leave, it is the District's ultimate responsibility to identify qualifying absences as FMLA or non-FMLA. FMLA leave is unpaid, except to the extent that paid leave applies to any given absence as governed by the FMLA and this policy.

### **SECTION ONE**

#### **Definitions:**

“Eligible Employee” is an employee who has been employed by the District for at least twelve (12) months and for 1250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave.<sup>1</sup>

“FMLA” is the Family and Medical Leave Act

“Health Care Provider” is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices. It also includes any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

“Instructional Employee” is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting and includes athletic coaches, driving instructors, preschool teachers, and special education assistants such as signers for the hearing impaired. The term does not include, and the special rules related to the taking of leave near the end of a semester do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include administrators, counselors, librarians, psychologists, or curriculum specialists.

“Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

“Next of Kin”, used in respect to an individual, means the nearest blood relative of that individual.

“Parent” is the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or a daughter. This term does not include parents “in-law.”

“Serious Health Condition” is an injury, illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.

“Son or daughter”, for numbers 1, 2, or 3 below, is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.<sup>2</sup>

“Year” the twelve (12) month period of eligibility shall begin on July first of each school-year.<sup>3</sup>

### **Policy**

The provisions of this policy are intended to be in line with the provisions of the FMLA. If any conflict(s) exist, the Family and Medical Leave Act of 1993, as amended, shall govern.

### **Leave Eligibility**

The District will grant up to twelve (12) weeks of leave in a year in accordance with the FMLA, as amended, to its eligible employees for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. (See Section Two)
6. To care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury. (See Section Two)

The entitlement to leave for reasons 1 and 2 listed above shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

A husband and wife who are both eligible employees employed by the District may not take more than a combined total of 12 weeks of FMLA leave for reasons 1, 2, 3 and 5.

### **Provisions Applicable to both Sections One and Two**

## **District Notice to Employees**

The District shall post, in conspicuous places in each school within the District where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor.<sup>4</sup>

## **Designation Notice to Employee**

When an employee requests FMLA leave or the District determines that an employee's absence may be covered under the FMLA, the District shall provide written notice within five (5) business days (absent extenuating circumstances) to the employee of the District's determination of his/her eligibility for FMLA leave.<sup>5</sup> If the employee is eligible, the District may request additional information from the employee and/or certification from a health care provider to help make the applicability<sup>6</sup> determination. After receiving sufficient information as requested, the District shall provide a written notice within five (5) business days (absent extenuating circumstances) to the employee of whether the leave qualifies as FMLA leave and will be so designated.<sup>7</sup>

If the circumstances for the leave don't change, the District is only required to notify the employee once of the determination regarding the designation of FMLA leave within any applicable twelve (12) month period.

## **Concurrent Leave Under the FMLA**

All FMLA leave is unpaid unless substituted by applicable accrued leave. The District requires employees to substitute any applicable accrued leave (in the order of sick, personal, or vacation leave as may be applicable) for any period of FMLA leave.<sup>6</sup>

## **Working at another Job while Taking FMLA for Personal or Family Serious Medical Condition**

No employee on FMLA leave for their own serious medical condition may perform work at another, non-district job while on FMLA leave. Except as provided in policy 8.36, employees who do perform work at another, non-district job while on FMLA leave for their own serious medical condition will be subject to discipline, which could include termination or nonrenewal of their contract of employment.

No employee on FMLA leave for the serious medical condition of a family member may perform work at another, non-district job while on FMLA leave. Employees who do perform work at another, non-district job while on FMLA leave for the serious medical condition of a family member will be subject to discipline, which could include termination or nonrenewal of their contract of employment.

## **Health Insurance Coverage**

The District shall maintain coverage under any group health plan for the duration of FMLA leave the employee takes at the level and under the conditions coverage would have been provided if the employee had continued in active employment with the District. Additionally, if the District makes a change to its health insurance benefits or plans that apply to other employees, the employee on FMLA leave must be afforded the opportunity to access additional benefits and/or the same responsibility for changes to premiums. Any changes made to a

group health plan which apply to other District employees, must also apply to the employee on FMLA leave. The District will notify the employee on FMLA leave of any opportunities to change plans or benefits. The employee remains responsible for any portion of premium payments customarily paid by the employee. When on unpaid FMLA leave, it is the employee's responsibility to submit his/her portion of the cost of the group health plan coverage to the district's business office on or before it would be made by payroll deduction.<sup>8</sup>

The District has the right to pay an employee's unpaid insurance premiums during the employee's unpaid FMLA leave to maintain the employee's coverage during his/her leave. The District may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the District maintains health coverage for the employee by paying the his/her share. Such recovery shall be made by offsetting the employee's debt through payroll deductions or by other means against any monies owed the employee by the District.

An employee who chooses to not continue group health plan coverage while on FMLA leave, is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.<sup>9</sup>

If an employee gives unequivocal notice of intent not to return to work, or if the employment relationship would have terminated if the employee had not taken FMLA leave, the District's obligation to maintain health benefits ceases.

If the employee fails to return from leave after the period of leave to which the employee was entitled has expired, the District may recover the premiums it paid to maintain health care coverage unless:

1. The employee fails to return to work due to the continuation, reoccurrence, or onset of a serious health condition that entitles the employee to leave under reasons 3 or 4 listed above; and/or
2. Other circumstances exist beyond the employee's control.

Circumstances under "a" listed above shall be certified by a licensed, practicing health care provider verifying the employee's inability to return to work.

### **Reporting Requirements During Leave**

Unless circumstances exist beyond the employee's control, the employee shall inform the district every two weeks<sup>10</sup> during FMLA leave of their current status and intent to return to work.

### **Return to Previous Position**

An employee returning from FMLA leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, and authority.

The employee's right to return to work and/or to the same or an equivalent position does not supersede any actions taken by the District, such as conducting a RIF, which the employee would have been subject to had the employee not been on FMLA leave at the time of the District's actions.

### **Provisions Applicable to Section One**

#### **Employee Notice to District**

##### Foreseeable Leave:

When the need for leave is foreseeable for reasons 1 through 4 listed above, the employee shall provide the District with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide the District with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If there is a lack of knowledge of approximately when the leave will be required to begin, a change in circumstances, or an emergency, notice must be given as soon as practicable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

When the need for leave is for reasons 3 or 4 listed above, the eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify the District as soon as practicable. If the employee fails to notify as soon as practicable, the District may delay granting FMLA leave for the number of days in advance that the employee should have provided notice and when the employee actually gave notice.

##### Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide the District notice of the need for leave as soon as practicable given the facts and circumstances of the particular case.

Ordinarily, the employee shall notify the District within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify the District as required, unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

#### **Medical Certification**

Second and Third Opinions: In any case where the District has reason to doubt the validity of the initial certification provided, the District may require, at its expense, the employee to obtain the opinion of a second health care provider designated or approved by the employer. If the second opinion differs from the first, the

District may require, at its expense, the employee to obtain a third opinion from a health care provider agreed upon by both the District and the employee. The opinion of the third health care provider shall be considered final and be binding upon both the District and the employee.

Recertification: The District may request, either orally or in writing, the employee obtain a recertification in connection with the employee's absence, at the employee's expense, no more often than every thirty (30) days unless one or more of the following circumstances apply;

- a. The original certification is for a period greater than 30 days. In this situation, the District may require a recertification after the time of the original certification expires, but in any case, the District may require a recertification every six (6) months.
- b. The employee requests an extension of leave;
- c. Circumstances described by the previous certification have changed significantly; and/or
- d. The district receives information that casts doubt upon the continuing validity of the certification.

The employee must provide the recertification in fifteen (15) calendar days after the District's request.

No second or third opinion on recertification may be required.

The District may deny FMLA leave if an eligible employee fails to provide requested certification.

### **Substitution of Paid Leave**

When an employee's leave has been designated as FMLA leave for reasons 1 (as applicable), 2, 3, or 4 above, the District requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.<sup>11</sup>

To the extent the employee has accrued paid vacation or personal leave, any leave taken that qualifies for FMLA leave for reasons 1 or 2 above shall be paid leave and charged against the employee's accrued leave.

Workers Compensation: FMLA leave may run concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a "light duty job," but is unable to return to the employee's same or equivalent job, the employee may decline the District's offer of a "light duty job." As a result, the employee may lose his/her workers' compensation payments, but for the duration of the employee's FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

## **Return to Work**<sup>12</sup>

If the District's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness-for-duty" certification from a health care provider for the employee to resume work, the employee must provide such certification prior to returning to work. The employee's failure to do so voids the District's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

If the District's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness-for-duty" certification from a health care provider for the employee to resume work **and** the designation determination listed the employee's essential job functions, the employee must provide certification that the employee is able to perform those functions prior to returning to work. The employee's failure to do so or his/her inability to perform his/her job's essential functions voids the District's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

### **Failure to Return to Work:**

In the event that an employee is unable or fails to return to work within FMLA's leave timelines, the superintendent will make a determination at that time regarding the documented need for a severance of the employee's contract due to the inability of the employee to fulfill the responsibilities and requirements of their contract.

### **Intermittent or Reduced Schedule Leave**

To the extent practicable, employees requesting intermittent or reduced schedule leave shall provide the District with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may only take intermittent or reduced schedule leave for reasons 1 and 2 listed above if the District agrees to permit such leave upon request of the employee. If the District agrees to permit an employee to take intermittent or reduced schedule leave for such reasons, the agreement shall be consistent with this policy's requirements governing intermittent or reduced schedule leave. The employee may be transferred temporarily during the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties.

Eligible employees may take intermittent or reduced schedule FMLA leave due to reasons 3 or 4 listed above when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule for reasons 3 or 4 above that is foreseeable based on planned medical treatment, the District may temporarily transfer eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

## **Special Provisions relating to Instructional Employees as Defined in This Policy**

The FMLA definition of "instructional employees" covers a small number of classified employees. Any classified employee covered under the FMLA definition of an "instructional employee" and whose FMLA leave falls under Act's special leave provisions relating to "instructional employees" shall be governed by the applicable portions of policy 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE.

### **SECTION TWO**

#### **FMLA LEAVE CONNECTED TO MILITARY SERVICE**

##### **Leave Eligibility**

The FMLA provision of military associated leave is in two categories. Each one has some of its own definitions and stipulations. Therefore, they are dealt with separately in this Section of the policy. Definitions different than those in Section One are included under the respective reason for leave. Definitions that are the same as in Section One are NOT repeated in this Section.

#### **QUALIFYING EXIGENCY**

An eligible employee may take FMLA leave for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. Examples include issues involved with short-notice deployment, military events and related activities, childcare and school activities, the need for financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as defined by federal regulations.<sup>13</sup>

##### **Definitions:**

“Covered active duty” means:

- in the case of a member of a **regular** component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country; and
- in the case of a member of a **reserve** component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country under a call to order to active duty under a provision of law referred to in section 101(a) (13) (B) of title 10, United States Code.

“Son or daughter on active duty or call to active duty status” means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

##### **Certification**<sup>14</sup>

The District may require the eligible employee to obtain certification to help the district determine if the requested leave qualifies for FMLA leave for the purposes of a qualifying exigency. The District may deny FMLA leave if an eligible employee fails to provide requested certification.

### **Employee Notice to District**

#### **Foreseeable Leave:**

When the necessity for leave for any qualifying exigency is foreseeable, whether because the spouse, son, daughter, or parent of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the District as is reasonable and practicable regardless of how far in advance the leave is foreseeable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

#### **Unforeseeable Leave:**

When the approximate timing of the need for leave is not foreseeable, an employee shall provide the District notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify the District within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify the District as required unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

### **Substitution of Paid Leave**

When an employee's leave has been designated as FMLA leave any qualifying exigency, the District requires employees to substitute accrued vacation, or personal leave for the period of FMLA leave.

### **Intermittent or Reduced Schedule Leave**

Eligible employees may take intermittent or reduced schedule leave for any qualifying exigency. The employee shall provide the district with as much notice as is practicable.

### **Special Provisions relating to Instructional Employees as Defined in This Policy**

The FMLA definition of "instructional employees" covers a small number of classified employees. Any classified employee covered under the FMLA definition of an "instructional employee" and whose FMLA leave falls under Act's special leave provisions relating to "instructional employees" shall be governed by the applicable portions of policy 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE.

### **SERIOUS ILLNESS**

An eligible employee is eligible for leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury under the following conditions and definitions.

## **Definitions:**

“Covered Service Member” is:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

“Outpatient Status”, used in respect to a covered service member, means the status of a member of the Armed Forces assigned to

- A) a military medical treatment facility as an outpatient; or
- B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

“Parent of a covered service member” is a covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”

“Serious Injury or Illness”:

- (A) in the case of a member of the Armed Forces, including the National Guard or Reserves, it means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating and
- (B) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period as a covered service member defined in this policy, it means a qualifying (as defined by the U.S. Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

“Son or daughter of a covered service member” means a covered service member’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.<sup>2</sup>

“Year”, for leave to care for the serious injury or illness of a covered service member, the twelve (12) month period begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a **covered service member** shall be entitled to a total of 26 weeks of leave during one 12-month period to care for the service member who has a serious injury or illness as defined in this policy. An eligible employee who cares for such a covered service member continues to be limited for reasons 1 through 4 in Section One and for any qualifying exigency to a total of 12 weeks of leave during a year as defined in this policy. For example, an eligible employee who cares for such a covered service member for 16 weeks during a 12 month period could only take a total of 10 weeks for reasons 1 through 4 in Section One and for any qualifying exigency. An eligible employee may not take more than 12 weeks of FMLA leave for reasons 1 through 4 in Section One and for any qualifying exigency regardless of how little leave the eligible employee may take to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury.

If husband and wife are both eligible employees employed by the District, the husband and wife are entitled to a combined total of 26 weeks of leave during one 12-month period to care for their spouse, son, daughter, parent, or next of kin who is a **covered service member** with a serious injury or illness as defined in this policy. A husband and wife who care for such a covered service member continues to be limited to a combined total of 12 weeks FMLA leave for reasons 1 through 3 in Section One and for any qualifying exigency during a year as defined in this policy. For example, a husband and wife who are both eligible employees and who care for such a covered service member for 16 weeks during a 12 month period could only take a combined total of 10 weeks for reasons 1 through 3 in Section One and for any qualifying exigency.

### **Medical Certification**<sup>15</sup>

The District may require the eligible employee to obtain certification of the covered service member's serious health condition to help the District determine if the requested leave qualifies for FMLA leave. The District may deny FMLA leave if an eligible employee fails to provide requested certification.

### **Employee Notice to District**

#### **Foreseeable Leave:**

When the need for leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury is clearly foreseeable at least 30 days in advance, the employee shall provide the District with not less than 30 days' notice before the date the leave is to begin of the employee's intention to take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide the District with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify the District as soon as practicable. If the employee fails to notify as soon as practicable, the District may delay granting FMLA leave for the length of time that the employee should have provided notice and when the employee actually gave notice.

When the need for leave is to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury, the employee shall make a reasonable effort to schedule the treatment so as not

to disrupt unduly the operations of the district subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

#### Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide the District notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify the District within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify the District as required unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

#### **Substitution of Paid Leave**

When an employee's leave has been designated as FMLA leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury, the District requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.

#### **Intermittent or Reduced Schedule Leave**

To the extent practicable, employees requesting intermittent or reduced schedule leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury shall provide the District with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may take intermittent or reduced schedule FMLA leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury that is foreseeable based on planned medical treatment, the District may temporarily transfer eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began.

#### **Special Provisions relating to Instructional Employees (as defined in this policy)**

The FMLA definition of "instructional employees" covers a small number of classified employees. Any classified employee covered under the FMLA definition of an "instructional employee" and whose FMLA

leave falls under Act's special leave provisions relating to "instructional employees" shall be governed by the applicable portions of policy 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE.

Cross References: 8.5—CLASSIFIED EMPLOYEES SICK LEAVE  
8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT  
8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS'  
COMPENSATION

Legal References: 29 USC §§ 2601 et seq.  
29 CFR part 825

Date Adopted: 03/10/16  
Last Revised: 03/10/16

## 8.24—SCHOOL BUS DRIVER’S USE OF MOBILE COMMUNICATION DEVICES

“School Bus” is a motorized vehicle that meets the following requirements:

1. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the District; and
2. Is operated for the transportation of students from home to school, from school to home, or to and from school events.<sup>1</sup>

Any driver of a school bus shall not operate the school bus while using a device to browse the internet, make or receive phone calls or compose or read emails or text messages.<sup>2</sup> If the school bus is safely off the road with the parking brake engaged, exceptions are allowed to call for assistance due to a mechanical problem with the bus, or to communicate with any of the following during an emergency:

- An emergency system response operator or 911 public safety communications dispatcher;
- A hospital or emergency room;
- A physician's office or health clinic;
- An ambulance or fire department rescue service;
- A fire department, fire protection district, or volunteer fire department; or
- A police department.

In addition to statutorily permitted fines, violations of this policy shall be grounds for disciplinary action up to and including termination.

Legal References:      A.C.A. § 6–19-120  
                                  A.C.A. § 27-51-1504  
                                  A.C.A. § 27-51-1609

Date Adopted: 03/10/16  
 Last Revised: 03/10/16

## **8.25—CLASSIFIED PERSONNEL CELL PHONE USE**

Use of cell phones or other electronic communication devices by employees during their designated work time for other than District approved purposes is strictly forbidden unless specifically approved in advance by the superintendent, building principal, or their designees.<sup>1</sup>

District staff shall not be given cell phones or computers for any purpose other than their specific use associated with school business. School employees who use school issued cell phones and/or computers for non-school purposes, except as permitted by District policy, shall be subject to discipline, up to and including termination. School employees who are issued District cell phones due to the requirements of their position may use the phone for personal use on an “as needed” basis provided it is not during designated work time.<sup>2</sup>

All employees 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 termination.<sup>3</sup>

No employee shall use any 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 termination.<sup>4</sup>

Cross References:       4.47— POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES  
                                   7.14—USE OF DISTRICT CELL PHONES AND COMPUTERS

Legal References:       IRS Publication 15 B  
                                   A.C.A. § 27-51-1602  
                                   A.C.A. § 27-51-1609

Date Adopted: 03/10/16  
 Last Revised: 03/10/16

## 8.26—CLASSIFIED PERSONNEL RESPONSIBILITIES GOVERNING BULLYING

School employees who have witnessed, or are reliably informed that, a student has been a victim of bullying as defined in this policy, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the principal. The principal or his/her designee shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted.

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

District staff are required to help enforce implementation of the district's anti-bullying policy and shall receive the training necessary to comply with this policy. The district's definition of bullying is included below. Students who bully another person are to be held accountable for their actions whether they occur on school equipment or property; off school property at a school-sponsored or school-approved function, activity, or event; or going to or from school or a school activity. 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.

A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

### **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;

“Electronic act” means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act 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.

Examples of "Bullying" may include but are not limited to a pattern of behavior involving one or more of the following:

1. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes,
2. Pointed questions intended to embarrass or humiliate,
3. Mocking, taunting or belittling,
4. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
5. Demeaning humor relating to a student's race, gender, and ethnicity or actual or perceived attributes,
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
7. Blocking access to school property or facilities,
8. Deliberate physical contact or injury to person or property,
9. Stealing or hiding books or belongings,
10. Threats of harm to student(s), possessions, or others,
11. Sexual harassment, as governed by policy 8.20, is also a form of bullying, and/or
12. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: “Slut”) or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: “You are so gay.” “Fag” “Queer”).

This policy governs bullying directed towards students and is not applicable to adult on adult interactions. Therefore, this policy does not apply to interactions between employees. Employees may report workplace conflicts to their supervisor...

Legal Reference: A.C.A. § 6-18-514

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.27—CLASSIFIED PERSONNEL LEAVE — INJURY FROM ASSAULT**

Any staff member, who, while in the course of their employment, is injured by an assault or other violent act; while intervening in a student fight; while restraining a student; or while protecting a student from harm, shall be granted a leave of absence for up to one (1) year from the date of the injury, with full pay.

A leave of absence granted under this policy shall not be charged to the staff member's sick leave.

In order to obtain leave under this policy, the staff member must present documentation of the injury from a physician, with an estimate for time of recovery sufficient to enable the staff member to return to work, and written statements from witnesses (or other documentation as appropriate to a given incident) to prove that the incident occurred in the course of the staff member's employment.

Legal Reference:       A.C.A. § 6-17-1308

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.28— DRUG FREE WORKPLACE - CLASSIFIED PERSONNEL**

The conduct of district staff plays a vital role in the social and behavioral development of our students. It is equally important that the staff have a safe, healthful, and professional environment in which to work. To help promote both interests, the district shall have a drug free workplace. It is, therefore, the district's policy that district employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, alcohol, as well as inappropriate or illegal use of prescription drugs. Such actions are prohibited both while at work or in the performance of official duties while off district property; violations of this policy will subject the employee to discipline, up to and including termination.

To help promote a drug free workplace, the district shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the district's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. (Insert substance abuse resources here.)<sup>1</sup>

Should any employee be found to have been under the influence of, or in illegal possession of, any illegal drug or controlled substance, whether or not engaged in any school or school-related activity, and the behavior of the employee, if under the influence, is such that it is inappropriate for a school employee in the opinion of the superintendent, the employee may be subject to discipline, up to and including termination. This policy also applies to those employees who are under the influence of alcohol while on campus or at school-sponsored functions, including athletic events.

An employee living on campus or on school owned property is permitted to possess alcohol in his/her residence. The employee is bound by the restrictions stated in this policy while at work or performing his/her official duties.

Possession, use or distribution of drug paraphernalia by any employee, whether or not engaged in school or school-related activities, may subject the employee to discipline, up to and including termination. Possession in one's vehicle or in an area subject to the employee's control will be considered to be possession as though the substance were on the employee's person.

It shall not be necessary for an employee to test at a level demonstrating intoxication by any substance in order to be subject to the terms of this policy. Any physical manifestation of being under the influence of a substance may subject an employee to the terms of this policy. Those physical manifestations include, but are not limited to: unsteadiness; slurred speech; dilated or constricted pupils; incoherent and/or irrational speech; or the presence of an odor associated with a prohibited substance on one's breath or clothing.

Should an employee desire to provide the District with the results of a blood, breath or urine analysis, such results will be taken into account by the District only if the sample is provided within a time range that could provide meaningful results and only by a testing agency chosen or approved by the District. The District shall not request that the employee be tested, and the expense for such voluntary testing shall be borne by the employee.

Any incident at work resulting in injury to the employee requiring medical attention shall require the employee to submit to a drug test, which shall be paid at district expense. Failure for the employee to submit to the drug test or a confirmed positive drug test indicating the use of illegal substances or the misuse of prescription medications shall be grounds for the denial of worker's compensation benefits in accordance with policy 8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS' COMPENSATION.<sup>2</sup>

Any employee who is charged with a violation of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances or alcohol, or of drug paraphernalia, must notify his/her immediate supervisor within five (5) week days (i.e., Monday through Friday, inclusive, excluding holidays) of being so charged. The supervisor who is notified of such a charge shall notify the Superintendent immediately.

If the supervisor is not available to the employee, the employee shall notify the Superintendent within the five (5) day period.

Any employee so charged is subject to discipline, up to and including termination. However, the failure of an employee to notify his/her supervisor or the Superintendent of having been so charged shall result in that employee being recommended for termination by the Superintendent.

Any employee convicted of any criminal drug statute violation for an offense that occurred while at work or in the performance of official duties while off district property shall report the conviction within 5 calendar days to the superintendent. Within 10 days of receiving such notification, whether from the employee or any other source, the district shall notify federal granting agencies from which it receives funds of the conviction. Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

Any employee convicted of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances, or of drug paraphernalia, shall be recommended for termination.

Any employee who must take prescription medication at the direction of the employee's physician, and who is impaired by the prescription medication such that he/she cannot properly perform his/her duties shall not report for duty. Any employee who reports for duty and is so impaired, as determined by his/her supervisor, will be sent home. The employee shall be given sick leave, if owed any. The District or employee will provide transportation for the employee, and the employee may not leave campus while operating any vehicle. It is the responsibility of the employee to contact his/her physician in order to adjust the medication, if possible, so that the employee may return to his/her job unimpaired. Should the employee attempt to return to work while impaired by prescription medications, for which the employee has a prescription, he/she will, again, be sent home and given sick leave, if owed any. Should the employee attempt to return to work while impaired by prescription medication a third time the employee may be subject to discipline, up to and including a recommendation of termination.

Any employee who possesses uses, distributes or is under the influence of a prescription medication obtained by a means other than his/her own current prescription shall be treated as though he was in possession, possession with intent to deliver, or under the influence, etc. of an illegal substance. An illegal drug or other substance is one which is (a) not legally obtainable; or (b) one which is legally obtainable, but which has been obtained illegally. The District may require an employee to provide proof from his/her physician and/or pharmacist that the employee is lawfully able to receive such medication. Failure to provide such proof, to the

satisfaction of the Superintendent may result in discipline, up to and including a recommendation of termination.

A report to the appropriate licensing agency shall be filed within seven (7) days of:

- 1) A final disciplinary action taken against an employee resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances; or
- 2) The voluntary resignation of an employee who is facing a pending disciplinary action resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances.

The report filed with the licensing authority shall include, but not be limited to:

- The name, address, and telephone number of the person who is the subject of the report; and
- A description of the facts giving rise to the issuance of the report.

When the employee is not a healthcare professional, law enforcement will be contacted regarding any final disciplinary action taken against an employee for the diversion of controlled substances to one (1) or more third parties.

Legal References:      41 U.S.C. § 8101, 8103, and 8104  
                                 A.C.A. § 11-9-102  
                                 A.C.A. § 17-80-117

Date Adopted: 03/10/16

Last Revised: 03/10/16

**8.28F—DRUG FREE WORKPLACE POLICY ACKNOWLEDGEMENT**

CERTIFICATION

I, hereby certify that I have been presented with a copy of the Dierks School District’s drug-free workplace policy, that I have read the statement, and that I will abide by its terms as a condition of my employment with District.

Signature \_\_\_\_\_

Date \_\_\_\_\_

## **8.29—CLASSIFIED PERSONNEL VIDEO SURVEILLANCE AND OTHER 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, 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 district property and in or on district vehicles to notify students, staff, and visitors that video cameras may be in use. Violations of school personnel policies or laws caught by the cameras and other technologies authorized in this policy may result in disciplinary action.

The district shall retain copies of video recordings until they are erased which may be accomplished by either deletion or copying over with a new recording.

Videos, automatic identification, or data compilations containing evidence of a violation of district personnel policies 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 staff handbook; any release or viewing of such records shall be in accordance with current law.

Staff who vandalize, damage, defeat, 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.

Video recordings and automatic identification or data compilation records may become a part of a staff member's personnel record.

Date Adopted: 03/10/16

Last Revised: 03/10/16

### **8.30—CLASSIFIED PERSONNEL REDUCTION IN FORCE**

The School Board acknowledges its authority to conduct a reduction in force (RIF) when a decrease in enrollment or other reason(s) make such a reduction necessary or desirable. A RIF will be conducted when the need for a reduction in the work force exceeds the normal rate of attrition for that portion of the staff that is in excess of the needs of the district as determined by the superintendent.

In effecting a reduction in force, the primary goals of the school district shall be: what is in the best interests of the students; to maintain accreditation in compliance with the Standards of Accreditation for Arkansas Public Schools and/or the North Central Association; and the needs of the district. A reduction in force will be implemented when the superintendent determines it is advisable to do so and shall be effected through non-renewal, termination, or both. Any reduction in force will be conducted by evaluating the needs and long- and short-term goals of the school district in relation to the staffing of the district.

If a reduction in force becomes necessary, the RIF shall be conducted separately for each occupational category of classified personnel identified within the district on the basis of each employee's years of service. The employee within each occupational category with the least years of experience will be non-renewed first. The employee with the most years of employment in the district as compared to other employees in the same category shall be non-renewed last. In the event that employees within a given occupational category have the same length of service to the district the one with the earlier hire date, based on date of board action, will prevail.

When the District is conducting a RIF, all potentially affected classified employees shall receive a listing of the personnel within their category with corresponding totals of years of service. Upon receipt of the list, each employee has ten (10) working days within which to appeal his or her total years of service to the superintendent whose decision shall be final. Except for changes made pursuant to the appeals process, no changes will be made to the list that would affect an employee's total after the list is released.

Total years of service to the district shall include non-continuous years of service; in other words, an employee who left the district and returned later will have the total years of service counted, from all periods of employment. Working fewer than 160 days in a school year shall not constitute a year. Length of service in a licensed position shall not count for the purpose of length of service for a classified position. There is no right or implied right for any employee to "bump" or displace any other employee. This specifically does not allow a licensed employee who might wish to assume a classified position to displace a classified employee.

Pursuant to any reduction in force brought about by consolidation or annexation and as a part of it, the salaries of all employees will be brought into compliance, by a partial RIF if necessary, with the receiving district's salary schedule. Further adjustments will be made if length of contract or job assignments change.<sup>1</sup> A Partial RIF may also be conducted in conjunction with any job reassignment whether or not it is conducted in relation to an annexation or consolidation.

For a period of up to two (2) years from the date of board action on the classified employee's non-renewal or termination recommendation under this policy, a classified employee shall be offered an opportunity to fill a classified vacancy comparable as to pay, responsibility and contract length to the position from which the employee was non-renewed, and for which he or she is qualified. The non-renewed employee shall be eligible to be recalled for a period of two (2) years in reverse order of the non-renewal to any position for which he or she is qualified. No right of recall shall exist for non-renewal from a stipend, or non-renewal or reduction of a stipend, or non-renewal to reduce contract length.

Notice of vacancies to non-renewed employees shall be by first class mail to all employees reasonably believed to be both qualified for and subject to rehire for a particular position and they shall have 10 working days from the date the notification is mailed in which to conditionally accept or reject the offer of a position with the actual offer going to the qualified employee with the most years of service who responds within the 10 day time period. A lack of response, as evidenced by a teacher's failure to respond within 10 working days, or a non-renewed employee's express refusal of an offer of a position or an employee's acceptance of a position but failure to sign an employment contract within two business days of the contract being presented to the employee shall constitute a rejection of the offered position and shall end the district's obligation to rehire the non-renewed employee. No further rights to be rehired because of the reduction in force shall exist.

The employees of any school district which annexes to, or consolidates with, the Dierks District will be subject to dismissal or retention at the discretion of the school board, on the recommendation of the superintendent, solely on the basis of need for such employees on the part of the Dierks District, if any, at the time of the annexation or consolidation, or within ninety (90) days after the effective date of the annexation or consolidation. The need for any employee of the annexed or consolidated school district shall be determined solely by the superintendent and school board of the Dierks District.

Such employees will not be considered as having any seniority within the Dierks District and may not claim an entitlement under a reduction in force to any position held by a Dierks District employee prior to, or at the time of, or prior to the expiration of ninety (90) days after the consolidation or annexation, if the notification provision below is undertaken by the superintendent.

The superintendent shall mail or have hand-delivered the notification to such employee of his intention to recommend non-renewal or termination pursuant to a reduction in force within ninety (90) days of the effective date of the annexation or consolidation in order to effect the provisions of this section of the Dierks District's reduction-in-force policy. Any such employees who are non-renewed or terminated pursuant to Section Two are not subject to recall. Any such employees shall be paid at the rate for each person on the

appropriate level on the salary schedule of the annexed or consolidated district during those ninety (90) days and/or through the completion of the reduction-in-force process.

This subsection of the reduction-in-force policy shall not be interpreted to provide that the superintendent must wait ninety (90) days from the effective date of the annexation or consolidation in order to issue notification of his intention to recommend dismissal through reduction-in-force, but merely that the superintendent has that period of time in which to issue notification so as to be able to invoke the provisions of this section.

The intention of this section is to ensure that those Dierks District employees who are employed prior to the annexation or consolidation shall not be displaced by employees of the annexed or consolidated district by application of the reduction-in-force policy.

Legal Reference:       A.C.A. § 6-17-2407

Date Adopted: 03/10/16

Last Revised: 03/10/16

### **8.31—CLASSIFIED PERSONNEL TERMINATION AND NON-RENEWAL**

For procedures relating to the termination and non-renewal of classified employees, please refer to the Public School Employee Fair Hearing Act A.C.A. § 6-17-1701 through 1705. The Act specifically is not made a part of this policy by this reference.

A copy of the code is available in the office of the principal of each school building.

Legal reference:           A.C.A. § 6-17-2301

Date Adopted: 03/10/16

Last Revised: 03/10/16

### **8.32—CLASSIFIED PERSONNEL ASSIGNMENTS**

The superintendent shall be responsible for assigning and reassigning classified personnel.

Date Adopted: 03/10/16

Last Revised: 03/10/16

### **8.33—CLASSIFIED PERSONNEL SCHOOL CALENDAR**

The superintendent shall present to the PPC a school calendar which the board has adopted as a proposal. The Superintendent, in developing the calendar, shall accept and consider recommendations from any staff member or group wishing to make calendar proposals. The PPC shall have the time prescribed by law and/or policy in which to make any suggested changes before the board may vote to adopt the calendar.

The District shall not establish a school calendar that interferes with any scheduled statewide assessment that might jeopardize or limit the valid testing and comparison of student learning gains.

Legal References:      A.C.A. § 6-17-2301  
                                 ADE RULES GOVERNING THE ARKANSAS EDUCATIONAL SUPPORT AND  
                                 ACCOUNTABILITY ACT.

Date Adopted: 03/10/16

Last Revised: 09/13/17

# Dierks 2016-2017 School Calendar

July 2016						
Su	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
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31						

August 2016						
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28	29	30	31			

September 2016						
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October 2016						
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30	31					

November 2016						
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December 2016						
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January 2017						
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29	30	31				

February 2017						
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March 2017						
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April 2017						
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May 2017						
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June 2017						
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25	26	27	28	29	30	



School Closed/ Holidays



Teacher in-Service Day (no school for students)



P/T conferences



First and Last Day of School



End of Quarters



Make up Days

### **8.34—CLASSIFIED PERSONNEL WHO ARE MANDATORY REPORTERS DUTY TO REPORT CHILD ABUSE, MALTREATMENT OR NEGLECT**

It is the statutory duty of classified school district employees **who are mandatory reporters**<sup>1</sup> and who have reasonable cause to suspect child abuse or maltreatment to directly and personally report these suspicions to the Arkansas Child Abuse Hotline, by calling 1-800-482-5964. Failure to report suspected child abuse, maltreatment or neglect by calling the Hotline can lead to criminal prosecution and individual civil liability of the person who has this duty. Notification of local or state law enforcement does not satisfy the duty to report; only notification by means of the Child Abuse Hotline discharges this duty.

The duty to report suspected child abuse or maltreatment is a direct and personal duty for statutory mandatory reporters, and cannot be assigned or delegated to another person. There is no duty to investigate, confirm or substantiate statements a student may have made which form the basis of the reasonable cause to believe that the student may have been abused or subjected to maltreatment by another person; however, a person with a duty to report may find it helpful to make a limited inquiry to assist in the formation of a belief that child abuse, maltreatment or neglect has occurred, or to rule out such a belief<sup>2</sup>. Employees and volunteers who call the Child Abuse Hotline in good faith are immune from civil liability and criminal prosecution.

By law, no school district or school district employee may prohibit or restrict an employee or volunteer **who is a mandatory reporter** from directly reporting suspected child abuse or maltreatment, or require that any person notify or seek permission from any person before making a report to the Child Abuse Hotline.

Legal References:      A.C.A. § 12-18-107  
                                   A.C.A. § 12-18-201 et seq.  
                                   A.C.A. § 12-18-402

Date Adopted: 03/10/16  
 Last Revised: 03/10/16

## **8.35— OBTAINING and RELEASING STUDENT’S FREE AND REDUCED PRICE MEAL ELIGIBILITY INFORMATION**

### **Obtaining Eligibility Information**

A fundamental underpinning of the National School Lunch and School Breakfast Programs (Programs) is that in their implementation, there will be no physical segregation of, discrimination against, or overt identification of children who are eligible for the Program's benefits. While the requirements of the Programs are defined in much greater detail in federal statutes and pertinent Code of Federal Regulations, this policy is designed to help employees understand prohibitions on how the student information is obtained and/or released through the Programs. Employees with the greatest responsibility for implementing and monitoring the Programs should obtain the training necessary to become fully aware of the nuances of their responsibilities.

The District is required to inform households with children enrolled in District schools of the availability of the Programs and of how the household may apply for Program benefits. However, the District and anyone employed by the district is **strictly forbidden** from **requiring** any household or student within a household from submitting an application to participate in the program. There are NO exceptions to this prohibition and it would apply, for example, to the offer of incentives for completed forms, or disincentives or negative consequences for failing to submit or complete an application. Put simply, federal law requires that the names of the children shall not be published, posted or announced in any manner.

In addition to potential federal criminal penalties that may be filed against a staff member who violates this prohibition,<sup>1</sup> the employee shall be subject to discipline up to and including termination.

### **Releasing Eligibility Information**

As part of the district’s participation in the National School Lunch Program and the School Breakfast Program, the district collects eligibility data from its students. The data’s confidentiality is very important and is governed by federal law. The district has made the determination to release student eligibility status or information<sup>2</sup> as permitted by law. Federal law governs how eligibility data may be released and to whom. The district will take the following steps to ensure its confidentiality:

Some data may be released to government agencies or programs authorized by law to receive such data without parental consent, while other data may only be released after obtaining parental consent. In both instances, allowable information shall only be released on a need to know basis to individuals authorized to receive the data. The recipients shall sign an agreement with the district specifying the names or titles of the persons who may have access to the eligibility information. The agreement shall further specify the specific purpose(s) for which the data will be used and how the recipient(s) shall protect the data from further, unauthorized disclosures.

The superintendent shall designate the staff member(s) responsible for making eligibility determinations. Release of eligibility information to other district staff shall be limited to as few individuals as possible who shall have a specific need to know such information to perform their job responsibilities. Principals, counselors, teachers, and administrators shall not have routine access to eligibility information or status.

Each staff person with access to individual eligibility information shall be notified of their personal liability for its unauthorized disclosure and shall receive appropriate training on the laws governing the restrictions of such information.<sup>1</sup>

Legal References: Commissioner's Memos IA-05-018, FIN 09-041, IA 99-011, and FIN 13-018  
ADE Eligibility Manual for School Meals Revised July 2012  
7 CFR 210.1 – 210.31  
7 CFR 220.1 – 220.22  
7 CFR 245.5, 245.6, 245.8  
42 USC 1758(b) (6)

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION**

The district provides Workers’ Compensation Insurance, as required by law. Employees who sustain **any** injury at work must immediately notify their immediate supervisor, or in the absence of their immediate supervisor notify the Superintendent<sup>1</sup>. An injured employee must fill out a Form N and the employee’s supervisor will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment or lost work time. While many injuries will require no medical treatment or time lost at work, should the need for treatment arise later, it is important that there be a record that the injury occurred. All employees have a duty to provide information and make statements as requested for the purposes of the claim assessment and investigation.

For injuries requiring medical attention, the district will exercise its right to designate the initial treating physician and an injured employee will be directed to seek medical attention, if necessary, from a specific physician or clinic. In addition, the employee shall submit to a drug test, which shall be paid at district expense. Failure for the employee to submit to the drug test or a confirmed positive drug test indicating the use of illegal substances or the misuse of prescription medications shall be grounds for the denial of worker’s compensation benefits.

A Workers’ Compensation absence may run concurrently with FMLA leave (policy 8.23) when the injury is one that meets the criteria for a serious health condition. To the extent that workers’ compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a “light duty job,” but is unable to return to the employee’s same or equivalent job, the employee may decline the District’s offer of a “light duty job.” As a result, the employee may lose his/her workers’ compensation payments, but for the duration of the employee’s FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

Employees who are absent from work in the school district due to a Workers’ Compensation claim may not work at a non-district job until they have returned to full duties at their same or equivalent district job; those who violate this prohibition may be subject to discipline up to and including termination. This prohibition does NOT apply to an employee whose has been cleared by his/her doctor to return to "light duty" but the District has no such position available for the employee and the employee's second job qualifies as "light duty".

To the extent an employee has accrued sick leave and a WC claim has been filed, an employee:

- Will be charged for a day's sick leave for the all days missed until such time as the WC claim has been approved or denied;

- Whose WC claim is accepted by the WC insurance carrier as compensable and who is absent for eight or more days shall be charged sick leave at the rate necessary, when combined with WC benefits, to bring the total amount of combined income up to 100% of the employee's usual contracted daily rate of pay;

- Whose WC claim is accepted by the WC insurance carrier as compensable and is absent for 14 or more days will be credited back that portion of sick leave for the first seven (7) days of absence that is not

necessary to have brought the total amount of combined income up to 100% of the employee's usual contracted gross pay.

Cross References:      8.5—CLASSIFIED EMPLOYEES SICK LEAVE  
                                 8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT  
                                 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE

Legal References:      Ark. Workers Compensation Commission RULE 099.33 - MANAGED CARE  
                                 A.C.A. § 11-9-102  
                                 A.C.A. § 11-9-508(d) (5) (A)  
                                 A.C.A. § 11-9-514(a) (3) (A)  
                                 (i)

Date Adopted: 03/10/16

Last Revised: 03/10/16

## **8.37—CLASSIFIED PERSONNEL SOCIAL NETWORKING AND ETHICS**

### **Definitions**

**Social Media Account:** a personal, individual, and non-work related account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, or Instagram.

**Professional/education Social Media Account:** an account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, or Instagram.

Blogs are a type of networking and can be either social or professional in their orientation. Professional blogs, approved by the principal or his/her designee, are encouraged and can provide a place for staff to inform students and parents on school related activities. Social blogs are discouraged to the extent they involve staff and students in a non-education oriented format.

### **Policy**

District staff are encouraged to use educational technology, the Internet, and professional/education social networks to help raise student achievement and to improve communication with parents and students. However, technology and social media accounts also offer staff many ways they can present themselves unprofessionally and/or interact with students inappropriately.

It is the duty of each staff member to appropriately manage all interactions with students, regardless of whether contact or interaction with a student occurs face-to-face or by means of technology, to ensure that the appropriate staff/student relationship is maintained. This includes instances when students initiate contact or behave inappropriately themselves.

Public school employees are, and always have been, held to a high standard of behavior. Staff members are reminded that whether specific sorts of contacts are permitted or not specifically forbidden by policy, they will be held to a high standard of conduct in all their interactions with students. Failure to create, enforce and maintain appropriate professional and interpersonal boundaries with students could adversely affect the District's relationship with the community and jeopardize the employee's employment with the district.

Staff members are discouraged from creating personal social media accounts to which they invite students to be friends or followers.<sup>1</sup> Employees taking such action do so at their own risk and are advised to monitor the site's privacy settings regularly.

District employees may set up blogs and other professional/education social media accounts using District resources and following District guidelines<sup>1</sup> to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction. Accessing professional/education social media during school hours is permitted.

Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience that digital dissemination presents, extra caution must be exercised by staff to ensure they don't cross the line of acceptability. A good rule of thumb for staff to use is, "if you wouldn't say it face-to-face in a group, don't say it online."

Whether permitted or not specifically forbidden by policy, or when expressed in an adult-to-adult, face-to-face context, what in other mediums of expression could remain private opinions, including "likes" or comments that endorse or support the message or speech of another person, when expressed by staff on a social media website, have the potential to be disseminated far beyond the speaker's desire or intention. This could undermine the public's perception of the individual's fitness to interact with students, thus undermining the employee's effectiveness. In this way, the expression and publication of such opinions, could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of the contract of employment.

Accessing social media websites for personal use during school hours is prohibited, except during breaks or preparation periods. Staff are discouraged from accessing social media websites on personal equipment during their breaks and/or preparation periods because, while this is not prohibited, it may give the public the appearance that such access is occurring during instructional time. Staff shall not access social media websites using district equipment at any time, including during breaks or preparation periods, except in an emergency situation or with the express prior permission of school administration. All school district employees who participate in social media websites shall not post any school district data, documents, photographs taken at school or of students, logos, or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

Specifically, the following forms of technology based interactivity or connectivity are expressly permitted or forbidden:

### **Privacy of Employee's Social Media Accounts**

In compliance with A.C.A. § 11-2-124, the District shall not require, request, suggest, or cause a current or prospective employee to:

1. Disclose the username and/or password to his/her personal social media account;
2. Add an employee, supervisor, or administrator to the list of contacts associated with his/her personal social media account;
3. Change the privacy settings associated with his/her personal social media account; or
4. Retaliate against the employee for refusing to disclose the username and/or password to his/her personal social media account.

The District may require an employee to disclose his or her username and/or password to a personal social media account if the employee's personal social media account activity is reasonably believed to be relevant to the investigation of an allegation of an employee violating district policy, or state, federal or local laws or regulations. If such an investigation occurs, and the employee refuses, upon request, to supply the username and/or password required to make an investigation, disciplinary action may be taken against the employee, which could include termination or nonrenewal of the employee's contract of employment with the District.

Notwithstanding any other provision in this policy, the District reserves the right to view any information about a current or prospective employee that is publicly available on the Internet.

In the event that the district inadvertently obtains access to information that would enable the district to have access to an employee's personal social media account, the district will not use this information to gain access to the employee's social media account. However, disciplinary action may be taken against an employee in accord with other District policy for using district equipment or network capability to access such an account. Employees have no expectation of privacy in their use of District issued computers, other electronic device, or use of the District's network. (See policy 8.22—CLASSIFIED PERSONNEL COMPUTER USE POLICY)

Cross reference: 8.22—CLASSIFIED PERSONNEL COMPUTER USE POLICY

Legal Reference: A.C.A. § 11-2-124

Date Adopted: 03/10/16

Last Revised: 03/10/16

### **8.38—CLASSIFIED PERSONNEL VACATIONS**

240 day contracted employees are credited with 10 days of vacation<sup>1</sup> at the beginning of each fiscal year. This is based on the assumption that a full contract year will be worked. If an employee fails to finish the contract year due to resignation or termination, the employee's final check will be reduced at the rate of .833 days per month, or major portion of a month, for any days used but not earned.

All vacation time must be approved by the superintendent who shall consider the staffing needs of the district in making his/her determination.<sup>2</sup>

No employee shall be entitled to more than 15 days of vacation as of the first day of each fiscal year. The permissible carry forward includes the 10 days credited upon the start of the fiscal year. Employees having accrued vacation totaling more than 15 days as of the date this policy is implemented shall not be eligible to increase the number of days carried forward during their employment with the district.<sup>3</sup> Earned but unused vacation will be paid upon resignation, retirement, termination, or nonrenewal at the employee's current daily rate of pay.<sup>4</sup>

Date Adopted: 03/10/16

Last Revised: 03/10/16

### **8.39—DEPOSITING COLLECTED FUNDS**

From time to time, staff members may collect funds in the course of their employment. It is the responsibility of any staff member to deposit such funds they have collected daily<sup>1</sup> into the appropriate accounts for which they have been collected. The Superintendent or his/her designee shall be responsible for determining the need for receipts for funds collected and other record keeping requirements and of notifying staff of the requirements.

Staff that use any funds collected in the course of their employment for personal purposes, or who deposit such funds in a personal account, may be subject to discipline up to and including termination.

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.40—CLASSIFIED PERSONNEL WEAPONS ON CAMPUS

### Firearms

Except as permitted by this policy, no employee of this school district, including those who may possess a “concealed carry permit,” shall possess a firearm on any District school campus or in or upon any school bus or at a District designated bus stop.

Employees who meet one or more of the following conditions are permitted to bring a firearm onto school property:

- He/she is participating in a school-approved educational course or program involving the use of firearms such as ROTC programs, hunting safety or military education, or before or after-school hunting or rifle clubs;
- The firearms are securely stored and located in an employee’s on-campus personal residence and/or immediately adjacent parking area;
- He/she is a registered, commissioned security guard acting in the course and scope of his/her duties;
- He/she has a valid conceal carry license and leaves his/her handgun in his/her locked vehicle in the district parking lot.

Possession of a firearm by a school district employee who does not fall under any of the above categories anywhere on school property, including parking areas and in or upon a school bus, will result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

### Other Weapons

An employee may possess a pocket knife which for the purpose of this policy is defined as a knife that can be folded into a case and has a blade or blades of less than three (3) inches or less each. An employee may carry, for the purpose of self-defense, a small container of tear gas or mace which for the purpose of this policy is defined as having a capacity of 150cc or less. Employees are expected to safeguard such items in such a way as to ensure they are not possessed by students. Such items are not to be used against students, parents or other school district employees. Possession of weapons, knives or self-defense items that do not comply with the limits contained herein, the failure of an employee to safeguard such items, or the use of such items against students, parents or other school district employees may result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

Employees who are participating in a Civil War reenactment may bring a Civil War era weapon onto campus with prior permission of the building principal. If the weapon is a firearm, the firearm must be unloaded.

Legal References:     A.C.A. § 5-73-119  
                               A.C.A. § 5-73-120  
                               A.C.A. § 5-73-124(a) (2)

                              A.C.A. § 5-73-301  
                               A.C.A. § 5-73-306  
                               A.C.A. § 6-5-502

Date Adopted: 03/10/16

Last Revised: 03/10/16

## 8.41 —WRITTEN CODE OF CONDUCT FOR EMPLOYEES INVOLVED IN PROCUREMENT IN THE CHILD NUTRITION PROGRAM

For purposes of this policy, “Family member” includes:

- An individual's spouse;
- Children of the individual or children of the individual's spouse;
- The spouse of a child of the individual or the spouse of a child of the individual's spouse;
- Parents of the individual or parents of the individual's spouse;
- Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
- Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
- Anyone acting or serving as an agent of the individual or as an agent of the individual's spouse.

No District employee, administrator, official, or agent shall participate in the selection, award, or administration of a contract supported by the District Child Nutrition Program funds if a conflict of interest exists, whether the conflict is real or apparent. Conflicts of interest arise when one or more of the following has a financial or other interest in the entity selected for the contract:

1. The employee, administrator, official, or agent;
2. Any family member of the District employee, administrator, official, or agent;
3. The employee, administrator, official, or agent’s partner; or
4. An organization that currently employs or is about to employ one of the above.

Employees, administrators, officials, or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements including, but not limited to:

- a) Entertainment;
- b) Hotel rooms;
- c) Transportation;
- d) Gifts;
- e) Meals; or
- f) Items of nominal value (e.g. calendar or coffee mug).

Violations of the Code of Conduct shall result in discipline, up to and including termination. The District reserves the right to pursue legal action for violations.

All child nutrition personnel and any District employees involved in purchasing for the Child Nutrition Program shall receive training on the Code of Conduct. Training should include guidance about how to respond when a gratuity, favor, or item with monetary value is offered.

Legal References:       A.C.A. § 6-24-101 et seq.  
                                   Arkansas Department of Education Rules Governing the Ethical Guidelines And Prohibitions For  
                                   Educational Administrators, Employees, Board Members And Other Parties  
                                   Commissioner’s Memo FIN 09-036  
                                   Commissioner’s Memo FIN-10-048  
                                   Commissioner’s Memo FIN 15-074  
                                   7 C.F.R. § 3016.36  
                                   7 C.F.R. § 3019.42

Date Adopted: 03/10/16

Last Revised: 03/10/16

**8.42—CLASSIFIED PERSONNEL BUS DRIVER END of ROUTE REVIEW**

Each bus driver shall walk inside the bus from the front to the back to make sure that all students have gotten off the bus after each trip. If a child is discovered through the bus walk, the driver will immediately notify the central office and make arrangements for transporting the child appropriately. If children are left on the bus after the bus walk through has been completed and the driver has left the bus for that trip, the driver shall be subject to discipline up to and including termination.

Date Adopted: 03/10/16

Last Revised: 03/10/16

**8.43-----CLASSIFIED PERSONNEL BENEFITS**

The Dierks School District provides its classified personnel benefits consisting of the following.

1. Health insurance assistance:
2. Contribution to the teacher retirement system:
3. Leave days according to the number of contract days per year. All leave days may be used at the discretion of the employee. All employees are required to pass a criminal background check upon initial employment with the Dierks School District. The Dierks School District will pay the fee required for the criminal background check and the AR child maltreatment registry check for classified personnel.

**Legal Reference: A.C.A. 6-17-201**

**8.44-----INSULT OR ABUSE OF CLASSIFIED PERSONNEL**

Employees are protected from abusive language and conduct by state law. An employee may report to the police any language which is calculated to:

1. Cause a breach of the peace;
2. Materially and substantially interfere with the operation of the school; and/or
3. Arouse the person to whom the language is addressed to anger, to the extent likely to cause imminent retaliation.

Legal Reference: A.C.A. 6-17-106

## **8.45—CLASSIFIED PERSONNEL HEALTH CARE COVERAGE REPORTING**

Definitions

"ACA" is the Affordable Care Act

"Full-time employee", for purposes of this policy, means a classified employee who is in a position requiring on average thirty (30) hours of actual performance per week.

"Responsible individual" means a primary insured employee who, as a parent or spouse, enrolls one or more individuals in a district's health care plan.

"Tax Identification Number (TIN)" means an individual's social security account number.

"Variable hour employee", for the purposes of this policy, means an individual who has no base minimum number of hours required per week. A variable hour employee is not eligible for health insurance through the District.

### **TIN Reporting**

All classified employees are required to complete and return 8.45F-Health Care Coverage Form each year. All employees that meet the above definition of a responsible individual are required to include the name, date of birth, and TIN of any dependent that receives health insurance through a District offered health care plan. Due to very significant penalties and sanctions contained within the ACA that the Internal Revenue Service (IRS) could levy against the District for the failure to submit required information to the IRS, the failure of any employee to submit a completed copy of 8.41F-Health Care Coverage could be grounds for disciplinary action against the employee up to and including termination or non-renewal of contract.

### **Statement of Return**

Under provisions of the ACA, the District is required to file information with the IRS pertaining to each employee. The District is also required to send each full time employee a Statement of Return (Statement). Each full-time employee shall receive a Statement from the District by January 31 of each year. The Statement contains information the District provided to the IRS, as required by law, regarding the employee's health insurance coverage. Each Statement consists of important District identification and contact information and a copy of the documents the District filed with the IRS concerning the employee's health care coverage. As with other tax documents, the information contained in the Statements covers the immediately preceding calendar year. Only one statement will be provided to a household with an employee who meets the above definition of a responsible individual.

Cross References: 7.23-Health Care Coverage and the Affordable Care Act

7.23F-Electronic Receipt of Statements Consent Form

8.41F-Health Care Coverage and TIN Report Form

Legal References: ~~A.C.A. § 6-17-2202~~

A.C.A. § 21-5-410

26 U.S.C. § 6055

6 U.S.C. § 6056

26 U.S.C. § 6109

Date Adopted: 3/10/16

Last Updated: 3/10/16

**8.45F—CLASSIFIED PERSONNEL HEALTH CARE COVERAGE AND TIN REPORT FORM**

The District requires all classified employees to complete the following form **each year** and return it to the District's administrative office by October 1. In accordance with Arkansas law, the District shall not use, display, release, or print any of the information on this form for any other purpose than to comply with IRS regulations.

**Definition**

"Tax Identification Number (TIN)" means an individual's social security account number.

**Health Insurance Information**

Name: \_\_\_\_\_

TIN: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Please select the box that most accurately describes your health insurance coverage for the **current year**:

\_\_\_\_\_ Neither I nor any of my dependants received health insurance through one of the District's health insurance plans during the **current calendar year**. (No coverage through District)

\_\_\_\_\_ I alone received health insurance through one of the District's health insurance plans during the **current calendar year**. (Employee only coverage through the District)

\_\_\_\_\_ Both I and my dependant(s) received health insurance through a District's family or spousal health insurance plan during the **current calendar year**. A spouse is included in the definition of a dependent. (Employee plus children, Employee plus spouse, Employee plus spouse and children)

If you had a family or spousal health care plan during the current year, please complete the following:

**Dependant 1:**

Name: \_\_\_\_\_ TIN: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Dependant 2:**

Name: \_\_\_\_\_ TIN: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Dependant 3:**

Name: \_\_\_\_\_ TIN: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Dependant 4:**

Name: \_\_\_\_\_ TIN: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Signature: \_\_\_\_\_

**8.46----CLASSIFIED PERSONNEL GATE DUTY**

All classified staff and their spouses will be admitted free of charge to home athletic events (district and below). All employees who volunteer for gate duty at home athletic events will also have free admission for their school age children.

Anytime an athletic event is played during a staff break, or an unscheduled game is added to the printed calendar, the person responsible for that event will find someone to do gate duty for the event. A holiday break begins the day after dismissal.