JoAnn Walters Elementary School
2026-2027

Accreditation

JoAnn Walters Elementary School is accredited by the Division of Elementary and Secondary Education.

Mission Statement

At JoAnn Walters Elementary School, we work together to help kids feel safe, grow academically, and care for others.

One Team - One Goal - Our Students- Outlaws

The faculty and administration of JoAnn Walters Elementary School strongly believe in the ability of all children to learn given enough support and time. Based upon this belief, we make success for every child a priority.

Together we will achieve growth for all students.

JoAnn Walters Elementary School
PO Box 70
800 Old Hwy 70 West
Dierks, AR 71833
District website: http://dierksschools.org

Beth Shelton, PrincipalF
Phone 870-286-2015
Fax 870-286-3232
e-mail: beth.shelton@dierksschools.org

A Message from the Principal

Dear Families,

Welcome to a brand new school year! I hope you and your family had a restful and joyful summer. As your principal, I am truly excited to begin this journey with you and your children. It's going to be a fantastic year filled with learning, growth, and new opportunities.

At JAWES, we believe in working together—as teachers, staff, students, and families—to create a strong, supportive school community. Your child's success is our top priority, and we are here every step of the way to help them learn, thrive, and become their very best selves.

Please know that my door is always open. Whether you have questions, concerns, or just want to share something great happening with your child, I'm here to listen and support you. We are partners in this journey, and I value the trust you place in us each day.

Thank you for being a part of our wonderful district. I'm truly grateful that your family is with us, and I look forward to a year full of learning, laughter, and great memories.

With appreciation,
Beth Shelton
Principal, JoAnn Walters Elementary

beth.shelton@dierksschools.org

870-286-2015

Please join JoAnn Walters Elementary's page on Facebook for up to date information.

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Dear Parent/Guardian,

In compliance with Act 104 of the 1993 Special Session, the Dierks School District's Student Discipline Policies and Parent Involvement Plan are available on the district website. If you need a printed copy, one will be provided upon written request through the school office. We ask that you use the handbook as a reference and return this letter with your signature and the requested information to indicate your awareness of where to access the documents. Please complete a separate sheet for each child attending our school, as we are required by law to keep these forms on file.

Please note that in addition to the standard form for corporal punishment, we are required to make you aware of our technology acceptable use policy and an 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 the handbook.

Respectfully,
Grover Hill, Superintendent

STUDENT'S NAME _____ GRADE_____

DATE OF BIRTH_____ TEACHER_____

SOCIAL SECURITY NUMBER (optional)_____

Act 390, 2005

_____ I do wish to have my child identified on the school's honor roll and/or appear in news publications.
_____ I do **not** wish to have my child identified on the school's honor roll and/or appear in news publications.

Corporal punishment is discussed in detail in the handbook section titled "Items Related to Disciplinary Action." Please read and choose an option below as to whether your child may 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/Guardians who wish to be notified must provide reliable contact information.

> _____ Option 1...I expect my child to comply with the discipline policy as written - including use of corporal punishment.
> _____ Option 2...I do **not** grant permission for my child to receive corporal punishment with the understanding that the alternative is to be sent home for up to three days (OSS).

I am aware the Dierks School District's Student Discipline Policies and Parent Involvement Plan are available on the district website, and a printed copy may be provided upon request. I have received a copy of the technology acceptable use policy, selected an option for corporal punishment, and given my preference for publication of my child's name and/or picture to appear in news publications and/or hallways.

Parent's name_____ Parent's signature_____

Student's signature_____ Date_____

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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, 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

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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 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.

Grover Hill, 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	Wendy Parsons	286-2015	PO Box 124
ESL	Crystal Neal	286-3234	PO Box 124
Crisis Intervention	Crystal Smith	286-3234	PO Box 124
Safety	Lindsey Stokes	286-3234	PO Box 124
Safety	Greg Janes	286-2191	PO Box 124
Equity	Grover Hill	286-2191	PO Box 124

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JoAnn Walters Elementary
School Community Compact 2026-2027

We, the JoAnn Walters Elementary School, establish this school/community compact so that the parents, the entire school staff, and the students will share the responsibility for improved student academic achievement.

REQUIRED SCHOOL-PARENT COMPACT PROVISIONS

School responsibilities

JoAnn Walters Elementary School will:

1. Provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating children to meet the State's student academic achievement standards as follows:
   - Identify students' needs and provide remediation or enrichment;
   - Engage and expand students' natural gifts and talents;
   - Work together to help every child achieve the same challenging standards;
   - Design educational programs that are consistent with state and local reform efforts;
   - Meet the special needs of children who are at risk academically;
   - Coordinate resources to promote students' learning

2. Hold parent-teacher conferences during which this compact will be discussed as it relates to the individual child's achievement. Specifically, these conferences will be held in September 2026 and March 2027.

3. Provide parents with frequent reports on their children's progress. Specifically, the school will provide progress reports in the middle of each nine week period and report cards every nine weeks.

4. Provide parents reasonable access to staff. Specifically, parents are encouraged to attend Open House, and to schedule conferences as needed. The staff will be available for consultation with parents by email, phone calls, written communications, scheduled conferences, and Open House. Parents who are unable to attend conferences during regular conference times may call the school office and arrange a time that will accommodate their schedule.

Parent Responsibilities

We, as parents, will support our children's learning in the following ways:
- Support the school staff, and respect the cultural differences of others;
- Have ongoing communication with my child's school and teacher;

Student Responsibilities

We, as students, will share the responsibility to improve our academic achievement and achieve the State's high standards. Specifically, I will:
- Always try to work to the best of my ability;
- Come to school each day on time, with my homework completed and the supplies I need;
- Show respect for myself, my school, and other students and have consideration for cultural differences;
- Conform to the rules of conduct at my school;
- Believe that I can and will learn.

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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 JoAnn 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.

Teacher Signature_____Date:_____

Parent Signature_____Date:_____

Students Signature_____Date:_____

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Jo Ann Walters Elementary School
FACULTY AND STAFF
2026-2027

Grover Hill	**Superintendent**
Beth Shelton	**Principal**
Lisa Ward	**Administrative Assistant**
Michelle Godwin	**Counselor/Building Testing Coordinator** **Dean of Students**
Shawn Kirkpatrick	**Dyslexia/Literacy Interventionist**
Paula Stapp	**GT/STEM**
Tammy Tabler	**Library Media Specialist**
Katrina Pickett	**Reading Interventionist/Instructional Coach**
Hannah Cordell	**Music/Kindergarten Art**
Lindsey Stokes	**Nurse**
Cheyenne Stewart	**Physical Education, Art**
Jennifer White	**Special Education**
Wendy Parsons	**LEA Coordinator/Special Education**
Jessica Glidewell	**Kindergarten**
Haylin Kirby	**Kindergarten**
Ashley Arnold	**First Grade**
Charlotte Tipton	**First Grade**
Jennifer Edge	**FirstGrade**
Ariel Castleman	**2nd Grade**
April Kappus	**2nd Grade**
Zach White	**3rd Grade**
Cameron Glasgow	**3rd Grade**
Tori Mitchell	**4th Grade**
Alvarene Welch	**4th Grade**
Rebecca Herrington	**5th grade**
Neesha Kirby	**5th Grade**
Pam Davis	**5th Grade**
Nina Hernandez	**6th Grade**
Karley Snider	**6th Grade**
Sheila Jester	**Child Nutrition Director**
Shennel Deer	**Food Preparation**
Kisha Issac	**Food Preparation**
Darlene Dixon	**Food Preparation**
Stephanie Tyson	**Food Preparation**
Darla Wilson	**Head Custodian**
Shawntay Icenhower	**Custodian**
Frankie Stamps	**Custodian**
Shasati Parsons	**Paraprofessional**
Sheila Eudy	**Paraprofessional/ISS**
Chrissie White	**Paraprofessional**
Crystal Reid	**Paraprofessional**
Jacee Stokes	**Paraprofessional**
Hannah Hawthorne	**Paraprofessional**

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PROCEDURES AT JOANN WALTERS ELEMENTARY

The following are some of the procedures that are in place at JoAnn 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. We will always follow state guidelines and adjust to any waivers issued by DESE.

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 include the following:

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 relay 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 four-five 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

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 the eschool HAC site. At this site they will select Dierks District from the drop down menu. Enter their login name and password that will be given out at the first of the year or are available in the office.

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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 time frame designated by that teacher. Otherwise, the student could face retention.

Interventions

All students will be assessed by Atlas using screeners, interims, and summative assessments to determine academic growth. These testing windows will be given to us by DESE. Students in grades K – 6 will also be given DIBELS tests to help determine academic achievement. Students will additionally have intervention time built in their day. These times 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. Students on grade level or above will be assigned to a STEM class during the intervention block.

Summer School

A student in grades K–6 may 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
*scores one or more years below grade level on standardized tests
*is reading below grade level
*has accumulated excessive absences as designated by the district's policy. Chronic absenteeism is missing 10% or more of the year.

Promotion at the end of summer school will be contingent upon the successful completion of the prescribed course of study as determined by the summer school teacher and principal.

STUDENT SERVICES

The following student services are available to all students in addition to those that will appear in the policies section of this handbook.

Math interventions

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.

Reading interventions

Extra reading instruction will be made available to those students whose standardized test scores and/or classroom reading performance warrant such assistance.

Transportation

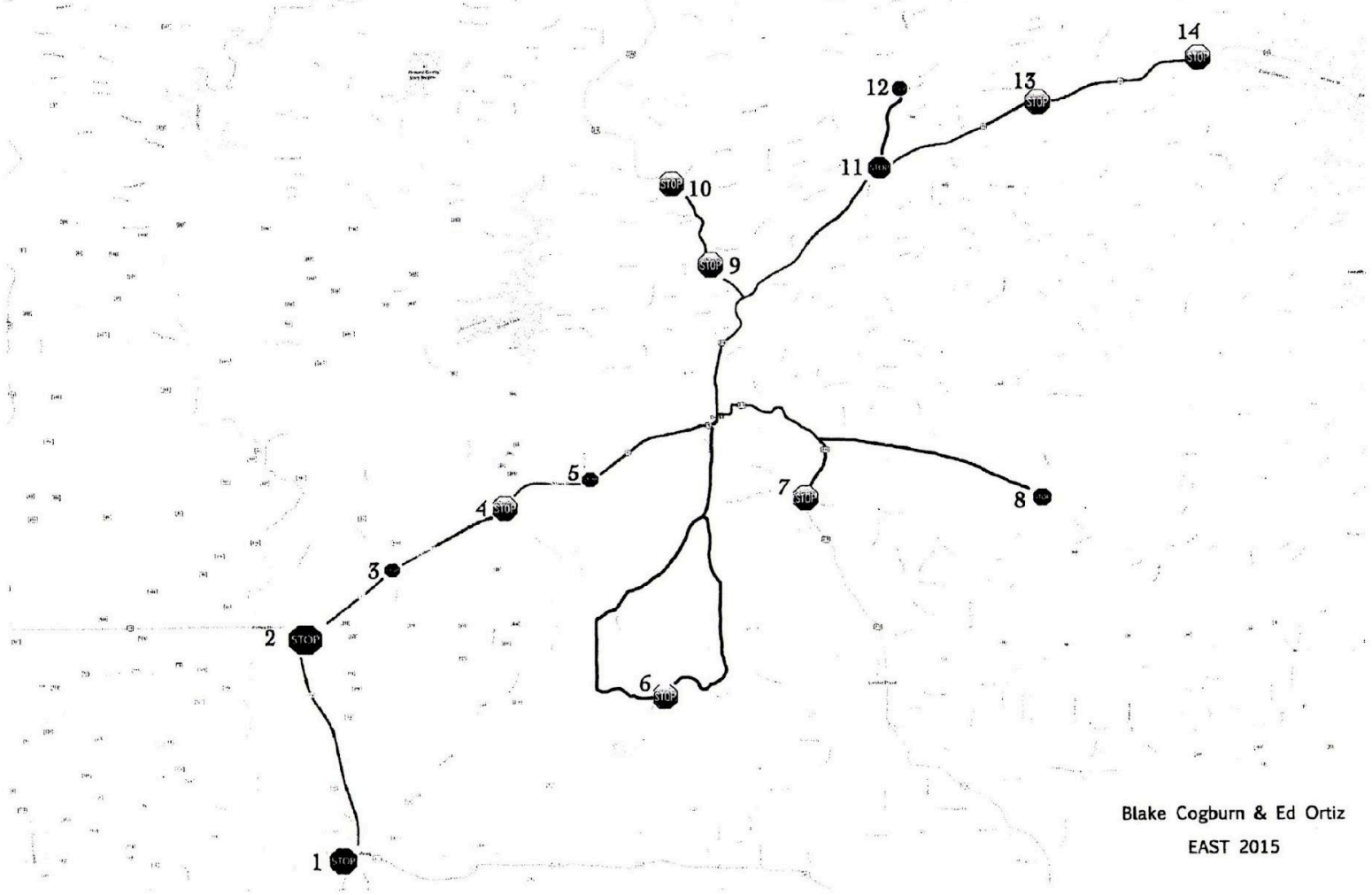
At the beginning of the school year, parents and children should know the name of the driver and the animal which identifies the bus the child will be riding. Pictures of the animals will be posted on the sides of the buses. The superintendent or designee shall annually establish the routes and may modify them as needed. Contact the office if you are uncertain about which bus your child should ride.

Please review 4.19 and 4.19D for transportation rules. School bus rules will be discussed with students, so they understand the expectations. Drivers will be asked to complete a brief report if a student commits an infraction. Depending upon the seriousness of the incident and the number of violations for a particular student, the consequences will range from parent notification/warning (only for first infraction) to loss of bus privileges (minimum of one day to a maximum of one year).

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Dierks School District Snow Routes

1 - Lighthouse Church
2 - 70-71 Junction
3 - HMB Road
4 - Provo Road
5 - Kolbtown
6 - Mt. Carmel Church
7 - Fellowship Church
8 - Green Plains + 369
9 - Old Liberty Road + 278
10 - Liberty Hill Church
11 - Tollett Road + 70
12 - Tollett Road + Bissell Road
13 - New Hope One Stop
14 - 70 Landing



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SCHOOL ROUTINE

Arrival and dismissal

Students should not arrive at school before 7:30 AM. Parents should be informed that our first duty teachers take their posts at that time. **Tardy bell rings at 7:45 AM**.

The established traffic flow is critical to the safety of all children, and violations by drivers of personal vehicles may be referred to law enforcement officers. Handicapped spaces are available in the east and south parking lots. All guests should enter through the east doors of the building, near the office.

Car riders are dropped off and picked up at the entry located in the south parking lot. The design of the drop-off and pick-up lane will allow for 5-6 vehicles to pull up at the same time without compromising the safety of the children. Avoid pulling around vehicles during loading and unloading; use extreme caution if going around becomes necessary.

Act 37 of 2011 states that 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.

Collection and Solicitation of Funds

School officials, teachers, and staff are not permitted to solicit contributions 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 he will contact local radio stations KDQN, Cossatot 88.5, and B 95 as soon as it is practical. Students and parents should refer to the school app or listen to these stations rather than call school personnel.

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 notifications through the automated notification site and on radio stations when these routes are implemented.

Events

Elementary students must be accompanied by an adult when attending after-school events such as ball games.

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 should only bring water in spill proof containers for their drinks. Energy drinks are not permitted. Food and beverages should not be placed near electronic devices.

Homeroom Parents Organization/ Parent Teacher Organization

The JoAnn Walters Elementary School Parent Organizations have been highly involved in the improvement of our school. All parents are urged to contact their child's teacher or the counselor about this organization and its functions.

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 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

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shall supplement, complement, and reinforce classroom instruction. Homework should not be used as a disciplinary or punitive measure.

Lost and Found
All clothing found on campus, regardless of its value, is placed in the lost and found area. 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.

Party Invitations
Party invitations are not to be handed out at school unless everyone in the class is invited. When select 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.

Personal Items
The school will not be liable for damages to or loss of personal items students bring to school. Students are not permitted to sell or trade items.

Telephone Use
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.

Volunteers
We are very fortunate to have individuals in our community who are willing to donate their time to assist our teachers. The counselor coordinates a program through which interested volunteers contact her when they will be available. Volunteers will be matched to areas for the greatest benefit to students. Anyone interested in becoming a volunteer should contact the counselor at the school.

4.1—RESIDENCE REQUIREMENTS

Definitions

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

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

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

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

"Residential address" means the physical location where the student's parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis reside. A student may use the

residential address of a parent, legal guardian, person having lawful control of the student, or person standing in loco parentis only if the student resides at the same residential address and if the guardianship or other legal authority is not granted solely for educational needs or school attendance purposes.

The schools of the District shall be open and free through the completion of the secondary program to all persons between the ages of five (5) and twenty one (21) years whose parents, legal guardians, persons having lawful control of the student, or person standing in loco parentis reside within the District[1] and to all persons between those ages who have been legally transferred to the District for educational purposes.
Any person eighteen (18) years of age or older may establish a residence separate and apart from his or her parent, legal guardian, person having lawful control of the student, or a person standing in loco parentis for school attendance purposes.

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

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

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

Notes: [1] Residency requirements of homeless students is governed by policy 4.40—HOMELESS STUDENTS. Residency requirements governing foster children are governed by policy 4.52—STUDENTS WHO ARE FOSTER CHILDREN. If a student's primary residence is on an undivided tract of land that is located partially in one (1) school district and partially in

another school district or the student's principal place of residence is located partially in one (1) school district and partially in another school district, then the student shall be eligible to attend the school in either of the school districts in which the tract of land or principal place of residence is located regardless of the location of the home on the property.

[2] The Interstate Compact on Educational Opportunity for Military Children and the ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS ACT OF 2021 are the sources for this sentence. It is codified at A.C.A. § 6-4-302 and 6-28-108. The language allowing any student who moves from one district into another district to continue to attend the original district comes from A.C.A. § 6-18-203.

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

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

Cross References: 4.40—HOMELESS STUDENTS
4.52—STUDENTS WHO ARE FOSTER CHILDREN

Legal References: A.C.A. § 6-4-302
A.C.A. § 6-18-202
A.C.A. § 6-18-203
A.C.A. § 6-28-108
A.C.A. § 9-28-113

4.2—ENTRANCE REQUIREMENTS

To enroll in a school in the District, the child must:

A. Be a resident of the District as defined in District policy (4.1—RESIDENCE REQUIREMENTS);
B. Meet the criteria outlined in Policy:
    - 4.40—HOMELESS STUDENTS; or
    - 4.52—STUDENTS WHO ARE FOSTER CHILDREN;
A. Be accepted as a transfer student under the provisions of policy 4.4; or
B. Participate under a school choice option and submit the required paperwork as required by the choice option under Policy 4.5.

A student may enter kindergarten if the student:

- Meets one of the requirements for school attendance of A through D above; and

- Falls under one of the following:
- Will attain the age of five (5) on or before August 1 of the year in which the student is seeking initial enrollment; or
- Has been enrolled in a state-accredited or state-approved kindergarten program in another state for at least sixty (60) days and:
  - Will become five (5) years old during the year in which the student is enrolled in kindergarten; and
  - Submits a written request for enrollment to the District; or
- Was enrolled in a state-accredited or state-approved kindergarten program in another state or in a kindergarten program equivalent in another country and:
  - Becomes a resident of this state as a direct result of active military orders or a court-ordered change of custody;
  - Will become five (5) years of age during the year in which the student is enrolled in kindergarten; and
  - Submits a written request for enrollment 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 attains the age of six (6) years during the school year in which the child is seeking enrollment and the child has successfully completed a kindergarten program in a public school in Arkansas.

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

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

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

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Prior to the child's admission to a District school:[2]

1. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall furnish the child's social security number, or if they request, the district will assign the child a nine (9) digit number designated by the Division of Elementary and Secondary education.
2. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall provide the district with one (1) of the following documents indicating the child's age:
    a. A birth certificate;
    b. A statement by the local registrar or a county recorder certifying the child's date of birth;
    c. An attested baptismal certificate;
    d. A passport;
    e. An affidavit of the date and place of birth by the child's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis;
    f. United States military identification; or
    g. Previous school records.

3. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. Any person who has been expelled from any other school district shall receive a hearing before the Board at the time the student is seeking enrollment in the District. The Board reserves the right to not allow the enrollment of such students until the time of the person's expulsion has expired following the hearing before the Board.[3]

4. In accordance with Policy 4.57—IMMUNIZATIONS, the child shall be age appropriately immunized or have an exemption issued by the Arkansas Department of Health.

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Uniformed Services Member's Children

For the purposes of this policy:

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

“Active duty”[4] means full-time duty status in the active, uniformed services of the United States, including without limitation members of The National Guard and Reserve on active duty orders under 10 U.S.C. chapters 1209 and 1211 or 42 U.S.C. § 204.

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

"Dual status military technician" means a federal civilian employee who is:

a. Employed under 5 U.S.C. § 3101 or 32 U.S.C. § 709(b);
b. Required as a condition of his or her employment to maintain membership in the Selected Reserve; and
c. Assigned to a civilian position as a technician in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve of the United States Armed Forces.

“Eligible child” means the children of:

- Active duty members of the uniformed services;
- Members of the active and activated reserve components of the uniformed services;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement;
- 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;
- Dual status military technicians; and
- Traditional members of the National Guard and reserve components of the armed forces who are relocating to the state for employment or to serve as a member of an Arkansas-based reserve component unit.

"Traditional member of the National Guard or federal reserves" means an active member of the Selected Reserve subject to mobilization and deployment for which he or she attends monthly and annual training periods.

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"Transition" means the:

- Formal and physical process of transitioning from public school to public school; or
- Period of time in which a student moves from a sending district to a receiving district.

"Uniformed services"[4] means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, United States Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, the United States Commissioned Corps of the Public Health Services, and the state and federal reserve components of each of these bodies.
"Veteran" means an individual who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

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

An eligible child as defined in this policy shall:

1. Be allowed to continue his/her enrollment at the grade level commensurate with his/her grade level he/she was in at the time of transition from his/her previous school, regardless of age;
2. Be eligible for enrollment in the next highest grade level, regardless of age if the student has satisfactorily completed the prerequisite grade level in his/her previous school;
3. Enter the District's school on the validated level from his/her previous accredited school when transferring into the District after the start of the school year;
4. Be enrolled in courses and programs the same as or similar to the ones the student was enrolled in his/her previous school to the extent that space is available. This does not prohibit the District from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses/and/or programs;
5. Be provided services comparable to those the student with disabilities received in his/her previous school based on his/her previous Individualized Education Program (IEP). This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;
6. Make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, necessary to provide the student with

equal access to education. This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;

7. Be enrolled by an individual who has been given the special power of attorney for the student's guardianship. The individual shall have the power to take all other actions requiring parental participation and/or consent;
8. Be eligible to continue attending District schools if he/she has been placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty.

Following the receipt of advanced notice of the enrollment of an eligible student from a military family, the District shall treat the notice as a provisional enrollment and provide the student with materials regarding:

a. Academic courses;
b. Electives;
c. Sports; and
d. Other relevant information regarding the public school.

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

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

To facilitate a smooth transition between the student's previous coursework and the curriculum best suited to ensure educational success in the student's new school, the District may enroll an inbound transitioning eligible student in digital coursework, if available, at the request of the military family.

International Exchange Students

"Host family" means the individual or family with whom an international exchange student is placed by an international student exchange visitor placement organization under the International Student Exchange Visitor Placement Organization Registration Act, § 6-18-1701 et seq..

"International exchange student" means a student who is placed with a host family by an international student exchange visitor placement organization under the International Student Exchange Visitor Placement Organization Registration Act, § 6-18-1701 et seq..

Before an international exchange student may attend a District school, the District requires all international student exchange visitor placement organizations that are placing international exchange students within the District to:

- Be certified by the Council on Standards for International Educational Travel;
- Provide documented proof of the international exchange student's English proficiency; and
- Notify the District at least three (3) weeks before the beginning of the academic semester the international exchange student plans to enroll in the District.

The District shall admit for enrollment and attendance an international exchange student who has been placed with a host family who resides within the District boundaries. The international exchange student shall attend the school in the District based on the attendance zone where the host family resides.[6] Upon an international exchange student's arrival, the international exchange student may be required to submit to quarantine to prevent the spread of infectious diseases as may be necessary, which shall not exceed seven (7) days unless otherwise recommended by the Arkansas Department of Health or the Centers for Disease Control and Prevention.

International exchange students are expected to follow the District handbook and student code of conduct as the District has the authority to expel a student for violations of the school district's written student discipline policies or if the international exchange student presents a danger to the District's students or employees.

Statewide assessment results achieved by an international exchange student enrolled in the District shall be included in the District's results on the statewide assessments.[7]

The District shall provide English-language services to international exchange students as necessary.[8]

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

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

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

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[4] A.C.A. § 6-4-302 and 6-28-104 define both "uniformed services" and "active duty." Consult the statutes to determine if the student wishing to enroll in your district qualifies under the definitions.
[5] While A.C.A. § 6-28-116 only makes this a requirement for districts with at least twenty (20) children of military families enrolled or an average daily membership of three thousand (3,000) students, the language is recommended for all districts.
[6] While A.C.A. § 6-18-234(c)(3) allows a district to limit the number of exchange students that the district is required to admit to a single school to one (1) exchange student for every fifty (50) traditional students enrolled in the school, we have not included such limiting language as we believe that to do so violates the intent that the public schools are open to all students between the ages of five (5) and twenty-one (21) who lawfully reside within the district.
[7] You are not required to include exchange student statewide assessment scores in your district results. The law requires that if you include or exclude exchange student assessment results to be done as a group rather than on an individual student basis.
[8] While A.C.A. § 6-18-235 states that districts are allowed to opt-out of providing English language services, DESE believes that this is in violation of Federal law. As such, we cannot recommend districts rely on the opt-out provisions in the statute in order to stay in good standing with DESE.

Cross References: 4.1—RESIDENCE REQUIREMENTS
4.4—STUDENT TRANSFERS
4.5—SCHOOL CHOICE
4.6—HOMESCHOOLING
4.34—COMMUNICABLE DISEASES AND PARASITES
4.40—HOMELESS STUDENTS
4.52—STUDENTS WHO ARE FOSTER CHILDREN
4.57—IMMUNIZATIONS

Legal References: A.C.A. § 6-4-302
A.C.A. § 6-15-504
A.C.A. § 6-18-201 (c)
A.C.A. § 6-18-207
A.C.A. § 6-18-208
A.C.A. § 6-18-235
A.C.A. § 6-18-510
A.C.A. § 6-18-702
A.C.A. § 6-28-101 et seq.
A.C.A. § 9-28-113
DESE Rules Governing Student Discipline and School Safety
Plyler v Doe 457 US 202,221 (1982)

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4.3—COMPULSORY ATTENDANCE REQUIREMENTS

Every parent, legal guardian, person having lawful control of the child, or person standing in loco parentis of any child age five (5) through seventeen (17) years on or before August 1 of that year who resides, as defined by policy (4.1—RESIDENCE REQUIREMENTS), within the District shall enroll the child and ensure the attendance of child at a District school with the following exceptions:

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

4.4—STUDENT TRANSFERS

Transfer applications received by the District shall be placed on the Board's next meeting agenda.[1] At least five (5) days before the meeting where the transfer application appears on the agenda, the superintendent shall notify the Board regarding:

- All transfer applications received since the last meeting; and
- The superintendent's recommendation concerning each transfer application.

Each transfer application shall be considered individually and receive a separate vote by the Board. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis to a student who submits a transfer application shall be given at least five (5) minutes to present the student's case for a transfer to the Board.

The Board 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.[2] The District shall reject applications that would cause it to be out of compliance with applicable laws and regulations regarding desegregation.

If the superintendent intends to recommend the Board deny the transfer application, the superintendent shall provide a written explanation of the reasons for the recommendation to the Board and the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis to the student.

The parent, legal guardian, person having lawful control of a student, or person standing in loco parentis to the student who submitted a transfer application that was rejected may appeal the decision of the Board to the State Board of Education.

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

Any student transferring from a school that is not accredited by the DESE to a District school shall be evaluated by District staff to determine the student's appropriate grade placement. A student transferring from homeschool will be placed in accordance with Policy 4.6—HOMESCHOOLING.
Any person who has been expelled from any other school district shall receive a hearing before the Board at the time the student is seeking enrollment in the District. The Board reserves the right to not allow the enrollment of such students until the time of the person's expulsion has expired following the hearing before the Board.[3]

Except as otherwise required or permitted by law,[4] the responsibility for transportation of any nonresident student admitted to a school in this District shall be borne by the student or the student's parents. The District and the resident district may enter into a written agreement with the student or student's parents to provide transportation to or from the District, or both.

Notes: [1] Applications are required to be placed at the earliest meeting following their receipt, whether that is the next regularly scheduled meeting or a special board meeting. Consult A.C.A. § 6-18-317 for restrictions on transfers where either the resident or the receiving district is under a desegregation related court order.

[2] Your application of "capacity" should be consistent in order to avoid potential exposure to liability for unlawful discrimination against individuals with disabilities. For example, you should

not choose to accept a student who requires no special services, but would require you to add an additional elementary teacher, but refuse to accept a student with a disability because it would require you to add an additional special education teacher.

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

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

Cross Reference: 4.6—HOMESCHOOLING

Legal References: A.C.A. § 6-15-504
A.C.A. § 6-18-316
A.C.A. § 6-18-317
A.C.A. § 6-18-510
A.C.A. § 9-28-113(b)(4)
A.C.A. § 9-28-205
DESE Rules Governing Petitions For Student Transfers

4.4D – TRANSFERS

ACCREDITED SCHOOLS

Any student transferring to Dierks from a school accredited by the DESE shall be placed in the same grade the student would have been in had the student remained at the former school.

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 temporarily placed until a testing battery can determine accurate placement. Testing instruments used will be ones currently used for enrolled students or comparable ones. Should the student score below grade level, placement will be determined by the principal, counselor, and appropriate classroom teachers.

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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[1] that explicitly limits the transfer of students between school districts and has submitted the appropriate documentation to the Division of Elementary and Secondary Education (DESE).[2] As a result of the desegregation order/desegregation plan[1], the District is exempt from the provisions of the Public School Choice Act of 2015 (Standard School Choice) and the Arkansas Opportunity Public School Choice Act (Opportunity School Choice). The District shall notify the superintendents of each of its geographically contiguous school districts of its exemption.[3] The exemption prohibits the District from accepting any school choice applications from students wishing to transfer into or out of the District through standard School Choice or Opportunity School Choice.[4]

Definition

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

Transfers into the District

Capacity Determination and Public Pronouncement
The Board of Directors will annually adopt a resolution containing the capacity standards for the District. The resolution will contain the acceptance determination criteria identified by academic program, class, grade level, and individual school. The school is not obligated to add any teachers, other staff, or classrooms to accommodate choice applications. The District may only deny a Standard School Choice application if the District has a lack of capacity by the District having reached ninety percent

(90%) of the maximum student population in a program, class, grade level, or school building authorized by the Standards or other State/Federal law.[5]

The District shall advertise in appropriate broadcast media and either print media or on the Internet to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline; the requirements and procedures for participation in the program; and include contact information for the primary point of contact at the District for school choice questions. Such pronouncements shall be made no later than January 1.[6]

Application Process

The student's parent shall submit a school choice application on a form approved by DESE to this District and the student's resident district. Except for students who are transferring under Uniformed Service Member Dependent School Choice, the transfer application must be postmarked, emailed, or hand delivered between January 1 and May 1 of the year preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications the District receives as both the resident and nonresident district as they are received in the District's central office. Except for applications from students who are transferring under Uniformed Service Member Dependent School Choice, applications postmarked, emailed, 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.

Except for students who are transferring under Uniformed Service Member Dependent School Choice, no earlier than January 1 of each year, the Superintendent will consider all properly submitted applications for School Choice. By July 1, the Superintendent shall notify the parent and the student's resident district, in writing, of the decision to accept or reject the application.

Accepted Applications

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

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

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

A present or future sibling of a student who continues enrollment in this District may enroll in the District by submitting a Standard School Choice application. Applications of siblings of presently enrolled choice students are subject to the provisions of this policy including the capacity standards applicable to the year in which the sibling's application is considered by the District. A sibling who enrolls in the District through Standard School Choice is eligible to remain in the District until completing his/her secondary education.

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

Rejected Applications

The District may reject an application for a transfer into the District under Standard School Choice due to a lack of capacity. However, the decision to accept or reject an application may not be based on the student's previous academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings other than a current expulsion.[8]

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. Unless the student's application was rejected due to the application not being timely received by both the resident and nonresident districts, a student whose application was rejected may request a hearing before the State Board of Education to reconsider the application. The request for a hearing must be submitted in writing to the State Board within ten (10) days of receiving the rejection letter from the District.

Transfers Out of the District

All Standard School Choice applications for transfers out of the District shall be granted.

Facilities Distress School Choice Applications

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

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

Opportunity School Choice

Transfers Into or Within the District[9]

For the purposes of this section of the policy, a "lack of capacity"[~~11~~10] is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the DESE Rules for the Standards for Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for Opportunity School Choice, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

Unless there is a lack of capacity[~~11~~10] at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student may transfer from the student's assigned school to another school in the District[~~10~~9] or from the student's resident district into the District if:

- Either:
  - The student's resident district has been classified by the state board as in need of Level 5 — intensive support; or
  - The student's assigned school has a rating of "F"; and
- Except for students who are transferring under Uniformed Service Member Dependents School Choice, the student's parent, guardian, or the student if the student is over eighteen (18) years of age has submitted an application of the student's request to transfer by no earlier than January 1 and no later than May 1 of the school year before the school year the student intends to transfer to both the sending and receiving school districts.

Except for students who are transferring under Uniformed Service Members Dependent School Choice or seeking to transfer within the District, the Superintendent shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, and the student's resident district whether the Opportunity School Choice application has been accepted or rejected by no later

than July 1 of the school year the student is seeking to enroll. If the student is seeking a transfer within the District, 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 within fifteen (15) days from receipt of the student's application. 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.[11] Unless the student's application was rejected due to the application not being timely received by both the resident and nonresident districts, 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 hand delivery or 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.

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

The District may, but is not obligated to provide transportation to and from the transferring district.[2]

Transfers out of, or within, the District

If a District school receives a rating of "F" or the District has been classified by the State Board as in need of Level 5 Intensive Support, the District shall timely notify parents, guardians, or students, if over eighteen (18) years of age, as soon as practicable after the school or district designation is made of all options available under Opportunity School Choice. The District shall offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to submit an application to enroll the student in:

1. A school district that has not been classified by the State Board as in need of Level 5 Intensive Support; or
2. If there is more than one school within the District covering the grade level of the student seeking to transfer that does not have a rating of "F", a public school within the District that is nearest to the student's legal residence that does not have a rating of "F"; or

3. If there is not more than one school within the District covering the grade level of the student seeking to transfer that does not have a rating of "F", a public school that does not have a rating of "F" within a School district that has not been classified by the State Board as 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.[3]

Uniformed Service Member Dependent School Choice

"Uniformed service member" means an active or reserve component member of the:

- United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, or United States Coast Guard;
- National Oceanic and Atmospheric Administration Commissioned Officer Corps; or
- United States Commissioned Corps of the Public Health Service.

"Uniformed service veteran" means a former uniformed service member who has been discharged under conditions other than dishonorable.

A student shall be eligible for school choice under Uniformed Service Member Dependent School Choice if the student is a dependent of a:

- Uniformed service member in full-time active-duty status;
- Surviving spouse of a uniformed service member;
- Reserve component uniformed service member during the period six (6) months before until six (6) months after a Title 10, Title 32, or state active duty mobilization and service; or
- Uniformed service veteran who is returning to civilian status at the conclusion of the uniformed service veteran's active duty status.

A student's parent, legal guardian, person having lawful control of a student, or person standing in loco parentis to the student shall submit a school choice application by mail, e-mail, or in person to the student's nonresident district and resident district. The application shall be accompanied by:

a. A copy of the identification card of the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis that qualifies the student under this section; and

b. A copy of the official orders, assignment notification, or notice of mobilization of the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis.

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The application deadline required under Standard School Choice and Opportunity School Choice shall not apply to uniformed service member dependents.

The superintendent of the nonresident district shall notify the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis of the student in writing whether the student's application has been accepted or rejected within fifteen (15) days of the nonresident district's receipt of the application. A student's transfer under the Uniformed Services Member Dependent School Choice is effective immediately upon the nonresident district's written notification of an acceptance.

A student shall be permitted only one (1) school transfer per academic year.

The parent, legal guardian, person having lawful control of a student, or person standing in loco parentis to a student shall be responsible for transportation of the student.

Unsafe School Choice Program

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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6 The statute does not stipulate a date and you can choose your own, but it should give parents a reasonable opportunity to submit their application. While the statute gives districts a choice between advertising in print or on the Internet, it also doesn't prohibit advertising in both. To help inform parents before they try to apply so they will know in advance if it's actually a possibility that their child could be accepted, we suggest either including your capacity resolution in the public announcements or state where the resolution can be found.

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

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

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

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

10 The capacity standards under "Opportunity Choice" are slightly more strict than under "Standard Choice" standards and are limited to what is stated in the policy. Additionally, by Rule, you are required to base your decision on ninety-five (95%) of capacity at the time of the

application with no provision for consideration of your district's normal growth. Just as with Standard School Choice, your application of a lack of capacity must be consistent; you can't choose to add a teacher due to accepting a student, but refuse to add a staff member because the applicant requires special education.

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

12 Sending districts are required to spend up to four hundred dollars ($400) per year to transport the student. The statute and the Rules are unclear. They both state that receiving districts **may** transport opportunity choice students, but sending districts **shall** pay up to four hundred dollars ($400) per year to transport the student. The policy's language makes no attempt to settle the discrepancy. The financial responsibility of the transferring district goes away when the school no longer has a rating of "F" or the student's resident district is no longer classified by the state board as in need of Level 5 — intensive support. At that time the statute states that the receiving district may choose to pay for the transportation.

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

Legal References: A.C.A. § 6-1-106
A.C.A. § 6-13-113
A.C.A. § 6-15-2915
A.C.A. § 6-18-227
A.C.A. § 6-18-233
A.C.A. §6-18-320

A.C.A. § 6-18-510

A.C.A. § 6-18-1901 et seq.

A.C.A. § 6-21-812

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4.5F—SCHOOL CHOICE CAPACITY RESOLUTION

Whereas:

- The Board of Directors of the Dierks School District has approved by a vote of the Board, the following capacity resolution for school choice applicants for the ____ school-year under the provisions of policy 4.5—SCHOOL CHOICE and applicable Arkansas law.
- Except for applicants who are transferring under Uniformed Service Member Dependent School Choice, applicants, whose applications meet the provisions of policy 4.5—SCHOOL CHOICE, will be sent a provisional acceptance notification letter which will give instructions on the necessary steps and timelines to enroll in the District. Provisional acceptance shall be determined prior to July 1 with a final decision to be made by July 1 based on the district's available capacity for each academic program, class, grade level, and individual school.
- Applications will not be accepted if the applications:
- Are received, electronically timestamped, or postmarked before January 1, unless the application is from a student who is transferring under Uniformed Service Member Dependent School Choice;
- Are received, electronically timestamped, or postmarked after May 1, unless the application is postmarked before May 1 or is from a student who is transferring under Uniformed Service Member Dependent School Choice;
- Are to a student's resident district that has has been determined by the Division of Elementary and Secondary Education to be exempt due to an existing desegregation order; or
- The student is transferring under Uniformed Service Member Dependent School Choice and the application is not accompanied by relevant documentation.
- The district reserves to itself the ability to determine, based on an examination of student records obtained from the prior district, and other information, whether any student would require a different class, course or courses, program of instruction, or special services than originally applied for. If such an examination determines that capacity has been reached in the appropriate class, course or program of instruction, or that additional staff would have to be hired for the applicant, the District shall rescind the original provisional acceptance letter and deny the Choice transfer for that student.
- The district reserves to itself the ability to decline to accept under school choice any student whose acceptance would require the district to add additional staff to exceed the District’s current grade, program, or building capacity.

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

_____	_____
Board President	Board Secretary
_____	_____
Date	Date

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4.5F2--SCHOOL CHOICE PROVISIONAL ACCEPTANCE LETTER

Dear Parent's name,

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

1. For students applying to enroll in first grade or higher: a copy of the student's transcript from the school where the student is currently enrolled. The student's permanent record, including the original transcript, will be requested from the school immediately following the student's actual enrollment in our district.

2. Proof of the student's age; This can be a 1) birth certificate; 2) A statement by the local registrar or a county recorder certifying the child's date of birth; 3) An attested baptismal certificate; 4) A passport; 5) An affidavit of the date and place of birth by the child's parent or guardian; 6) United States military identification; or 7) Previous school records.

3. The student's health care needs at school.

4. Student's name age appropriate immunization record or an exemption granted for the previous school-year and a statement of whether or not the parent is intending to continue the exemption for the upcoming school year.

After reviewing the submitted documentation the District will determine if the applicant meets the District's capacity standards and notify you of its decision by insert date.

Respectfully,

Insert name

Insert position/title

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4.5F3—SCHOOL CHOICE ACCEPTANCE LETTER

Dear Parent's name,

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

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

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

Respectfully,

Insert name

Insert position/title

4.5F4--SCHOOL CHOICE REJECTION LETTER

Dear Parent's name,
I am sorry, but the application you submitted for student's name has been rejected for the following reason(s):
____ Your child's resident district has been determined by the Division of Elementary and Secondary Education to be exempt from the provisions of the School Choice Law due to it being under an enforceable desegregation order.
____ Your child does not meet the openings identified for the coming school-year identified in the Board of Directors Resolution adopted on insert date.

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

___ Staff
___ Teachers
___ classroom(s)
___ the insert the name of the program, class, grade level, or school building's capacity

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

4.6—HOMESCHOOLING

Enrollment in Homeschool

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. Five (5) school 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:
    - o Use of the Division of Elementary and Secondary Education's (DESE) online system:
    - o Email; or
    - o Facsimile
- By mail; or
- In person.

The notice shall include:

a. The name, sex, date of birth, grade level, and the name and address of the school last attended, if any;

b. The mailing address and telephone number of the home school;

c. The name of the parent or legal guardian providing the home school;

d. Indicate if the home-schooled student intends to participate in extracurricular activities during the school year;

e. A statement of whether the home-schooled student plans to seek a high school equivalency diploma during the current school year;

f. A statement 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

g. A signature of the parent or legal guardian. 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.

A student who has been temporarily issued items, resources, supplies, materials, or other property belonging to the District is eligible for enrollment in a home school during the school year after:

- o The items, resources, supplies, materials, or other property belonging to the District have been returned to the District;
- o The items, resources, supplies, materials, or other property belonging to the District have been paid for; or
- o The semester has ended.

The superintendent or the board of directors may waive the required five (5) school day waiting period for a student's enrollment in home school during a semester if the superintendent or the board of directors is satisfied with the return of temporarily issued items, resources, supplies, materials, or other District property .

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:
  - o Curricula used in the home school;
  - o 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.

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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, whether in person or digitally, is essential to their social and cultural development and helps prepare them to accept responsibilities they will face as an adult. Interactions with other students and participation in the instruction within the classroom enrich the learning environment and promote a continuity of instruction which results in higher student achievement.

Absences for students enrolled in synchronous digital courses shall be determined in the same manner as for District students attending courses in person.[1]

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:

1. The student's illness or when attendance could jeopardize the health of other students. A maximum of six (6) such days (see written excuses for clarification) 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]
2. Death or serious illness in their immediate family;[3]
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;[4]
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).

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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.[5]

12. Absences due to conditions related to pregnancy or parenting, including without limitation:

- Labor, delivery, and recovery;
- Prenatal and postnatal medical appointments and other medically necessary, pregnancy-related absences;
- The illness or medical appointment of a child belonging to a parent who is enrolled at a District school;
- A legal appointment related to pregnancy or parenting, including without limitation:
    - Adoption;
    - Custody; and
    - Visitation;
- A reasonable amount of time to accommodate a lactating student's need to express breast milk or to breastfeed the student's child on the District's campus; and
- At least ten (10) school days of absences for both a parenting mother and a parenting father after the birth of a child.[6]

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.[7]

Up to one (1) time during each scheduled election, a student shall not be considered absent from school for the time the student accompanies the student's parent when the parent is exercising the parent's right to vote in a scheduled election.

In order for the absence to be considered excused, the student must:

a. Bring a written statement to the principal or designee upon the student's return to school from the student's parent, legal guardian, or treating physician stating the reason for the student's absence;

b. If the student is attending the District's courses digitally, upload a written statement from the student's parent, legal guardian, or treating physician stating the reason for the student's absence through the District's digital course management platform for review by the principal or designee; or

c. Provide documentation as proof of a student's participation in an activity or program scheduled and approved by the 4-H program that is provided by a 4-H county extension agent, 4-H educator, or other appropriate entity associated with the 4-H activity or program.

A written statement presented or uploaded for an absence having occurred more than five (5) school days prior to its presentation or upload will not be accepted.

Unexcused Absences

Absences that are not defined above; do not have an accompanying note from the parent, legal guardian, person having lawful control of the student, person standing in loco parentis, the student's treating physician, or a 4-H county extension agent, 4-H educator, or other appropriate entity associated with the 4-H activity or program; or have an accompanying note that is not presented or uploaded within the timeline required by this policy shall be considered as unexcused absences. Students with 6 (six) 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 (three) unexcused absences, his/her parents, legal guardians, persons with lawful control of the student, or persons standing in loco parentis shall be notified[9]. 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 (six) unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, legal guardian, person having lawful control of the student, or persons standing in loco parentis shall be subject to a civil penalty as prescribed by law.

It is the Arkansas General Assembly's intention that students having excessive absences be given assistance in obtaining credit for their courses. Therefore, at any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or his/her parent, legal guardian, person with lawful control of the student, or person standing in loco parentis may petition the school or district's administration for special arrangements to address the student's unexcused absences. If formal arrangements are granted, they shall be formalized into a written agreement which will include the conditions of the agreement and the consequences for failing to fulfill the agreement's requirements. The agreement shall be signed by the student; the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis; and the school or district administrator or designee.[10]

Students who attend in-school suspension shall not be counted absent for those days.[11]

Days missed due to out-of-school suspension or expulsion shall be unexcused absences.[11]

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

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

1 If you have asynchronous digital courses in addition to or in place of synchronous digital courses, you will need to add to or replace this paragraph with the manner you will use to determine a student's attendance in such classes. The exact manner you use to determine the student's attendance will depend on the options within the digital course platform you are using. Be sure to note that a student who is taking an asynchronous course but who was assigned a class period during the school day for the course may be considered truant under your discipline policies for failure to be physically where they are assigned to be but would not be considered absent for the digital course itself if the student satisfied the attendance requirements for the asynchronous digital course.

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

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

4 A.C.A. § 6-18-220 requires that a student be given an excused absence for attending a 4-H activity even if your district does not have a FFA or FHA program.

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

6 A.C.A. § 6-18-234 exempts the student parent from being dropped from the district enrollment for being absent for more than ten (10) consecutive days when the absences are related to pregnancy or the birth of the student's child.

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

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

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

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

11 The statutes are silent on whether in-school-suspensions shall count as absences. You can choose to amend this sentence and make either or both forms of suspension count as unexcused absences. In making your decision, we suggest you consider the number of days of allowable unexcused absences you have chosen for this policy, the lower the number, the greater the consequences for including an in-school-suspension as an unexcused absence. A.C.A. § 6-18-507(g) requires districts to note on each student's attendance record if the student's absence was due to an out-of-school suspension.

Cross References:
4.8—MAKE-UP WORK
4.57—IMMUNIZATIONS
5.11—DIGITAL LEARNING COURSES
5.29—WELLNESS POLICY

Legal References:
A.C.A. § 6-4-302
A.C.A. § 6-18-209
A.C.A. § 6-18-213
A.C.A. § 6-18-220
A.C.A. § 6-18-222
A.C.A. § 6-18-229
A.C.A. § 6-18-231

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A.C.A. § 6-18-234
A.C.A. § 6-18-236
A.C.A. § 6-18-507(g)
A.C.A. § 6-18-702
A.C.A. § 6-28-114
A.C.A. § 7-4-116
A.C.A. § 9-28-113(f)
A.C.A. § 27-16-701
Division of Elementary and Secondary Education Rules Governing Distance and Digital Learning

4.7D – 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 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 JoAnn 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. 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.

On the four-day school week, a student will be considered present for ½ day for each 4 hours and 15 minutes if he or she misses part of the day.

REGULATIONS

The primary responsibility for regular attendance and compliance with subsequently stated policy regulations rests with the student's parents and then with the student. 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.

WRITTEN EXCUSES

When a student is absent, he/she should present to the teacher on the first day he/she returns to school a written excuse signed by the parent/guardian or medical professional stating the reason and the date(s) of the absence. **Up to 6 parent/guardian excuses will be allowed per semester. A written statement presented for an absence having occurred more than five (5) school days prior to its presentation will not be accepted. After 6 absences, only a Dr.'s excuse will be accepted to be counted as an excused absence.**

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]

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

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

Work for students serving an out-of-school suspension or expulsion shall be in accordance with the District's programs, measures, or alternative means and methods to continue student engagement and access to education during the student's period of suspension or expulsion;

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

In addition to the make-up work process above, at the conclusion of a pregnancy-related or parenting-related period of absence, a student may choose from various options to make up missed work, including without limitation:

a. Retaking a semester at the District school where the student is enrolled;

b. Participating in an online course credit recovery program;

c. Being granted six (6) weeks to continue at the same pace and finish the semester at a later date, provided that the student may:

- Complete the student's coursework within the current school year; or
- Attend previously scheduled summer school classes made available by the District Where the student is enrolled; and

d. Receiving home-based instruction services.

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

2 This sentence should be modified for elementary school classes.

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

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

5 The contents of this paragraph are optional and can be adjusted to the extent it remains aligned with your personalization of policy 4.7. While the law requires that students be provided an opportunity and a process to maintain education services during the student's suspension or expulsion, whether or not a student receives credit for assignments as part of this process is dependent on the student completing the work and on whether or not you have adopted specific language prohibiting the student from receiving credit.

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

Cross References: 4.7—ABSENCES
4.30—SUSPENSION FROM SCHOOL

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4.31—EXPULSION
4.57—IMMUNIZATIONS

Legal References: A.C.A. § 6-18-234
A.C.A. § 6-18-502
DESE Rules Governing Student Discipline and School Safety

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. (see 4.9D for consequences)

4.9D - LATE ARRIVAL OR LEAVING CAMPUS

Children who are tardy or leave school early miss instruction, so it is to each child's advantage to be in class the entire instructional day. Parents should come to the office when a child arrives late or checks out early. A child is counted tardy if they arrive after the tardy bell, but before 9:30am or if they check out after 3:00pm. A child is counted ½ day absent if they arrive after 9:30 am or check out before 3:00pm. A written record of tardies and early checkouts is kept on file in the school office. Excessive tardiness is similar to absenteeism and one factor considered for assigning summer school and determining the need for retention. The maximum number of tardies allowed in one semester is six (6). If a student accumulates more than six (6) tardies per semester without formal documentation approved by the principal that meets the criteria for excused other absences, the principal will contact the juvenile court system.

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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.

4.11—EQUAL EDUCATIONAL OPPORTUNITY

No student in the Dierks School District shall be excluded from participation in, or denied the benefits of, or subjected to discrimination under any educational program or activity sponsored by the District on the basis of any protected classification under the law.[1] The District has a limited open forum granting equal access to the Boy Scouts of America and other youth groups.[2]
Inquiries on non-discrimination may be directed to _____[3], who may be reached at _____[4].
Any person may report sex discrimination, including sex-based harassment, to the Title IX Coordinator in person or by using the mailing address, telephone number, or email address provided above. A report may be made at any time, including during non-business hours, and may be on the individual's own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment.
For further information on notice of non-discrimination or to file a complaint, visit https://www2.ed.gov/about/offices/list/ocr/complaintintro.html; for the address and phone number of the office that serves your area, or call 1-800-421-3481.

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

[1] This language was amended to align with Attorney General Opinion 2023-059.

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

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

[4] Insert the office address, phone number, and email address to be used to contact the designated position. If you have more than one position designated as set forth in footnote 3, you will need to include a contact number, email address, and office address for each position. The contact number

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and office address may be the school/district address and phone number. We recommend making the email address specific to the position, such as titleix@districtdomain.org, and having the emails sent to the coordinator's inbox to prevent having to amend the policy due to staff changes. While 34 C.F.R. § 106.8 requires that an individual be able to submit a report, including by telephone, both inside and outside of business hours, we do not believe that this requires that the Title IX Coordinator must be on-call to receive phone calls at any time; instead, the number provided for individuals to use must allow individuals wanting to report sexual discrimination or sex-based harassment to the Title IX Coordinator.

Legal References: A.C.A. § 6-1-114
A.C.A. § 6-10-132
A.C.A. § 6-18-514
A.C.A. § 14-1-403
28 C.F.R. § 35.106
34 C.F.R. § 100.6
34 C.F.R. § 104.8
34 C.F.R. § 106.8
34 C.F.R. § 106.9
34 C.F.R. § 108.9
34 C.F.R. § 110.25

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[1] of the request. The district forwards education records, including disciplinary records, to schools that have requested them and in which the student seeks or intends to enroll, or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

The district shall receive written permission before releasing education records to any agency or individual not authorized by law to receive and/or view the education records without prior parental permission. The District shall maintain a record of requests by such agencies or individuals for access to, and each disclosure of, personally identifiable information (PII) from the education records of each student. Disclosure of education records is authorized by law to school officials with legitimate

educational interests. A personal record kept by a school staff member is **not** considered an education record if it meets the following tests:

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

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

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

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

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

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

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

person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.[2]

For purposes of this policy, the 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.[3]

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

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

A student's name and photograph will only be displayed on the district or school's web page(s) after receiving the written permission from the student's parent or student if over the age of 18.
The form for objecting to making directory information available is located in the back of the student handbook and must be completed and signed by the parent or age-eligible student and filed with the building principal's office no later than ten (10) school days after the beginning of each school year or the date the student is enrolled for school. Failure to file an objection by that time is considered a specific grant of permission. The district is required to continue to honor any signed-opt out form for any student no longer in attendance at the district.

The right to opt out of the disclosure of directory information under Family Educational Rights and Privacy Act (FERPA) does not prevent the District from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled.[6]
Parents and students over the age of 18 who believe the district has failed to comply with the requirements for the lawful release of student records may file a complaint with the U.S. Department of Education (DOE) at:

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

The District shall ensure that all contracts that disclose or make available student personally identifiable information to vendors, including school service contract providers, school service on-demand providers, and other third parties, including without limitation subcontractors of contract providers, include express provisions that safeguard the privacy and security of student personally identifiable information that meet the requirements under A.C.A. § 6-18-2601 et seq. The District shall maintain a list of the school service contract providers that the District contracts with for school services that include or make available student personally identifiable information. The list shall be updated at least once at the beginning of each semester and provided to parents upon request.

Notes: With very few exceptions, Health Insurance Portability and Accountability Act (HIPAA) privacy requirements don't apply to public K-12 schools and, for that reason, ASBA has no

model policy addressing HIPAA. An excellent explanation of the relation between FERPA and HIPAA is available at https://www.arsba.org/page/policy-resources.

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

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

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

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

The Arkansas Supreme Court, Division of Elementary and Secondary Education, and ASBA collaborated in the creation of a form in an effort to aid juvenile intake and probation officers in acquiring necessary information for the officer to make more knowledgeable decisions/recommendations on a course of action for each juvenile's case. The Form allows for parents to authorize the officer to access certain portions of the student's education records and the parent's ESchool PLUS Home Access Center. The form, when completed by the parent and

probation officer, will be sent to the district by the officer. A copy of the form, along with a background letter, may be found at https://www.arsba.org/page/policy-resources.

[1] You may choose a lesser number of days, but you may not exceed forty-five (45) days.
[2] This paragraph along with the preceding paragraph are added (and permitted) due to the amendments in the Code of Federal Regulations resulting from the Virginia Tech shootings in 2007. The paragraph can also apply to the release of PII to state health officials during outbreaks of communicable diseases. This would apply, for example, to immunization records to determine which students need to be removed from the school. (See Policy 4.34).
[3] The requirements for conducting a hearing are addressed in 34 CFR § 99.22. The district's obligations regarding the results of the hearing are covered in 34 CFR § 99.21. Both are available by calling the ASBA office and requesting a copy.
[4] The 12/2/11 DOE Rules now provide districts with the option of greater specificity in choosing to whom it will release DI. ASBA has not amended the model policy to include this expanded option because we feel it can result in unintentional restrictions for desired release of DI. The following is the language from 34 CFR § 99.37 governing this option:

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

[5] Dates of attendance means the period of time during which a student attends or attended your district, e.g. an academic year or semester. It does not mean specific daily records of attendance.
[6] This paragraph is language from the amended 34 CFR § 99.37 and is included to help eliminate the potential problem of a student (who is in a class where the student really doesn't want to be - for example JAG), who has opted out of release of DI, refusing to give the information necessary for the class.

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

Legal References: A.C.A. § 6-18-2601 et seq.
A.C.A. § 9-28-113(b)(6)
20 U.S.C. § 1232g
20 U.S.C. § 7908
34 CFR §§ 99.3, 99.7, 99.21, 99.22, 99.30, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37, 99.63, 99.64

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4.13F—OBJECTION TO PUBLICATION OF DIRECTORY INFORMATION

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

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

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

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

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

Deny disclosure to military recruiters ____
Deny disclosure to Institutions of postsecondary education ____
Deny disclosure to Potential employers ____
Deny disclosure to all public and school sources ____

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

Deny disclosure to all public sources ____

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

_____
Name of student (Printed)

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

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

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

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4.14—STUDENT MEDIA AND THE DISTRIBUTION OF LITERATURE

Student Media

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

1. Advertising may be accepted for media that does not condone or promote products that are inappropriate for the age and maturity of the audience or that endorses such things as tobacco, alcohol, or drugs.

2. Media may be regulated to prohibit communications determined by the appropriate teacher, student media advisor, and/or administrator to be ungrammatical; poorly written; inadequately researched; biased or prejudiced; vulgar or profane; or unsuitable for immature audiences.

3. Media may be regulated to prohibit the dissemination of material that may reasonably be perceived to advocate drug or alcohol use; irresponsible sex; conduct that is otherwise inconsistent with the shared values of a civilized social order; or to associate the school with any position other than neutrality on matters of political controversy.

4. Prohibited media includes those that:

a. Are obscene as to minors;

b. Are libelous or slanderous, including material containing defamatory falsehoods about public figures or governmental officials, and made with knowledge of their falsity or a reckless disregard of the truth;

c. Constitute an unwarranted invasion of privacy as defined by state law;

d. Suggest or urge the commission of unlawful acts on the school premises;

e. Suggest or urge the violation of lawful school regulations;

f. Attacks ethnic, religious, or racial groups; or

g. Harass, threaten, or intimidate a student.

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Student Media on School Web Pages

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

1. Not contain any non-educational advertisements;

2. Adhere to the restrictions regarding use of Directory Information as prescribed in Policy 4.13 including not using a student's photograph when associated with the student's name unless written permission has been received from the student's parent or student if over the age of 18;

3. State that the views expressed are not necessarily those of the School Board or the employees of the district.

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

A student or group of students who distribute ten (10) or fewer copies of the same non-school literature, publications, or materials (hereinafter "non-school materials"), shall do so in a time, place, and manner that does not cause a substantial disruption of the orderly education environment. A student or group of students wishing to distribute more than ten (10) copies of non-school materials shall have school authorities review their non-school materials at least three (3) school days 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. 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; 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 media 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.

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4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL

CONTACT BY PARENTS

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

CONTACT BY NON-CUSTODIAL PARENTS

If there is any question concerning the legal custody of the student, the custodial parent shall present documentation to the principal or the principal's designee establishing the parent's custody of the student. It shall be the responsibility of the custodial parent to make any court ordered "no contact" or other restrictions regarding the non-custodial parent known to the principal by presenting a copy of a file-marked court order. Without such a court order on file, the school will release the child to either of his/her parents. Non-custodial parents who file with the principal a date-stamped copy of current court orders granting unsupervised visitation may, to extend authorized by the court order, 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. The District shall not act as a supervisor for non-custodial parent visitation purposes under any circumstance.

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

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

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

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If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to contact the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, legal guardian, person having lawful control of the student, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Division of Arkansas State Police, or an investigator or employee of the Department of Human Services.

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

CONTACT BY PROFESSIONAL LICENSURE STANDARDS BOARD INVESTIGATORS

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

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

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

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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.

Note: For adult visits see Policy 4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL and Policy 6.5—VISITORS TO THE SCHOOLS.

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; and
- Going to and from school or a school activity.

The District's administrators may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to:

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A felony or an act that would be considered a felony if committed by an adult;

- An assault or battery;
- Drug law violations; or
- Sexual misconduct of a serious nature.

Any disciplinary action pursued by the District shall be in accordance with the student's appropriate due process rights.[1]

The District shall incorporate the District's implementation of positive behavioral supports in accordance with Policy 4.60 in the application of student discipline.

The District's personnel policy committees shall annually review the District's student discipline policies, including State and District student discipline data, and may recommend changes in the policies to the 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, legal guardian, person having lawful control of the student, or person standing in loco parentis shall sign and return to the school an acknowledgement form documenting that they have received the policies.

The District shall develop and provide programs, measures, or alternative means and methods for continued student engagement and educational access during periods of suspension or expulsion.
The superintendent is authorized to modify the penalties set forth in the District's student discipline policies on a case-by-case basis.

It is required by law that the principal or the person in charge report to the police any incidents the person has personal knowledge of or has received information leading to a reasonable belief that a person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision. If the person making the report is not the Superintendent, that person shall also inform the Superintendent of the incident. Additionally, the principal shall inform any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The Superintendent or designee shall inform the Board of Directors of any such report made to law enforcement.
The superintendent shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation: the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

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

Cross References: 1.9—POLICY FORMULATION
4.60—STUDENT BEHAVIORAL INTERVENTION AND RESTRAINT

Legal References: A.C.A. § 6-17-113
A.C.A. § 6-18-502
A.C.A. § 6-18-514
A.C.A. § 6-18-2401 et seq.
DESE Rules Governing Student Discipline and School Safety

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 and use of a personal electronic device except as authorized by Policy 4.47 or by the student's IEP or 504 Plan;
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;

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

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

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

Legal References: A.C.A. § 6-5-201
A.C.A. § 6-15-1005
A.C.A. § 6-18-222
A.C.A. § 6-18-502
A.C.A. § 6-18-514
A.C.A. § 6-18-707
A.C.A. § 6-21-609
A.C.A. § 27-51-1602

A.C.A. § 27-51-1603
A.C.A. § 27-51-1609
DESE Rules Governing Student Discipline and School Safety

4.18D - STUDENT CONDUCT NOT PERMITTED

School personnel are charged with the responsibility of supervising students and providing a safe, orderly learning environment. The primary goal for this section is to outline behavior expectations and consequences for infractions which range from a warning to expulsion, including notification of law enforcement where applicable. Every effort will be made to assist students in becoming responsible for their behavior while making better choices moving forward; this may be accomplished through counseling and/or disciplinary means. 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 everyone is treated equitably and with dignity in respect to their rights and responsibilities. Every attempt will be made to ensure consistent steps in our discipline program.

Key participants' responsibilities follow:

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, other citizens and themselves. 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 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 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 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 appropriate for the situation. Those techniques include conferences with students and parents, referrals to counselors or referral to other supportive service personnel of the District. When the teacher is unable to assist the student in maintaining proper control of his/her behavior, the student is to be referred to the 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.

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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.

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.

Dierks Public School students who are receiving special education services are subject to the following disciplinary guidelines:

1. Disabled 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 disabled 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. Disabled students may be excluded from school only in emergencies and only for the duration of the emergency. In no case will a disabled 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 disabled 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. Wendy Parsons will be the grievance officer with the duty of enforcing ACT 504 for the elementary school and Mrs. Nancy Alsabrook for the high school.

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 ensure consistent steps in our discipline program. All consequences will be dependent upon the age or grade of the student(s) involved, the nature of the violation, and any reoccurrence of one or more violations. Our goal is to teach students behavior expectations along with self-discipline, empathy and accountability. Counseling, restorative discipline, and other similar approaches may be used with or in lieu of disciplinary action to modify behavior at the principal's discretion. Infractions not defined below are listed under their specific policy number later in the handbook; for example, transportation is under 4.19D.

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Based on the situation bullying could fall into each category. Consequences for bullying range from warning to expulsion, depending on the age or grade of the student(s) involved and nature of the violation.

Consequences: Based on severity and reoccurrence, any of the following consequences may be applied at the discretion of the building principal for offenses: Warning, lunch detention, corporal punishment, loss of privileges (not including recess), assignment of duties, opportunity to correct problem (restorative practices), parent contact, parent conference, PBIS strategies, behavior plan, 1-10 days in-school suspension, 1-10 days out-of-school suspension, recommendation for expulsion, and/or other appropriate options as assigned by the principal. The elementary school has a team certified in PCM (Professional Crisis Management) that may respond to crisis situations. Category 4 infractions carry consequences of 1-10 days OSS; expulsion may be recommended. (Students will be dismissed pending investigation.)

Category 1 Infractions: Academic dishonesty, cell phone/electronic device violation, disregard of directions or commands, disruption and interference with school, minor disruption on buses, dress code violation, excessive tardiness, public display of affection, violation of technology acceptable use policy

Category 2 Infractions: Damage to or destruction of school property (minor)*, forgery, gambling, immorality/pornography, profanity, tobacco use/possession, truancy or skipping class; horseplay; repetition of Category 1

Category 3 Infractions: Damage to or destruction of school property (major)*; fighting; fireworks; sexual harassment; theft or extortion; threats (less severe); repetition of Category 2

Category 4 Infractions: physical abuse or assault of school staff; physical abuse or assault on another student; possession of any firearm or other weapon prohibited on school property; terroristic threats; using, offering for sale or selling beer, alcoholic beverages or other illicit drugs; selling or transfer of prescription medication, diet pill, or over-the-counter medication; severe or repeated damage or destruction of school property; repetition of Category 3

*Students (or student's parent/guardian) also may be responsible for restitution.

"Minor" refers to damage or destruction that is repairable by the student. "Major" refers to damage or destruction beyond the student's ability to correct.

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. (Cyber bullying is addressed beginning on page 42.)

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.

COMMON PLAYGROUND RULES

- No outside toys, trading cards, notebooks, pencils etc. should be taken on the playground.

● No throwing of rocks, sticks, pinecones, acorns, etc.

● Items that go over the fence will remain there until retrieved by an adult.

● Stay off the fence.

● No pushing, twisting, running underneath the swings; stay away from swings area when not swinging.

● Slide rules – Slide as soon as it is your turn, going forward on your bottom. The slide is for sliding, not climbing.

● No tackling

● Stay in designated areas.

● Stay out of the courtyard area between hallways without adult supervision.

● Ask permission from the duty teacher to come inside to use the restroom. Students should not be sent inside in groups. (1-2 students at a time)

● Do not enter a classroom while the teacher is not in the room.

● A student that hits his/her head should be accompanied by someone on the way to the nurse.

● All trash should be placed in the trash cans.

CONSEQUENCES: Based on severity and frequency of misconduct, possible consequences include warning, corporal punishment, detention, loss of privileges, 1-10 days in-school suspension, 1-10 days out of school suspension

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 or the student's parent/guardian. Police may be notified.

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DISREGARD OF DIRECTIONS OR COMMANDS

A student shall comply with reasonable directions or commands of all school personnel or adults charged with the welfare of students. 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.

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, threats, 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.

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.

FORGERY/FALSIFICATION OF INFORMATION

Any forgery or misuse of hall passes, absentee slips, report cards, parents' notes, etc. will result in disciplinary action.

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.

IMMORALITY

Students should abstain from rude gestures, as well as indecent and immoral acts. Pornographic materials will not be permitted.

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.

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.

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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.

PROFANITY

Students shall not use foul language (cursing).

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.

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 7:45 must have an admit slip. A record of these tardies will be kept in the office.

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.

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 truant.

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.

The student may be suspended up to (10) school days and may be recommended for expulsion. The police may be called.

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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.

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.

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.

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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

1. Suspension

2. Expulsions

3. Statements removed from a student's records

4. Clearing one's reputation

IN-SCHOOL SUSPENSION

Students in ISS will be supervised by a school employee while they complete assignments provided by their classroom teacher.

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 (10) school days, including the day upon which the suspension was initially imposed if he/she is:

● A 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.

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4.19—CONDUCT TO AND FROM SCHOOL AND TRANSPORTATION ELIGIBILITY

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

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

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

4.19D TRANSPORTATION

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. 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. 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.

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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 that includes parent signature and details about the change.

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. Parents should try to arrange for students to follow the same pattern as much as possible. Requests for transportation changes during the school day result in confusion, so students should know plans before coming to school. If there is a change in transportation, a note with details should be sent to the teacher. Unless a note is received, students will follow their regular routine. Texts or other messages should not be sent as the teacher may not have an opportunity to view them until after school. We do understand that there will occasionally be times when a call to the office must be made, but these should be emergency situations only.

16. Someone should be at home when small children are dropped off.

Consequences for transportation violations:

1st offense - 1 day bus suspension;

2nd offense - 4 days bus suspension;

3rd offense - 8 days bus suspension;

4th offense - bus suspension for remainder of semester; additional violations may warrant bus suspension for remainder of the school year.

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.

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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.

4.21—STUDENT ASSAULT OR BATTERY

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

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

a. Cause a breach of the peace;

b. Materially and substantially interfere with the operation of the school; or

c. Arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.

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

4.22—WEAPONS AND DANGEROUS INSTRUMENTS

Definitions

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

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

- Firearm;
- Knife;
- Razor;
- Ice pick;
- Dirk;
- Box cutter;

- Nunchucks;
- Pepper spray, mace, or other noxious spray;
- Explosive;
- Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or
- Any other instrument or substance capable of causing bodily harm.

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

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

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

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

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

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by the district that include

the use of firearms. Such activities may include ROTC programs; hunting safety or military education; or before or after-school hunting or rifle clubs. Firearms brought to school for such purposes shall be brought to the school employee designated to receive such firearms. The designated employee shall store the firearms in a secure location until they are removed for use in the approved activity.
The district shall report any student who brings a firearm to school to the criminal justice system or juvenile delinquency system by notifying local law enforcement.

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

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

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

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

Cross Reference: ~~Policy~~ 4.31—EXPULSION

Legal References: A.C.A. § 5-4-201
A.C.A. § 5-4-401
A.C.A. § 5-27-210
A.C.A. § 5-73-119(b) (e)(8), (9), (10)
A.C.A. § 5-73-133
A.C.A. § 6-18-502
A.C.A. § 6-18-507
A.C.A. § 6-21-608
DESE Rules Governing Student Discipline and School Safety
20 USC § 7961

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.

4.23D - 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)

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 on route to or from school or any school sponsored activity.

Prohibited substances shall include, but are not limited to:

- Alcohol, or any alcoholic beverage;
- Inhalants or any ingestible matter that alter a student's ability to act, think, or respond;
- LSD or any other hallucinogen;
- Marijuana;[1]

- Cocaine, heroin, or any other narcotic drug;
- PCP;
- Amphetamines;
- Steroids;
- "Designer drugs";
- Look-alike drugs; or
- Any controlled substance.

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

Note: The possession or use of marijuana on school campuses is prohibited even if a student has a medical marijuana patient card. The Arkansas Constitution Amendment 98 § 6 states:

(a) This amendment does not permit a person to:

. . .

(2) Possess, smoke, or otherwise engage in the medical use of marijuana:

(A) On a school bus;

(B) On the grounds of a daycare center, preschool, primary or secondary school, college, or university;

In general, Amendment 98 requires that a student with a patient card have any positive drug test be treated as if marijuana were any other prescription drug. Amendment 98 requires the student be actively impaired before the district can take any action, which is restricted as follows:

(b) This amendment does not require:

. . .

(6) A public school to permit a qualifying patient who is a student to be present on school grounds, to attend a school event, or to participate in extracurricular activities in violation of the public school's student discipline policies when a school office has a good faith belief that the behavior of the qualifying patient is impaired.

Cross Reference: 4.35—STUDENT MEDICATIONS

Legal References: A.C.A. § 6-18-502
DESE Rules Governing Student Discipline and School Safety
Arkansas Constitution Amendment 98 § 6

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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.

3. No student shall possess drug paraphernalia while attending any school sponsored activity.

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. Expenses for counseling services are the family's responsibility. All-day detention may be used.

SECOND OFFENSE: The student shall be recommended for expulsion. Police will be summoned.

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.

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.
A student shall not be disciplined or discriminated against based upon the student's natural, protective, or cultural hairstyle. A student's natural, protective, or cultural hairstyle includes without limitation: afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair styled to protect hair texture or for cultural significance.

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

Legal References: A.C.A. § 6-10-138
A.C.A. § 6-18-502(c)(1)
A.C.A. § 6-18-503(c)
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.

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 is not permitted.

Hats or other headwear will not be worn indoors with the exception of school sponsored events at the discretion of the principal.

Undershirts, tank tops with straps less than two inches wide, see-through shirts or blouses, racer-back shirts, or clothing with spaghetti straps are not acceptable for school wear unless worn under or over other permissible clothing. Shirts, blouses, and dresses are to be closed (buttoned) to show modesty and appropriateness. Shirts and dresses should completely cover the back and the stomach especially during bending or reaching activities.

Shorts, skirts, and dresses are acceptable as long as they are the minimum length of fingertips. Shorts or leggings under skirts or dresses are highly recommended. Holes in pants/jeans may be no higher than fingertips. Clothing may not sag in such a way as to expose undergarments. If leggings are worn as pants, clothing worn with them must cover their bottoms.

Shoes must be worn at all times and should be chosen with consideration to safety and health, as well as to consideration for others (quietness). Cleats are not to be worn at school.

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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.

4.27—STUDENT SEX DISCRIMINATION AND SEX-BASED HARASSMENT

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

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

- the nature of sex-based harassment;
- The District's written procedures governing the complaint grievance process;[1]
- The process for submitting a complaint of sex discrimination and sex-based harassment;

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- That the district does not tolerate sex-based harassment;
- That students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- The supports that are available to individuals suffering sex-based harassment; and
- The potential discipline for perpetrating sex-based harassment.

Definitions

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment.

"Complaint" means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged sex discrimination or sex-based harassment.

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

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sex-based harassment.

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

1. A District employee:
a. Conditions the provision of an aid, benefit, or service of the District on an individual's participation in sexual conduct;[2] or
b. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;[2]
1. The conduct is:
a. Unwelcome; and
b. Is subjectively and objectively offensive and so severe~~,~~ or pervasive, that it limits or denies a person the ability to participate in or benefit from the District's education program or activity based on the totality of the circumstances; or
1. Constitutes:
a. Sexual assault;
b. Dating violence
c. Domestic violence; or
d. Stalking.

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

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

Actionable sex-based 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, sex-based harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sex-based harassment include, but are not limited to:

- Making sexual propositions or pressuring for sexual activities;
- Unwelcome touching;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or crude jokes;
- Spreading rumors related to a person's alleged sexual activities;
- Discussions of sexual experiences;
- Rating other students or employees as to sexual activity or performance;
- Circulating or showing e-mails or Web sites of a sexual nature;
- Treatment based on an individual's pregnancy or pregnancy related conditions;
- Intimidation by words, actions, insults, or name calling; and
- Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual or transgender.

Students who believe they have been subjected to sex-based harassment, or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sex-based

harassment, are encouraged to bring their concerns to **any** District staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the District staff member who received a report of alleged sex-based harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sex-based harassment. As soon as reasonably possible after receiving a report of alleged sex-based harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a complaint;
- explain to the complainant the process for filing a complaint.; and
- Provide the complainant information on the District's grievance procedures.

Title IX Coordinator Initiated Complaint

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, the Title IX Coordinator shall determine whether to initiate a complaint. When determining whether or not to initiate a complaint, the Title IX Coordinator shall consider the following factors, at a minimum:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of sex discrimination or sex-based harassment would occur if a complaint is not initiated;
4. The severity of the alleged sex discrimination or sex-based harassment, including whether it would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is a District employee;
6. The scope of the alleged sex discrimination or sex-based harassment, including information suggesting a pattern, whether the sex discrimination or sex-based harassment is ongoing, or the sex discrimination or sex-based harassment is alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination or sex-based harassment occurred; and
8. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

After considering these and other relevant factors, the Title IX Coordinator may initiate a complaint if the Title IX Coordinator determines that the conduct as alleged:

A. Presents an imminent and serious threat to the health or safety of the complainant or other person; or
B. Prevents the District from ensuring equal access on the basis of sex to its education program or activity.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall notify the complainant prior to doing so and appropriately address reasonable concerns about the safety of the complainant or others, which may include providing supportive measures.

Supportive Measures

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

The Title IX Coordinator shall designate an individual to whom the District's providing, denying, modifying, or terminating of supportive measures may be appealed. The designated individual shall have authority to modify or reverse the District's decision if it is determined that the decision to provide, deny, modify, or terminate the supportive measure(s) was inconsistent with the definition of supportive measures. A party shall have the opportunity to seek additional modification or termination of a supportive measure applicable to them if there is a material change in circumstances.

Students With Disabilities

If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one (1) or more members, as appropriate, of the student's Individualized Education Program (IEP) team or the student's 504 team to ensure compliance with the Individuals with Disabilities Education Act and the Rehabilitation Act of 1973 throughout the grievance process.

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Complaint

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

- Notice of the District's grievance process and a copy of the procedures governing the grievance process;
- Notice of the allegations of sex-based harassment including sufficient details known at the time to allow the parties to respond to the allegations. Sufficient details include:
- The identities of the parties involved in the incident, if known;
- The conduct allegedly constituting sex-based harassment; and
- The date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement that retaliation is prohibited;
- That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- That the parties may inspect and review evidence relevant, and not otherwise impermissible, to the complaint of sexual-based harassment; and
- That the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

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

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

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider,

disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party's voluntary, written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;

- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; this includes evidence:
  - Whether obtained from a party or other source,;
  - The District does not intend to rely upon in reaching a determination regarding responsibility; and
  - That is either Inculpatory or exculpatory; and
- Create an investigative report that fairly summarizes relevant evidence.

At least five (5)[3] days prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least five (5)[3] days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

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

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

No earlier than five (5)[3] days following the completion of the investigation period, the decision-maker shall issue a written determination regarding responsibility. The written determination shall include:

1. Identification of the allegations potentially constituting sex discrimination or sex-based harassment;
2. A description of the procedural steps taken from the receipt of the complaint through the determination, including:

a. Any notifications to the parties;
b. Interviews with parties and witnesses;
c. Site visits;
d. Methods used to gather other evidence,; and
e. Hearings held;

1. Findings of fact supporting the determination;
2. Conclusions regarding the application of the District's code of conduct to the facts;
3. A statement of, and rationale for, the result as to each allegation, including:

a. A determination regarding responsibility;
b. Any disciplinary sanctions imposed on the respondent; and
c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and

1. The procedures and permissible bases for the complainant and respondent to appeal.

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

- If an appeal is not filed, the day after the period for an appeal to be filed expires; or

- If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The District shall investigate the allegations in a complaint. If the conduct alleged in the complaint would not constitute sex-based harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the definition of sex-based harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's code of conduct.
The District may dismiss a complaint or any allegations therein, if at any time during the grievance process:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein;
- The District was unable to identify the respondent after taking reasonable steps to do so;
- The respondent is no longer employed or enrolled at the District;
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.; or
- The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination or sex-based harassment.

Upon the dismissal of a complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.
The Title IX Coordinator may delegate the investigation or the determination as necessary to prevent a conflict from arising or the appearance of bias, including hiring an individual or individuals to conduct the investigation or to act as the decision-maker when necessary.

Appeals

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

a. The existence of a procedural irregularity that affected the outcome of the matter;
b. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
d. An appeal of the disciplinary sanctions from the initial determination.[5]

For all appeals, the District shall:

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

Confidentiality

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

- individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
- Submit a report to the child maltreatment hotline;
- Submit a report to the Professional Licensure Standards Board for reports alleging sex-based harassment by an employee towards a student; or
- The extent necessary to provide either party due process during the grievance process.[6]

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

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

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

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Emergency removal[7]

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

Retaliation Prohibited

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

Disciplinary Sanctions

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sex discrimination or sex-based harassment. Following the completion of the District's grievance process, any student who is found by the evidence to more likely than not[78] have engaged in sex discrimination or sex-based harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

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

Barriers to reporting

The Title IX Coordinator shall monitor for barriers to reporting information about conduct that reasonably may constitute sex discrimination or sex-based harassment and shall take steps reasonably calculated to address such barriers.

Records

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

- Each sex discrimination or sex-based harassment investigation including:

- Any determination regarding responsibility;
- Any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any appeal and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, and decision-makers;
- Any actions, including any supportive measures, taken in response to a report or complaint of sex discrimination or sex-based harassment, which must include:
- The basis for the District's conclusion that its response was not deliberately indifferent; and
- Document:
  - If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
  - If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- Records documenting the actions the District has taken to meet its obligations to eliminate sex discrimination, including reviewing barriers to reporting potential sex discrimination and the employee notification requirements, regarding each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination.

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

- Direct that complainants and respondents shall be treated equitably by:
- Offering supportive measures to the complainant;
- Completing the District's grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent that are designed to restore or preserve equal access to the District's education program or activity, which may include the same individualized supportive measures;
- Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence;
- Provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
- Require that any individual designated by the District as a Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;

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- Indicate that individuals selected by the District as Title IX Coordinators, investigators, and decision-makers have received training on:
- The definition of sex-based harassment;
- The scope of the District's education program or activity;
- How to conduct an investigation and the grievance process, including appeals;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and
- Issues of relevance to create an investigative report that fairly summarizes relevant evidence;
- Provide the District webpage where the materials used to train the District's Title IX Coordinators, investigators, and decision-makers is located;
- Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
- Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals;[3]
- A process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action, which may include:
- The absence of a party, a party's advisor, or a witness;
- Concurrent law enforcement activity; or
- The need for language assistance or accommodation of disabilities;
- Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility;
- State that the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard[8]
- Include the procedures and permissible bases for the complainant and respondent to appeal;
- Describe the range of supportive measures available to complainants and respondents; and
- Indicate that the District shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party's voluntary, written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process.

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

[3] The mandatory minimum ten (10) days has been repealed. We have reduced the minimum amount of time to five (5) days to try and speed up the process while still providing a reasonable period of time for the parties to review and respond but you may select a different length of time as long as it is "reasonable". Make sure that the number of days you include here matches with the time frame included in your procedures governing the grievance process.

[4] The Title IX regulations allow for the use of the single investigator model, which is what we have included as the default here. We are still using the phrase "decision-maker" here to cover those times when the determination has to be delegated to someone else in order to prevent an actual conflict or the appearance of bias.

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

[6] While the Family Educational Rights and Privacy Act (FERPA) ordinarily requires that documents containing information about more than one student be redacted so that a student may only view the portion of the educational record that is relevant to that particular student, 34 C.F.R. § 106.6 provides that FERPA does not apply to the extent necessary to provide due process to both parties involved in the grievance process; this includes allowing either party to review the names of the other party as well as any witnesses who have provided evidence relevant to the investigation.

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

[8] The preponderance of the evidence standard is the default standard for determination of responsibility.

Cross References: 3.26—LICENSED PERSONNEL SEX DISCRIMINATION AND SEX-BASED HARASSMENT
4.11—EQUAL EDUCATIONAL OPPORTUNITY
5.20—DISTRICT WEBSITE
7.15—RECORD RETENTION AND DESTRUCTION
8.20—CLASSIFIED PERSONNEL SEX DISCRIMINATION AND SEX-BASED HARASSMENT

Legal References: 20 USC 1681 et seq.
34 C.F.R. Part 106

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A.C.A. § 6-15-1005
A.C.A. § 6-18-502
A.C.A. § 12-18-102

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; therefore, it is the policy of the District to protect each electronic device with Internet filtering software that is designed to prevent students from accessing such materials. For purposes of this policy, “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

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(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.

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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 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.

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.

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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 the 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

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● 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.

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 (5th) grade unless the student's behavior:

a. Poses a physical risk to himself or herself or to others;

b. Causes a serious disruption that cannot be addressed through other means; or

c. Is the act of bringing a firearm on school campus.

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

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

1. The student shall be given written notice or advised orally of the charges against him/her;

2. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her and be allowed to present his/her version of the facts; and

3. If the principal finds the student guilty of the misconduct, he/she may be suspended.

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

Generally, notice and hearing should precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens

disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.

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

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

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

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

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

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.

4.30D– IN-SCHOOL SUSPENSION

Students will be supervised by a school employee while they complete assignments provided by their classroom teacher.

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 (10) school days, including the day upon which the suspension was initially imposed if he/she is:

● Students who pose 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 earn credit for 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^{th}) grade unless the student's behavior:

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

The Superintendent or his/her designee shall give written notice to the parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis (mailed to the address reflected on the District's records) that he/she will recommend to the Board of Education that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where the Board of Education will consider and dispose of the recommendation.
The hearing shall be conducted not later than ten (10) school days[1] following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

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

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

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.[2] The parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

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

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

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

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

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

Cross Reference: 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

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

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

If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to contact the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, person having lawful control of the student, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Division of Arkansas State Police, or an investigator or employee of the Department of Human Services.

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

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 substantially disrupt 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.

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Students whom the school nurse determines are unwell or unfit for school attendance or who are believed to have a communicable disease or condition will be required to be picked up by their parent or guardian. Specific examples include, but are not limited to: Varicella (chicken pox), measles, scabies, conjunctivitis (Pink Eye), impetigo/MRSA (Methicillin-resistant Staphylococcus aureus), streptococcal and staphylococcal infections, ringworm, mononucleosis, Hepatitis A, B, or C, mumps, vomiting, diarrhea, and fever (100.4 F when taken orally).

1 A student who has been sent home by the school nurse will be subsequently readmitted, at the discretion of the school nurse, when the student is no longer a transmission risk. In some instances, a letter from a health care provider may be required prior to the student being readmitted to the school.

To help control the possible spread of communicable diseases, school personnel shall follow the District's exposure control plan when dealing with any 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).

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

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

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

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

4.34D – HEAD LICE

According to the National Association of School Nurses and the American Academy of Pediatrics, a healthy child should not be restricted from attending school because of head lice or nits (eggs). The “no-nit” policy results in unnecessary absenteeism. Transmission mostly occurs through head-to-head. When a child is noticed to have head lice at school, parents will be called, and the school will need proof of treatment (example: the empty box for lice shampoo). The student will not be required to leave school

but will be instructed discreetly on not sharing personal items such as combs, brushes, hats, and other articles of clothing. The student will also be instructed to avoid head-to-head contact.

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

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

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

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

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

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

Schedule II Medications[2]

Option 1: The only Schedule II medications that shall be allowed to be brought to the school are methylphenidate (e.g. Ritalin or closely related medications as determined by the school nurse), dextroamphetamine (Dexedrine), and amphetamine sulfate (e.g. Adderall or closely related medications as determined by the school nurse).
For the student's safety, no student will be allowed to attend school if the student is currently taking any other Schedule II medication than permitted by this policy.[3] Students who are taking Schedule II medications which are not allowed to be brought to school shall be eligible for homebound instruction if provided for in their IEP or 504 plans.[4]

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

Students taking Schedule II medications not included in the previous sentence[3] 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.[5] 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.[4]

Self-Administration of Medication

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

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

A student may be authorized to self-administer a stress dose medication to treat the student's adrenal insufficiency with:

1. The written authorization of the student's parent, legal guardian, or person standing in loco parentis; and
2. A written order from the student's treating physician stating that the student:
    a. Is capable of completing the proper method of self-administration of the stress dose medication,; and
    b. Has been instructed on the details of the student's medical condition and the events that may lead to an adrenal crisis.

The parent, legal guardian, or person standing in loco parentis of a student who is authorized to self-administer a stress dose medication shall sign an IHP developed by the school nurse for the school where the student is enrolled. The IHP shall include a requirement for the notification of appropriate staff following the self-administration of a stress dose medication, which shall include the school nurse, teacher of the classroom where the stress dose medication was administered, and a school administrator. 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, stress dose medication, or combination does not require the student to have such on the student's person. The parent or guardian of a student who qualifies under this policy to self-carry a rescue inhaler, auto-injectable epinephrine, diabetes medication, stress dose medication, or any combination on the student's person shall provide the school with the appropriate medication, which shall be immediately available to the student in an emergency.

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

Emergency Administration of Glucagon and Insulin

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

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

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

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

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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 trained[6] school employees designated by the school nurse as a care provider who have been certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP that provides for the administration of an epinephrine auto-injector in emergency situations.

The parent of a student who has an authorizing IHP, or the student if over the age of eighteen (18), shall annually complete and sign a written consent form provided by the student's school nurse authorizing the nurse or other trained[6] school employee(s) certified to administer auto-injector epinephrine to administer auto-injector epinephrine to the student when the employee believes the student is having a life-threatening anaphylactic reaction.

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

The school nurse for each District school shall keep epinephrine auto-injectors on hand that are suitable for the students the school serves. The school nurse or other trained[6] school employee designated by the school nurse as a care provider who has been certified by a licensed physician may administer auto-injector epinephrine to those students who the school nurse, or other trained[6] school employee certified to administer auto-injector epinephrine, in good faith professionally believes is having a life-threatening anaphylactic reaction.

Emergency Administration of Albuterol

The school nurse or other trained[6] school employees designated by the school nurse as a care provider who have been certified by a licensed physician, advanced practice registered nurse, or physician assistant may administer albuterol in emergency situations to students who have an IHP that provides for the administration of albuterol in emergency situations.

The parent of a student who has an authorizing IHP, or the student if over the age of eighteen (18), shall annually complete and sign a written consent form provided by the student's school nurse authorizing

the nurse or other trained[6] school employee(s) certified to administer albuterol to administer albuterol to the student when the employee believes the student is in perceived respiratory distress.

The school nurse for each District school shall keep albuterol on hand. The school nurse or other trained[6] school employee designated by the school nurse as a care provider who has been certified by a licensed physician, advanced practice registered nurse, or physician assistant may administer albuterol to those students who the school nurse, or other trained[6] school employee certified to administer albuterol, in good faith professionally believes is in perceived respiratory distress.

Emergency Administration of Anti-opioid

The school nurse for each District school shall keep anti-opioid injectors on hand and the school nurse and school resource officer shall possess an anti-opioid at all times when on duty. The school nurse, other school employee, volunteer, or student may administer anti-opioid in accordance with the District's procedures to a student who the school nurse, or other observer, in good faith believes is having an opioid overdose.

An opioid overdose rescue kit shall be placed within all storage locations in the District high school buildings that currently contain an automated external defibrillator for public use. The opioid overdose rescue kits shall be located where it is readily available to the public, be visually free of advertisement, and contain an anti-opioid.

Emergency Administration of Emergency Adrenal Insufficiency Medication

The school nurse or other trained[6] school employees designated by the school nurse as a care provider who have been certified by a licensed physician may administer an injectable emergency dose medication in emergency situations to students who have an IHP that provides for the administration of an injectable emergency dose medication 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 trained[6] school employee(s) certified to administer an injectable emergency dose medication to administer an injectable emergency dose medication to the student when the employee believes the student is having an adrenal crisis due to adrenal insufficiency.

Students who have met the requirements to be authorized to self-administer a stress dose medication under this policy shall provide the school nurse an emergency injectable dose of the student's medication. This emergency injectable dose will be used in the event the school nurse, or other school

employee certified to administer an injectable emergency dose medication, in good faith professionally believes the student is having an adrenal crisis due to adrenal insufficiency.

Seizure Disorder Medications

Students who have been diagnosed with a seizure disorder shall have a seizure action plan that shall be a written IHP designed to acknowledge and prepare for the healthcare needs of the student. The student's seizure action plan shall be created in collaboration between District staff and the student's Parents, legal guardians, persons having lawful control of the student, or persons acting in loco parentis or the student if over eighteen (18). As part of the creation of the student's seizure action plan, the student's Parents, legal guardians, persons having lawful control of the student, or persons acting in loco parentis shall:

1. Provide the school with written authorization to administer the seizure medication at school;
2. Provide a written statement from the student's healthcare provider that shall contain the following information:
    - The student's name;
    - The name and purpose of the medication;
    - The prescribed dosage;
    - The route of administration;
    - The frequency that the medication should be administered; and
    - The circumstances under which the medication should be administered;
1. Provide the prescribed medication to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy intact, which shall be stored in a safe and secure location accessible only by District personnel or volunteers with training to administer seizure medication.

The written authorization, written statement, and seizure action plan shall be kept on file in the office of the school nurse or school administrator and distributed to any school personnel or volunteers responsible for the supervision or care of the student.

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

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

[1] The time frame in this paragraph is not statutorily mandated and may be changed to better suit your district and the employment contract of the school nurse. Any changes you make, however,

need to address the need for students to have their medications through the last day of school and the reality of parent's work schedules.

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

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

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

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

[6] The training may be received through a nationally recognized organization experienced in training laypersons in emergency health treatment or other persons approved by the Department of Health. Examples of National programs are those provided by the American Heart Association and the American Red Cross. The certification refers to the memorandum of understanding provided by the physician authorizing the school nurse and trained school personnel to administer the medication.

Legal References: Ark. State Board of Nursing: School Nurse Roles and Responsibilities
Division of Elementary and Secondary Education and Arkansas State Board of Nursing Rules Governing the Administration of Insulin, Glucagon, and Medication for Adrenal Insufficiency or Adrenal Crisis to Arkansas Public School Students
A.C.A. § 6-18-701
A.C.A. § 6-18-707
A.C.A. § 6-18-711
A.C.A. § 6-18-714
A.C.A. § 6-18-717
A.C.A. § 6-18-720
A.C.A. § 6-18-721
A.C.A. § 17-87-103 (11) and (14)
A.C.A. § 20-13-405

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4.35D – STUDENT MEDICATIONS

The school nurse or designee will not administer any medications without a signed Medication Consent form. This form must include that the medication has been given before with no adverse reactions experienced. It must also include the student's name, medication name, dose, what it will be given for, and parent's signature. Medications must be in original bottles. No loose pills will be accepted in baggies, envelopes, unidentified bottles, or taped to a note. This is for students' protection.

4.35F—MEDICATION ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

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

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

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

Name of medication _____
Name of prescribing health-care provider
_____

Dosage _____

Instructions for administering the medication _____
_____

Other instructions _____

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

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

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

Parent or legal guardian signature _____ Date _____

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4.35F4—EPINEPHRINE EMERGENCY ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

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

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

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

Date of health-care provider's order _____

Circumstances under which Epinephrine may be administered

_____

_____

Other instructions _____

_____

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

Parent or legal guardian signature _____

Date _____

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4.35F5—ALBUTEROL EMERGENCY ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

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

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

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

Date of health-care provider's order _____

Circumstances under which albuterol may be administered _____
_____

Other instructions _____
_____

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

Parent or legal guardian signature _____

Date _____

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4.35F6—STRESS AND EMERGENCY DOSE MEDICATION ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

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

The school has developed an individual health plan (IHP) acknowledging that my child has been diagnosed as suffering from adrenal insufficiency. The IHP authorizes the school nurse to administer a stress or emergency dose medication to my child in an emergency situation.

Date of health-care provider's order _____

Circumstances under which the stress or emergency dose medication may be administered

_____

_____

Other instructions _____

_____

In the absence of the nurse, trained volunteer district personnel may administer a stress dose or emergency dose medication to my child in an emergency situation.

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

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

Parent or legal guardian signature _____

Date _____

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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.

4.36D – STUDENT ILLNESS/ACCIDENT

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 will be notified as quickly as possible. 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 not fewer than three (3) times per year.[1] Students who ride school buses,[2] shall also participate in emergency evacuation drills at least twice each school year.

The District shall annually conduct a lockdown drill at all schools in the District in collaboration with local law enforcement, medical professionals, fire department officials, and emergency management personnel. The lockdown drill training will include use of the District's emergency communication method with law enforcement.[3,4] 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.[5]

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

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District's emergency communication with law enforcement method[3]. Students shall be included in the drills to the extent practicable.[5]

Notes: districts are required to conduct a comprehensive school safety assessment to assess the safety, security, accessibility, and emergency preparedness of district buildings and grounds in collaboration with local law enforcement, fire, and emergency management officials. The school safety assessment must be conducted at least once every three (3) years, with the initial school safety assessment being completed by no later than August 1, 2024. The comprehensive school safety assessment shall be conducted by more than one (1) individual, which must include at least one (1) individual who is not assigned to the district facility being assessed. The comprehensive school safety assessment shall include at least all of the following:

- Safety and security of the site and exterior of buildings;
- Access control;
- Safety and security of the interior of buildings;
- Monitoring and surveillance, including without limitation type and extent;
- Communication and information security;
- Review of emergency operation plans; and
- School climate and culture.

When developing your school safety plan, be sure to review and address the items set forth in A.C.A. § 6-15-1303(j).

1 If your district is determined to be within an area susceptible to earthquakes, add the following: *Earthquake safety drills shall be conducted in accordance with the District's safety plan.*

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

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

a) Connect the caller with 911 while simultaneously notifying designated on-site personnel;

b) Directly integrate into the existing statewide Smart911 system.

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c) Be available for use as a smartphone application and have a mechanism for panic notifications to be triggered by non-smartphone wireless callers and landline callers; and

d) Be limited to users designated, approved, and confirmed by school administrators.

Smart911 is required to provide a way for schools to geo-fence the school campus and provide and manage floor plans and other documents to assist emergency responders when they automatically display during a 911 call. Districts are responsible for keeping the floor plans and pertinent emergency contact information for the statewide Smart911 system up to date, which must be done at least annually or if substantial building modifications or changes are made.

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

- Assess the plan and ability of the district to prevent and respond to a threat on campus;
- Clarify the roles and responsibilities of each individual when an emergency occurs;
- Discuss the logistics of handling an emergency on the school campus;
- Identify areas in which the school safety plan should be modified; and
- Collaborate with local law enforcement, fire, and emergency management officials.

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

Legal References: A.C.A. § 12-13-109
A.C.A. § 6-10-110
A.C.A. § 6-10-121
A.C.A. § 6-15-1302

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A.C.A. § 6-15-1303
A.C.A. § 6-15-1304
Ark. Division of Academic Facilities and Transportation Rules Governing Maintenance and Operations of Ark. Public School Buses and Physical Examinations of School Bus Drivers 4.03.1

4.38—PERMANENT RECORDS

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

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 the superintendent's 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.

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

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 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) 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.[1]

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

1. 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

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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.[2]
A homeless student shall be immediately eligible to participate in interscholastic activities at the school in which the student is enrolled.
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
a. 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;
b. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
c. 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.[3]

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

A.C.A. § 9-25-106 includes additional rights for unaccompanied youth who are certified by the district LEA to be homeless.

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[1] 42 U.S.C. § 11432(g)(1)(I) requires that SEAs and LEAs demonstrate they have developed policies to remove barriers to the identification, enrollment, and retention of homeless children and youths, including barriers to enrollment and retention due to outstanding fees or fines, or absences. The policy language is designed to provide as much flexibility as possible to allow a homeless student to succeed while still holding the homeless student responsible for circumstances that are unrelated to the student's living situation.

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

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

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

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

Legal References:
A.C.A. § 6-18-115
A.C.A. § 9-25-106
42 U.S.C. § 11431 et seq.
42 U.S.C. § 11431 (2)
42 U.S.C. § 11432(g)(1)(H)(I)
42 U.S.C. § 11432 (g)(1)(J)(i), (ii), (iii), (iii)(I), (iii)(II)
42 U.S.C. § 11432 (g)(3)(A), (A)(i), (A)(i)(I), (A)(i)(II), (A)(ii)
42 U.S.C. § 11432 (g)(3)(B)(i), (ii), (iii)
42 U.S.C. § 11432 (g)(3)(C)(i), (ii), (iii)
42 U.S.C. § 11432 (g)(3)(E)(i), (ii), (iii)
42 U.S.C. § 11432 (g)(3)(G)
42 U.S.C. § 11432 (g)(4) (A), (B), (C), (D), (E)
42 U.S.C. § 11434a
Commissioner's Memo COM-18-044

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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.

4.42—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 eighteen (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[1] 4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS and the current DESE Standards for Accreditation Rules to ensure that there is no conflict. If a conflict exists, the Principal and/or Counselor shall notify the Superintendent and Curriculum Coordinator immediately, so that corrections may be made and notice of the requirements given to students and parents.

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

The DESE Standards Assurance unit has said there has been a problem with some committees making changes out of alignment with board policy which can make them out of alignment with statutory and/or DESE Rules which creates a probationary cite in a Standards review. They suggest districts should make sure Handbook Committees' changes align with the student board policy

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changes. We have not changed the policy regarding the resolution of a conflict between a policy and the handbook because that is accepted legal prioritization.

[1] The use of the plural "Policies" here is to include all of the 4.45 policies, such as 4.45.1 and following, without having to amend the policy each time the number of graduation policies changes.

4.43—BULLYING

Definitions

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

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

- Physical harm to a public school employee or student or damage to the public school employee's or student's property;
- Substantial interference with a student's education or with a public school employee's role in education;
- A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
- Substantial disruption of the orderly operation of the school or educational environment;

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

1. Cyberbullying;
2. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes;
3. Pointed questions intended to embarrass or humiliate;
4. Mocking, taunting or belittling;
5. Non-verbal threats and/or intimidation such as "fronting" or "chesting" a person;
6. Demeaning humor relating to a student's actual or perceived attributes;
7. Blackmail, extortion, demands for protection money or other involuntary donations or loans;

8. Blocking access to school property or facilities;
9. Deliberate physical contact or injury to person or property;
10. Stealing or hiding books or belongings;
11. Threats of harm to student(s), possessions, or others;
12. Sexual harassment, as governed by policy 4.27, is also a form of bullying; and/or
13. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether the student self-identifies as homosexual or transgender (Examples: “Slut”, “You are so gay.”, “Fag”, “Queer”).

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

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

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

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

Cyberbullying is prohibited whether or not the cyberbullying originated on school property or with school equipment, if the cyberbullying results in the substantial disruption of the orderly operation of the school or educational environment or is directed specifically at students or school personnel and

maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

“Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and
“Substantial disruption” means without limitation that any one or more of the following occur as a result of the bullying:

- Necessary cessation of instruction or educational activities;
- Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
- Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
- Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Respect for the dignity of others is a cornerstone of civil society. Bullying creates an atmosphere of fear and intimidation, robs a person of his/her dignity, detracts from the safe environment necessary to promote student learning, and will not be tolerated by the Board of Directors. Students who bully another person shall be held accountable for their actions whether they occur on school equipment or property; off school property at a school sponsored or approved function, activity, or event; going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops. Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the building principal. The report may be made anonymously. Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the building principal, or designee, as soon as possible. Parents or legal guardians may submit written reports of incidents they feel constitute bullying, or if allowed to continue would constitute bullying, to the building principal, or designee.

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

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

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:

a. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
b. Prepare a written report of the alleged incident of bullying;
1. Promptly investigate the credible report or complaint of bullying, which shall be completed by no later than the fifth (5th) school day following the completion of the written report.
2. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student who was the alleged victim in a credible report of bullying whether the investigation found the credible report or complaint of bullying to be true and the availability of counseling and other intervention services.
3. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of the student, or person acting in loco parentis of the student who is alleged to have been the perpetrator of the incident of bullying:
a. That a credible report or complaint of bullying against their student exists;
b. Whether the investigation found the credible report or complaint of bullying to be true;
c. Whether action was taken against their student upon the conclusion of the investigation of the alleged incident of bullying; and
d. Information regarding the reporting of another alleged incident of bullying, including potential consequences of continued incidents of bullying;
1. Make a written record of the investigation, which shall include:
a. A detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying;
b. Any action taken as a result of the investigation; and
1. Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

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

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

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

Copies of this policy shall be available upon request.[4]

Notes: DESE has created a guidance document on bullying that could be useful in developing staff and student training on bullying. The document can be found at https://dese.ade.arkansas.gov/Offices/communications/safety/anti-bullying-and-violence-prevention.

Different consequences are permitted depending on the age or grade of the bullying student.
[1] Example: a student might be disciplined both for bullying and sex-based harassment, in an appropriate situation, or bullying and assault.
[2] Suggestion for the posted notice: Create a circle with a line through it over the word Bullying (similar to a non-smoking logo). Beside the logo write: Mean talk or hurting other people is called bullying. Bullying is against the rules and can get you in trouble, suspended, or expelled. If someone bullies you, or you see someone being bullied, get help by telling an adult.
[3] Copies of the notices are required to be published in any district Publication that sets forth the comprehensive rules, procedures, and standards of conduct for the schools within the district as well as the student handbook.
[4] There should be a statement in the Student Handbook to this effect.

Legal References: A.C.A. § 5-71-217
A.C.A. § 6-18-514
DESE Rules Governing Student Discipline and School Safety

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

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violation under this policy shall be immune from any tort liability which may arise from the failure to remedy the reported incident.

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.

4.44—NATIONAL ANTHEM

Each school in the District shall broadcast The Star-Spangled Banner at:
· The commencement of each school-sanctioned sporting event; however, if two (2) or more school-sanctioned sporting events occur on the same day at the same school, then the broadcast of The Star-Spangled Banner may be performed at only one (1) of the events; and
· At least one (1) time each week during school hours.
The broadcast of The Star-Spangled Banner shall be selected from any recording that adheres to the Division of Elementary and Secondary Education (DESE) Rules, or, when appropriate, performed from original sheet music that adheres to DESE rules by:

- o A school-sanctioned band program;
- o A school-sanctioned chorale program, vocal group, or vocalist; or
- o The attendees of a school-sanctioned event led by a vocalist selected by the principal of the school hosting the school-sanctioned event.

Students shall not be compelled to participate in the performance of The Star-Spangled Banner, but students who choose not to participate in the performance of The Star-Spangled Banner shall not disrupt those students choosing to participate in the performance of The Star-Spangled Banner. Students choosing not to participate in the performance of The Star-Spangled Banner who do not disrupt the participation of performance of The Star-Spangled Banner shall not be subject to any comments, retaliation, or disciplinary action.

4.45.2—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2027 AND THEREAFTER

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

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents as part of the annual school district support plan development process[3] 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 shall be accomplished through holding an informational meeting for parents, legal guardians, or persons standing in loco parentis to students enrolled in grades six through twelve (6-12) with the school counselor and may be accomplished through any or all of the additional following means:[4]

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

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

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

GRADUATION REQUIREMENTS

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

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

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

Personal and Family Finance

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

Computer Science

All students shall earn one (1) unit of credit in a computer science or computer science related career and technical education course in order to graduate.

Community Service

Except as otherwise provided by this policy, each student must receive seventy-five (75) clock hours of community service that is certified by the service agency or organization where the student volunteers.

The community service must be in programs or activities, either in Arkansas or outside of Arkansas, that meet the requirements established by the State Board and the District Board of Directors and include preparation, action, and reflection components. A student who transfers into the District after ninth (9^{th}) grade must receive at least the following documented clock hours of community service each year:

- Fifteen (15) hours for students in grade nine (9);
- Twenty (20) hours for students in grade ten (10);
- Twenty (20) hours for students in grade eleven (11); and
- Twenty (20) hours for students in grade twelve (12).

Students transferring into the District after grade nine (9) or students who are graduating early may receive a diploma provided that the minimum requirement for each year the student attends the District is met. The District Board of Directors may grant a waiver of the community service requirement for extenuating circumstances on a case-by-case basis, which may include without limitation:

- A major illness associated with a student or a family member of a student;
- Student homelessness or housing insecurity; and
- Notice to the public school district board of directors if the student is a major contributor to family income.

SMART CORE: Sixteen (16) units
English: four (4) units – 9^{th}, 10^{th}, 11^{th}, and 12^{th}
Oral Communications: one-half (½) unit
Mathematics: four (4) units (all students under Smart Core must take a mathematics course in grade 11 or 12 and complete Algebra II.)

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

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

1. Algebra II; and
2. The fourth unit may be either:

- A math unit approved by DESE beyond Algebra II; or
- A computer science flex credit may be taken in the place of a fourth math credit.

Natural Science: three (3) units

a. DESE approved biology – 1 credit;
b. DESE approved physical science – 1 credit; and
c. A third unit that is either:

- An additional science credit approved by DESE; or
- A computer science flex credit may be taken in the place of a third science credit.

Social Studies: three (3) units

- Civics - one-half (½) unit
- World History - one unit
- American History - one unit
- Other social studies – one-half (½) Unit

Physical Education: one-half (½) unit
Note: While one-half (½) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.
Health and Safety: one-half (½) unit
Economics – one half (½) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.[7]

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 – 9th, 10th, 11th, and 12th
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

a. DESE approved biology – 1 credit;
b. DESE approved physical science – 1 credit; and
c. A third unit that is either:

- An additional science credit approved by DESE; or
- A computer science flex credit may be taken in the place of a third science credit.

Social Studies: three (3) units

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

Physical Education: one-half (½) unit
Note: While one-half (½) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.
Health and Safety: one-half (½) unit
Economics – one half (½) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.[7]
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.

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

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

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

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

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

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

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

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

Legal References: Standards for Accreditation 1-C.2, 1-C.2.1, 1-C.2.2, 1-C.2.3
DESE Guidelines for the Development of Smart Core Curriculum Policy

DESE Rules Governing Distance and Digital Learning
Smart Core Information Sheet
Smart Core Waiver Form
Commissioner's Memo COM-24-021
Commissioner's Memo LS-18-082
A.C.A. § 6-4-302
A.C.A. § 6-15-2906
A.C.A. § 2911
A.C.A. § 6-16-122
A.C.A. § 6-16-143
A.C.A. § 6-16-149
A.C.A. § 6-16-150
A.C.A. § 6-16-152
A.C.A. § 6-16-1901 et seq.
A.C.A. § 6-28-115

4.46—PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance shall be recited
1. During the first class period of each school day;
2. At the commencement of each school-sanctioned after-school assembly; and
3. At the commencement of each school-sanctioned sporting event; however, if two (2) or more school-sanctioned sporting events occur on the same day at the same school, then the Pledge may be recited at only one (1) of the school-sanctioned sporting events.

Students choosing to participate in the recitation of the Pledge 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 either stand or sit quietly while the other students recite the Pledge. 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 who do not disrupt those students who choose to recite the Pledge shall not be subject to any comments, retaliation, or disciplinary action.

Following the recitation of the Pledge, there shall be an observance of one (1) minute of silence. During the one (1) minute of silence, each student may reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Students who do not disrupt the one (1) minute of silence shall not be subject to any comments, retaliation, or disciplinary action.

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4.47— POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES

CELL PHONE POLICY

Beginning with the 2025–2026 school year, a new Arkansas law—The Bell to Bell, No Cell Act—requires schools to strictly limit student use of personal electronic devices during the school day. This applies to cell phones, tablets, laptops, smart watches, earphones and other personal electronic devices.

Students are encouraged to not bring devices to school at all. If students bring these items to school, they will be expected to turn them into their homeroom teachers. The electronic device will then be returned at the end of the day. Students have the responsibility of collecting the device at the end of the day. Violation of this policy includes having a device visible, regardless if it is being used or not, actively using a device, and ringing or noise from a device not submitted to the homeroom teacher.

Exemption: The student is enrolled in an endorsed concurrent enrollment course at an institution of higher education, and the use of the personal electronic device is necessary in order to utilize two-factor authentication to access course work and resources for the endorsed concurrent enrollment course. The use of the personal electronic device shall be limited to the time necessary to complete the two-factor authentication process.

Students are allowed to bring their devices to school under the following conditions:

- The device is turned off and not used on school property
- The device is turned into the child's homeroom teacher (the device will be returned at the end of the day).
- Inappropriate use of a device will result in disciplinary action.
- The parent/guardian has signed the cell phone policy agreement indicating that the school is not responsible for the loss or damage to the cell phone.

1st Offense Device will be taken away, sent to the office and must be picked up by a parent/guardian.

2nd Offense Device will be taken away from the student, sent to the office, have a parent/guardian meeting and lunch detention.

3rd Offense 1 day ISS and parent will pick up the device.

Consequences will increase with the number of offenses with principal discretion. Devices can only be picked up during school hours by a parent or guardian.

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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 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; 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.

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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.

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.

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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:
    - o The Arkansas State Medical Board;
    - o The Arkansas State Board of Chiropractic Examiners (Chiropractors);
    - o 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.

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4.51— FOOD SERVICE PREPAYMENT

Meal Charges

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 to the child's homeroom teacher;
- Depositing funds through the District's online service (myschoolbucks.com);

A student's parents will be contacted by authorized District personnel regarding a student's prepaid account balance at the following times:

Unpaid Meal Access
In accordance with Arkansas law, the District allows students whose accounts do not have enough funds to purchase a meal to receive an unpaid reimbursable meal at no charge. The District will notify a student's parents

- o When the student's prepaid account balance has dropped to the point that the student will begin receiving unpaid meals;
- o Each time the student receives the first unpaid meal after money has been deposited into the student's prepaid account;

and

- o After the student has received five (5) unpaid meals.

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 unpaid meal.

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4.51D- FOOD SERVICES

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 Division of Elementary and Secondary Education (DESE), and individuals involved with each foster child to ensure that the foster child is able to maintain his/her continuity of educational services to the fullest extent that is practical and reasonable.

The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational liaison for foster children and youth whose responsibilities shall include ensuring the timely school enrollment of each foster child and assisting foster children who transfer between schools by expediting the transfer of relevant educational records.

The District, working with other individuals and agencies shall, unless the presiding court rules otherwise or DHS grants a request to transfer under Foster Child School Choice, ensure that the foster child remains in his/her school of origin, even if a change in the foster child's placement results in a residency that is outside the district. In such a situation, the District will work with DHS to arrange for transportation to and from school for the foster child to the extent it is reasonable and practical.

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.

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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 DESE that is postmarked by no later than May 1 of the year the student seeks to begin the fall semester at another school in the District or in the District.

By July 1 of the school year in which the student seeks to transfer under this section, the superintendent shall notify the foster parent, or the foster child if the foster child is eighteen (18) years of age, in writing whether the application has been accepted or rejected. If the application is accepted, the superintendent shall state in the notification letter a reasonable deadline for the foster child to enroll in the new school or the District and that failure to enroll by the date shall void the school choice acceptance. If the application is rejected, the superintendent shall state in the notification letter the reason for the rejection and that the foster parent, or the foster child if the foster child is eighteen (18) years of age, may submit a written appeal of the rejection to the State board within ten (10) days of receiving the notification letter.

The District shall only reject a Foster Child School Choice application if:
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.

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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 th 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.

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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 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 Districts 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

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help the Committee make its determination or it will uphold the initial decision. The Committee's decision may not be further appealed.

4.55—STUDENT PROMOTION AND RETENTION

A disservice is done to students through social promotion and is prohibited by state law. The District shall, at a minimum, evaluate each student annually in an effort to help each student who is not performing at grade level. Parents, legal guardians, persons having lawful control of the student, or persons acting in loco parentis shall be kept informed concerning the progress of their student(s). Notice of a student's possible retention or required retaking of a course shall be included with the student's grades sent home to each parent/guardian or the student if 18 or older. Parent-teacher conferences are encouraged and may be held as necessary in an effort to improve a student's academic success.

At least once each semester, the parents, legal guardians, persons having lawful control of the student, or persons acting in loco parentis, and teacher(s) of a student in kindergarten through eighth (8th) grade shall be notified in writing of the student's independent grade-level-equivalency in reading. Any grades, course credits, and/or promotions received by a student while enrolled in the Division of Youth Services system of education shall be considered transferable in the same manner as those grades, course credits, and promotions from other accredited Arkansas public educational entities.

Promotion or retention of students, or their required retaking of a course shall be primarily based on the listed 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, legal guardians, persons with lawful control of the student, or persons standing in loco parentis.

The conference shall be held at a time and place that best accommodates those participating in the conference. The school shall document participation or non-participation in required conferences. If the conference attendees fail to agree concerning the student's placement or receipt of course credit, the final decision shall rest with the principal or the principal's designee.

Each student shall have a student success plan (SSP) developed by school personnel in collaboration with the student's parents and the student that is reviewed and updated annually. A student's SSP shall

use multiple academic measures to personalize learning in order for students to achieve their grade-level expectations and individual growth. The SSP will identify if the student is in need of additional support or acceleration. Academic measures to be used in creating and updating a student's SSP shall include, but are not limited to:

- Statewide student assessment results;
- Subject grades;
- Student work samples; and
- Local assessment scores.

By the end of grade eight (8), the student's SSP shall:

- Guide the student along pathways to graduation;
- Address accelerated learning opportunities;
- Address academic deficits and interventions; and
- Include college and career planning components.

Based on a student's score on the college and career assessment:

- The student's SSP will be updated in order to assist the student with college and career readiness skills, course selection in high school, and improved academic achievement; and
- Provide a basis for counseling concerning postsecondary preparatory programs.

An SSP shall be created:

1. By no later than the end of the school year for a student in grade eight (8) or below who enrolls in the District during the school year; or
2. As soon as reasonably possible for a student in grade nine (9) or above who enrolls in the District at the beginning or during the school year.

A student's individualized education program (IEP) may act in the place of the student's SSP if the IEP addresses academic deficits and interventions for the student's failure to meet standards-based academic goals at an expected rate or level and includes a transition plan that addresses college and career planning components. Promotion or retention of students with an IEP shall be based on their successful attainment of the goals set forth in their IEP.

Students who either refuse to sit for a Statewide assessment or attempt to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are originally administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity, including school dances, prom, homecoming, senior events, and may be prevented from walking or participating in graduation exercises. The student shall remain ineligible to participate until the student takes the same or a following Statewide assessment, as applicable. The Superintendent or designee may waive this paragraph's provisions when the student's

failure was due to exceptional or extraordinary circumstances. Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.

4.55D - STUDENT PROMOTION AND RETENTION

Promotion and retention is 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 a committee of the teacher, the administration, and the parent/guardian who will consider grades and attendance. If, in a teacher's opinion, a student is in danger of being retained, the committee will meet and decide whether or not the child will be recommended for retention, recommended for summer school, or promoted.

Third Grade Promotion

Ensuring that all students read proficiently by the end of third grade is a shared responsibility and a critical milestone for long-term academic success.

Beginning at the end of the 2025-2026 school year, third-grade students are expected to meet a minimum reading standard to be promoted to fourth grade. This requirement aligns with the vision set forth in Arkansas' Right to Read Act, reinforcing the state's commitment to literacy as a foundation for lifelong learning, ensuring that every student receives the support needed to read by third grade. Arkansas Code 6-15-2201 and 6-15-2005 Learns Act

JoAnn Walters Elementary will follow all state laws and guidelines regarding this requirement. Parents will be notified about reading levels many times throughout the year following their 2nd grade Atlas summative. Students will be monitored and evaluated based on their level and Good Cause Exemptions as to whether they will be promoted to 4th or retained in 3rd grade after their 3rd grade summative. The principal will have the final say in this decision.

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4.56.1—EXTRACURRICULAR ACTIVITIES-ELEMENTARY

Definitions

"Extracurricular activities"are defined as: any school sponsored program where students from one or more schools meet, work, perform, practice under supervision outside of regular class time, or are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition. Examples include, but are not limited to, inter/intrascholastic athletics, cheerleading, band, choral, math, or science competitions, field trips, and club activities.

"Field Trips" are when individual students or groups of students are invited to programs or events when there is no competition and the students are not interacting with each other for the purpose of planning, qualifying, or arranging for future programs or for the purpose of receiving recognition.

Field Trip Eligibility

Principal and teachers have the authority based on repeated behavior incidents to deny a student's privilege to attend.

"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.

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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.

No student shall be required to pay for individual or group instruction in order to participate in an extracurricular activity.

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.

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 peewee athletics.

4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS

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Home-schooled student means a student legally enrolled in an Arkansas home school and who meets or has met the criteria for being a home-schooled student, as established by A.C.A. § 6-15-503.

Interscholastic activity means an activity between schools subject to rules of the Arkansas Activities Association that is outside the regular curriculum of the school district, such as an athletic activity, fine arts program, or a special interest group or club.

Each school in the District shall post on its website its schedule of interscholastic activities, including sign-up, tryout, and participation deadlines, at least one semester in advance of those activities. A hard copy of the schedule shall be available upon request.1

Home-schooled students whose parents or guardians are legal residents of the school district will be permitted to pursue participation in an interscholastic activity in the student's resident school zone2 as permitted by this policy.

Home-schooled students whose parent or legal guardian are not residents of the school district will be permitted to pursue participation in an interscholastic activity in the District if: the superintendent of the student's resident district and the superintendent of the District both agree in writing to allow the student to participate in interscholastic activities at the District.

- 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; or
- The student's resident school does not offer the interscholastic activity and the superintendent of the non-resident district agrees to allow the student to enroll in the interscholastic activity.

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 interscholastic activities without discrimination. The District shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.

No student shall be required to pay for individual or group instruction in order to participate in an interscholastic activity.

To be eligible to try out and participate in interscholastic activities, the student or the parent of a student shall mail or hand deliver the student's request to participate to the student's school's principal before the signup, tryout or participation deadline established for traditional students. Additionally, the student shall demonstrate academic eligibility by obtaining a minimum test score of the 30th percentile or better in the previous 12 months on the Stanford Achievement Test Series, Tenth Edition; another nationally

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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 non-accademic course3 in the District's school where the student is intending to participate in an interscholastic activity that coincides with the interscholastic activity in which the homeschooled student participates and shall be required to be at school only when participation in the interscholastic activity requires other students who participate in the interscholastic activity to be at school.

The student shall regularly attend the class in which the student is registered beginning no later than the eleventh (11th) day of the semester in which the student's interscholastic activity participation is desired. The student must attend the practices for the interscholastic activity to the same extent as is required of traditional students.

A student and the parent or legal guardian of the student shall sign and return an acknowledgement of receipt and review of an information sheet regarding signs and symptoms of sudden cardiac arrest before the student may participate in an athletic activity and before each school year the student participates in an athletic activity.

A home-schooled student who has met the try out criteria; and who has been selected to participate in the interscholastic activity shall meet the following criteria that also apply to traditional students enrolled in the school:

- standards of behavior and codes of conduct;
- attend the practices for the interscholastic activity to the same extent as is required of traditional students;
- required drug testing;4
- permission slips, waivers, physical exams; and
- participation or activity fees.

A home-schooled student who is not a resident of the District may begin participating in interscholastic activities:

a. Immediately upon being approved for participation for all interscholastic activities other than athletic activities; and

b. One (1) calendar year after being approved to participate in interscholastic activities that are athletic activities unless the approval is prior to July 1 of the school year the student would have been enrolled in seventh (7th) grade if the student were enrolled in public school.

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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.

A home schooled student may begin participating in an interscholastic activity immediately upon being approved to participate by the District if:

- The home schooled student has not withdrawn from an Arkansas Activities Association member school; or
- The student has withdrawn from an AAA member school and enrolled in a home school but did not participate in an interscholastic activity that is a varsity sport at the student's resident district prior to the students withdrawal from the AAA member school.

A student who withdrew from an AAA member school who participated in an interscholastic activity that is a varsity sport at the student's resident district during the previous three hundred sixty-five (365) days shall not be eligible to immediately participate in an interscholastic activity that is a varsity sport in the District. The student will not become eligible for full participation until the completion of the three hundred sixty-five (365) day period from when the student withdrew. A student who is not eligible for full participation may participate in tryouts, practices, classes, or other endeavors associated with the interscholastic activity until the completion of the three hundred sixty-five (365) day period from when the student withdrew.

Notes: 1 This paragraph is not statutorily required, but without advance determination of the timelines, there will be no way for a parent to know when, or even for what semester, they will have to make their application to the district. Such information will benefit all students.

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

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

4 Include "drug testing" only if your district conducts such tests.

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Cross Reference: 4.59—ACCADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOL STUDENTS

Legal References: A.C.A. § 6-15-509
A.C.A. § 6-16-151
A.C.A. § 6-18-232
A.C.A. § 6-18-713
Arkansas Activities Association Handbook
Commissioner's Memo COM-18-009
Commissioner's Memo LS-18-015
Division of Elementary and Secondary Education Rules Governing Home Schools

4.57—IMMUNIZATIONS

Definitions

"In process" means the student has received at least one dose of the required immunizations and is waiting the minimum time interval to receive the additional dose(s).
"Serologic testing" refers to a medical procedure used to determine an individual's immunity to Hepatitis B, Measles, Mumps, Rubella and Varicella.

General Requirements
Unless otherwise provided by law or this policy, no student shall be admitted to attend classes in the District who has not been age appropriately immunized against:
- 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).

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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;
D. Official record from another educational institution in Arkansas; or
E. An immunization record printed off the statewide immunization registry with the Official Seal of the State of Arkansas..

The proof of immunization must include the vaccine type and dates of vaccine administration. Documents stating "up-to-date", "complete", "adequate", and the like will not be accepted as proof of immunization. No self or parental history of varicella disease will be accepted as a history of varicella disease must be documented by a licensed physician, advanced practice nurse, doctor of osteopathy, or physician assistant. Valid proof of immunization and of immunity based on serological testing shall be entered into the student's record.

In order to continue attending classes in the District, the student must have submitted:
1) Proof of immunization showing the student to be fully age appropriately vaccinated;
2) Written documentation by a public health nurse or private physician of proof the student is in process of being age appropriately immunized, which includes a schedule of the student's next immunization;
3) A copy of a letter from ADH indicating immunity based on serologic testing; and/or
4) A copy of the letter from ADH exempting the student from the immunization requirements for the current school year, or a copy of the application for an exemption for the current school year if the exemption letter has not yet arrived.

Students whose immunization records or serology results are lost or unavailable are required to receive all age appropriate vaccinations or submit number 4 above.

Temporary Admittance

While students who are not fully age appropriately immunized or have not yet submitted an immunization waiver may be enrolled to attend school, such students shall be allowed to attend school

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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 st is later in the current school year than the thirty (30) days following the student's admittance). No student shall be withdrawn and readmitted in order to extend the thirty (30) day period. Students may be allowed to continue attending beyond the thirty (30) day period if the student submits a copy of either number 2 or number 4 above.

Students who are in process shall be required to adhere to the submitted schedule. Failure of the student to submit written documentation from a public health nurse or private physician demonstrating the student received the vaccinations set forth in the schedule may lead to the revocation of the student's temporary admittance; such students shall be excluded from school until the documentation is provided.

The District will not accept copies of applications requesting an exemption for the current school year that are older than two (2) weeks based on the date on the application. Students who submit a copy of an application to receive an exemption from the immunization requirements for the current year to gain temporary admittance have thirty (30) days from the admission date to submit either a letter from ADH granting the exemption or documentation demonstrating the student is in process and a copy of the immunization schedule. Failure to submit the necessary documentation by the close of the thirty (30) days will result in the student being excluded until the documentation is submitted.

Exclusion from School

In the event of an outbreak, students who are not fully age appropriately immunized, are in process, or are exempt from the immunization requirements may be required to be excluded from school in order to protect the student. ADH shall determine if it is necessary for students to be excluded in the event of an outbreak. Students may be excluded for no fewer than twenty-one (21) days or even longer depending on the outbreak. No student excluded due to an outbreak shall be allowed to return to school until the District receives approval from ADH.

Students who are excluded from school are not eligible to receive homebound instruction unless the excluded student had a pre-existing IEP or 504 Plan and the IEP/504 team determines homebound instruction to be in the best interest of the student.

To the extent possible, the student's teacher(s) shall place in the principal's office a copy of the student's assignments:
- for the remainder of the week by the end of the initial school day of the student's exclusion; and
- by the end of each school's calendar week for the upcoming week until the student returns to school.

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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.

Annually by December 1, the District shall create, maintain, and post to the District's website a report that includes the following for each disease requiring an immunization under this policy:
● The number of students in the District that were granted an exemption by the Department of Health from an immunization;
● The percentage of students in the District that were granted an exemption by the Department of Health from an immunization;
● The number of students within the District who have failed to provide to the public school proof of the vaccinations required and have not obtained an exemption from ADH;
● The percentage of students within the District who have failed to provide to the public school proof of the vaccinations required and have not obtained and exemption from ADH; and
● The percentage of a population that must receive an immunization for herd immunity to exist.

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. 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.

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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.

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

The District allows private school and home schooled students whose parents, legal guardians, or other responsible adult with whom the student resides are residents of the District to attend academic courses offered By the District. The District will place a list of courses that a private school or home schooled student may request to attend on its website by:[1]

1. June 1 for courses to be offered during the Fall semester; and
2. November 1 for courses to be offered during the Spring semester.

A private school or home schooled student who desires to attend one or more of the available academic courses shall submit a written request to attend the academic course(s) to the superintendent, or designee, no later than:[1]

a. August 1 for Fall semester courses; or
b. December 1 for Spring semester courses.

The superintendent, or designee, is authorized to waive the application deadline on a case by case basis.
The District permits a private school or home schooled student to attend a maximum of six (6) courses per semester.
The District may reject a private school or home schooled student's request for attendance if the District's acceptance would:[2]

- Require the addition of staff or classrooms;
- Exceed the capacity of a program, class, grade level, or school building;
- Cost the District more for the student to attend the academic course than the District receives for the student's attendance;
- Cause the District to provide educational services the District does not currently provide at a financial burden to the District; or

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- Cause the District to be out of compliance with applicable laws and regulations regarding desegregation.

Requests to attend an academic course will be granted in the order the requests are received. Upon the receipt of a private or home schooled student's request to attend academic course(s), the District will date and time stamp the request for attendance. If a private school or home schooled student is denied attendance based on a lack of capacity and an opening in the requested course occurs prior to the start of the course, the District will use the date and time stamp on the request for attendance to determine the private school or home schooled student who will be notified of an opening in the requested course.
As part of the request to attend academic courses in the District, a private school or home schooled student shall:

- Indicate the course(s) the private school or home schooled student is interested in attending;
- If the course(s) the private school or home schooled student is interested in attending is being offered by the District in both a physical and a digital format, whether the private school or home schooled student intends to attend the physical course or the digital course;
- Submit, along with the student's application, a copy of the student's transcript indicating that the student has received credit for the course(s), or equivalent course(s), that are a prerequisite to the course(s) the student desires to attend at the District;
- Agree to follow the District's discipline policies; and
- Submit immunization documentation required by Policy 4.57—IMMUNIZATIONS.

A private school or home schooled student who fails to attend an academic course by the eleventh (11) day of class or who is absent without excuse for eleven (11) consecutive days during the semester shall be dropped from the course; however, a private school or home schooled student shall not be considered truant for unexcused absences from the course(s) the student is attending at the District.
Private school or home schooled students shall receive a final grade and transcript for each academic course the student completes.

The responsibility for transportation of any private school or home schooled student attending academic courses in the District shall be borne by the student or the student's parents.
The opportunity provided to home schooled students under this policy is in addition to the opportunity provided in Policy 4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS.

Notes: This is **NOT** an optional policy. Districts who do not wish to open academic course attendance to private school or home schooled students are required to receive a waiver from the provisions of A.C.A. § 6-18-232 from the Division of Elementary and Secondary Education.

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

[2] Your application of "capacity" should be consistent in order to avoid potential exposure to liability for unlawful discrimination against individuals with disabilities. For example, you should not choose to accept a student who requires no special services, but would require you to add an additional elementary teacher, but refuse to accept a student with a disability because it would require you to add an additional special education teacher.

Cross References: 4.6—HOMESCHOOLING
4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS
4.57-- IMMUNIZATIONS

Legal References: A.C.A. § 6-15-509
A.C.A. § 6-18-232
A.C.A. § 6-18-702
A.C.A. § 6-47-401 et seq.
DESE Rules Governing Distance and Digital Learning
DESE Rules Governing Kindergarten Through 12th Grade Immunization Requirements in Arkansas Public Schools
Commissioner's Memo COM-19-021

4.60—STUDENT BEHAVIORAL INTERVENTION AND RESTRAINT

Definitions

"Aversive behavioral intervention" means a physical or sensory intervention program that is intended to modify behavior through the use of a substance or stimulus that the intervention implementer knows will cause physical trauma, emotional trauma, or both, to a student, even when the substance or stimulus appears to be pleasant or neutral to others.

Examples of aversive behavioral interventions include, but are not limited to:

- Hitting;
- Pinching;

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- Slapping;
- Using a water spray;
- Using noxious fumes;
- Requiring extreme physical exercise;
- Using loud auditory stimulus;
- Withholding meals; and
- Denying reasonable access to toileting facilities.

"Behavioral intervention" means the implementation of a service, support, or strategy to teach and increase appropriate behavior or substantially decrease or eliminate behavior that is dangerous, inappropriate, or otherwise impedes the learning of a student.
"Behavior Intervention Plan" (BIP) means a written plan that:

- Is developed by a problem-solving and intervention team and delineates emotional, social, or behavioral goals for a student and the steps that the school, student, parent of the student, and others will take to positively support the progress of the student towards the student's emotional, social, or behavioral goals;
- Is comprised of practical and specific strategies to increase or reduce a defined behavior or one (1) or more patterns of behavior exhibited by a student; and
- Includes the following at a minimum:
- A definition or description of the desired target behavior or outcome in specific measurable terms;
- A plan for preventing and eliminating inappropriate student behavior by changing a condition that is triggering, motivating, underlying, or supporting that behavior as determined through a FBA;
- A plan for teaching a student to demonstrate appropriate social, emotional, or behavioral self-management, or a new method to address or meet the student's needs;
- A description of how a specific incentive or consequence will be used as needed to decrease or eliminate inappropriate student behavior and increase appropriate behavior;
- A plan for managing a crisis situation;
- A system to collect, analyze, and evaluate data about the student;
- The school personnel, resources, and training needed before implementation of the BIP; and
- The timeline for implementing different facets of an intervention, including without limitation when the intervention will be formally reviewed.

"Chemical restraint" means the use of a drug or medication to control the behavior of a student or restrict the free movement of the student; however, chemical restraint does not include the use of medication that is prescribed by a licensed physician, or other qualified health professional acting within the scope of the individual's professional authority under state law, for the standard treatment of a medical or psychiatric condition of a student and is administered as prescribed by the licensed physician

or other qualified health professional acting within the scope of the individual's professional authority under state law.
"Crisis" means a situation in which a student engages in a behavior that threatens the health and safety of the student or others and includes without limitation a situation in which the student becomes aggressive or violent at school and is unable to regain self-control without posing a danger of injury to himself or herself or others.
"Crisis intervention" means the implementation of a service, support, or strategy to immediately stabilize a crisis and prevent the crisis from reoccurring after the crisis ends.

"Dangerous behavior" means the behavior of a student that presents an imminent danger of serious physical harm to the student or others; however, dangerous behavior does not include the following:

- Disrespect;
- Noncompliance;
- Insubordination; or
- Destruction of property that does not create an imminent danger.

"De-escalation" means the use of a behavior management technique that helps a student increase the student's control over the student's emotions and behavior and results in a reduction of a present or potential level of danger that in turn reduces the level of imminent danger of serious physical harm to the student or others.

"Emergency" means a serious and unexpected situation that requires immediate action and which may be dangerous.

"Functional Behavior Assessment" (FBA) means a problem analysis step that:

- Occurs within the context of data-based problem-solving and involves:
- The review of existing records and other sources of information;
- Diagnostic or historical interviews;
- Structured academic or behavioral observations; and
- Authentic, criterion-referenced, or norm-referenced tests; and
- Is performed with the goal of determining why a specific problem or situation is occurring in order to directly link a strategic intervention to an assessment and solve or resolve the specific problem or situation.

"Imminent danger" means an existing dangerous situation that could reasonably be expected to immediately cause death or serious physical harm.
"Mechanical restraint" means the use of a device or equipment to restrict the free movement of a student; however, mechanical restraint does not include a device that is used by trained school personnel

or a student for a specific and approved therapeutic purpose or safety purpose for which the device was designed or prescribed or a vehicle safety restraint that is appropriately used in the manner for which it was designed during the transport of a student in a moving vehicle.

"Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of redirecting or inducing the student to move to a safe location.

"Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arm, leg, or head freely; however, physical restraint does not include a physical escort.

"Positive behavioral support" means the application of behavior analysis that:

- Is used to achieve socially important behavior change;
- Occurs at the:
- Prevention level for all students in a school;
- Strategic intervention level for a student who is not responding, from a social-emotional and behavioral perspective, to the prevention level; and
- Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services; and
- Involves a planned and collaborative school-wide approach that is implemented with a goal:
- Of establishing a positive and supportive school environment that:
    - Teaches and reinforces prosocial behavior in a student;
    - Holds a student positively accountable for meeting an established behavioral expectation; and
    - Maintains a level of consistency throughout the implementation process; and
- That is accomplished by using positive behavioral programs, strategies, or approaches.

"Prone restraint" means restraining a student in a face-down position on the floor or another surface and applying physical pressure to the body of the student to keep the student in the prone position.

"Serious physical harm" means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"Supine restraint" means the restraint of a student in a face-up position on the student's back on the floor or another surface and with physical pressure applied to the body of the student to keep the student in the supine position.

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Positive Behavioral Supports

The District shall implement positive behavioral supports to be used at the:

1. Prevention level for each student in a school;
2. Strategic intervention level for a student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and
3. Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services.

The District's positive behavioral support shall include:

a. The teaching and reinforcing of interpersonal, social, problem solving, conflict resolution, and coping skills to a student;
b. Holding a student positively accountable for meeting an established behavioral expectation;
c. Maintaining a high level of consistency through the implementation of the positive behavioral support process; and
d. The following interrelated activities:
    - Providing a school-wide approach to the discipline and safety of each student rather than an approach to only the behavior problem of a single student;
    - Focusing on preventing the development and occurrence of problem behavior;
    - Regularly reviewing behavior data to adapt the District's procedures to meet the needs of every student; and
    - Providing a multitiered approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each student.

The following principles shall form the basis of the District's positive behavioral support system and conflict resolution or de-escalation approach:

1. A student has the right to be treated with dignity;
2. A student should receive necessary academic, social, emotional, and behavioral support that is provided in a safe and least-restrictive environment possible;
3. Positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, should be provided routinely to each student who needs the intervention or support;
4. Behavioral intervention should emphasize prevention as part of the District's system of positive behavioral support; and

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5. Each student who exhibits an ongoing behavior that interferes with the student's learning or the learning of others, and who is nonresponsive to effectively implemented classroom or administrative intervention, should receive additional intensive behavioral intervention that is based on a FBA and data-based problem solving.

Problem Solving and Intervention Team

A problem-solving and intervention team shall be established for each student who exhibits social, emotional, or behavioral difficulty that may escalate, if not addressed, to potentially dangerous behavior. The problem-solving and intervention team shall include at least one (1) member who is an academic and behavioral assessment and intervention professional.

A student's problem-solving and intervention team shall:

a. Work with the teachers of a student to complete a FBA of the student and an assessment of any problematic situations involving the student;
b. Consider the need for a BIP with the goal of preventing or resolving the social, emotional, or behavioral difficulty of the student and developing a response that will de-escalate and stabilize a potential emergency situation that approaches the danger level; and
c. Regularly review the data on incidents involving the use of physical restraint on the student and adjust, as necessary, the procedures concerning the use of physical restraint on the student.

Special education procedures shall be followed if a student is suspected of having a disability that relates to behavioral concerns.

Physical Restraint

Except in the case of a clearly unavoidable emergency situation in which a trained member of school personnel is not immediately available due to the unforeseeable nature of the emergency situation, the physical restraint of a student shall only be used by a member of school personnel who is appropriately trained to administer physical restraint.
When using physical restraint on a student, school personnel shall:

- use the least restrictive technique necessary to end imminent danger or serious physical harm to a student and others;
- Use the safest method available and appropriate to the situation;
- Consider the health and safety of a student, including without limitation whether the student has an existing medical condition that makes the use of physical restraint inadvisable;
- Not restrict the ability of a student to communicate unless the use of a less restrictive technique will not prevent imminent danger of serious physical harm to the student or others;

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- Use only the amount of force that is reasonably necessary to protect a student or others from imminent danger of serious physical harm to the student or others;
- Not verbally abuse, ridicule, humiliate, taunt, or engage in any other similar action towards the student; and
- continuously and visually observe and monitor the student while the student is under physical restraint.

Physical restraint of a student shall only be used for a limited period of time and shall not be used:

- When imminent danger or serious physical harm to the student or others dissipates;
- If a medical condition occurs that puts the student at risk of harm;
- Unless the behavior of the student poses an imminent danger of serious physical harm to the student or others;
- After the threat of imminent danger of serious physical harm to the student or others dissipates; or
- In the following manner:
  - To punish or discipline the student;
  - To coerce the student;
  - To force the student to comply;
  - To retaliate against the student;
  - To replace the use of an appropriate educational or behavioral support;
  - As a routine safety measure;
  - As a planned behavioral intervention in response to behavior of the student that does not pose an imminent danger of serious physical harm to the student or others;
  - As a convenience for school personnel; or
  - To prevent property damage unless the act of damaging property committed by the student poses an imminent danger or serious physical harm to the student and others.

Even in an emergency, supine restraint shall not be used on a student except by a staff person who has been certified by a crisis intervention training program and the certified staff person determines that supine restraint is required to provide safety for the student and others.

At no time shall school personnel use the following on a student:

- Mechanical restraint;
- Chemical restraint;
- Aversive behavioral interventions that compromise health and safety;
- Physical restraint that is life-threatening or medically contraindicated; or
- Prone restraint or other restraint that restricts the breathing of a student.

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Following the first incident of physical restraint used on a student, an FBA shall be conducted unless a previous FBA was conducted for the same behavior that was at issue when the physical restraint was used.

The use of physical restraint on a student as a planned behavioral intervention shall not be included in a student's IEP, 504 Plan, BIP, individual safety plan, or other individual planning document but may be considered as a crisis intervention if appropriate for the student. A student's IEP team or 504 Plan team shall consider whether an FBA should be performed; if a BIP should be developed for the student or if a student's existing BIP should be revised; and if additional behavioral goals and interventions should be included in the student's existing IEP or 504 Plan.

Parents may submit complaints regarding an incident involving the use of physical restraint on their student. A complaint shall be referred for review to the appropriate school personnel:

- The student's problem-solving and intervention team;
- The student's IEP team; or
- The student's 504 Plan team.

A complaint by a parent shall be handled by the appropriate District staff in the same manner as a debrief following the use of physical restraint on a student.[1]
Use of a physical restraint technique that is abusive shall be reported to the Child Abuse Hotline and law enforcement.

Reports and Debriefing

After the occurrence of an incident involving physical restraint of a student, the building principal, or the principal's designee, shall be notified of the incident as soon as possible but by no later than the end of the school day when the incident occurred.
The student's parent shall be notified of the incident of the use of physical restraint via verbal or electronic communication as soon as possible but by no later than the end of the school day when the incident occurred. In the event the student's parent is unable to be notified via verbal or electronic communication within twenty-four (24) hours after the incident occurred, then the parent shall be mailed written notification of the incident within forty-eight (48) hours after the incident occurred.

School personnel involved in the incident shall document the incident in a written report, which is to be completed within twenty-four (24) hours after the incident occurred. The written report of the incident shall:

1. Include all information contained in the Division of Elementary and Secondary Education (DESE) Physical Restraint or Seclusion Incident Record and Debriefing Report;

2. Be maintained in the student's education record; and
3. Be provided to the student's parent within one (1) school day of the completion of the report.

A debriefing meeting shall be held within two (2) school days after the incident occurred. The following school personnel shall be present at the debriefing meeting:[2]

a. A member of school personnel who was present during the incident;
b. A member of school personnel who was in the proximity of the student on whom physical restraint was used immediately before and during the time of the incident;
c. A school administrator; and
d. Any other member of school personnel determined to be appropriate by the District.

The purpose of the debriefing meeting shall be to:

- Determine whether the procedures used during the incident were necessary;
- Evaluate the use of any behavioral supports and de-escalation techniques by school personnel before and during the incident;
- Evaluate the school district's positive behavioral supports system and prevention techniques in order to minimize future use of physical restraint; and
- If a trained member of school personnel was not immediately available due to the unforeseeable nature of the emergency situation when the incident occurred:
- Reevaluate the training needs of school personnel;
- Reevaluate the physical restraint policy and practices; and
- Develop a plan to prevent a future incident.

At a debriefing meeting, school personnel shall:

1. Consider relevant information in the student's education record, including without limitation:
a. The concerns of the student's parent;
b. The student's social and medical history;
c. The student's FBA, if one exists; and
d. The student's BIP, if one exists;
1. Consider relevant information from the teachers, parents, and other District professionals;
2. Discuss whether positive behavior supports were appropriately implemented;
3. Discuss the duration and frequency of the use of physical restraint on the student;
4. Discuss appropriate action that may be taken to prevent and reduce the need for physical restraint;
5. Consider whether additional intervention and support is necessary for the student;
6. Consider whether additional intervention and support is necessary for school personnel; and

7. Consider how and when to debrief a person who was not present at the debriefing meeting, including without limitation:

a. The student;
b. The student's parent; and
c. Other school personnel or students who witnessed the incident.

DESE's Physical Restraint or Seclusion Incident Record and Debriefing Report, or an alternative report that includes the same information, shall be completed during the debriefing meeting. A copy of the report shall be:

- Submitted to the building principal;[3]
- Mailed to the student's parent within two (2) days of the date on which the debriefing meeting was held; and
- Maintained as part of the student's education record along with other documents consulted during the debriefing meeting.

Notes: A copy of the DESE Guidance on the Use of Restraint along with the Physical Restraint or Seclusion Incident Record and Debriefing Report can be found at: https://dese.ade.arkansas.gov/Offices/special-education/policy-regulations/guidance-and-resources.

[1] There is nothing in the statute that requires the complaint to be handled in the same manner as a debriefing. This is intended only as a default method as you are required to have procedures governing the handling of a parental complaint. After consultation with appropriate staff, replace this language with your local procedures on how a complaint will be handled.

[2] While you can, and should, add additional staff members to the list of those required to attend a debriefing meeting, A.C.A. § 6-18-2407 requires these individuals be included at a minimum.

[3] A.C.A. § 6-18-2407 requires that the debriefing report be submitted to a designated district administrator. If you would rather have all debriefing reports provided to one single individual at the district staff level instead of keeping them at the school level, replace this with the district level position to whom debriefing reports should be submitted.

Cross Reference: 3.6—LICENSED PERSONNEL EMPLOYEE TRAINING
Legal Reference: A.C.A. § 6-18-2401 et seq.
Date Adopted:
Last Revised:

4.61—STUDENT USE OF MULTIPLE OCCUPANCY ROOM

Definitions

"Multiple occupancy room" means an area in a District building that is designed or designated to be used by one (1) or more individuals at the same time and in which one (1) or more individuals may be in various stages of undress in the presence of other individuals, which includes, without limitation, a restroom, locker room, changing room, or shower room.

“Sex" means the physical condition of being male or female based on genetics and physiology, which may be demonstrated by the sex identified on a student’s original birth certificate.

Each multiple occupancy room in a District building shall be designated as either male or female. Except as permitted by this policy, a student shall not enter a multiple occupancy room that does not correspond to the student’s sex.

An individual who is unwilling or unable to use a multiple occupancy room designated for the individual's sex shall be granted a reasonable accommodation, which may include, without limitation, access to a single-occupancy restroom or changing area. A reasonable accommodation shall not include access to a restroom or changing area that is designated for use by members of the opposite sex to an individual while members of the opposite sex of the individual are present or may be present in the restroom or changing area.

The prohibitions in this policy do not apply to an individual who enters a multiple occupancy room designated for use by the opposite sex when the individual enters for any of the following reasons:

- custodial, maintenance, or inspection purposes;
- To render emergency medical assistance;
- To address an ongoing emergency, including without limitation a physical altercation;
- To accommodate individuals protected under the Americans with Disabilities Act; or
- To assist young children who are in need of physical assistance when using a restroom or changing facility that is located in the District.

Legal Reference: A.C.A. § 6-21-120

4.62—STUDENT NAME, TITLE, OR PRONOUN

Unless a District employee has the written permission of the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis to the student or the student if the student is an emancipated minor or over eighteen (18) years of age, a District employee shall not address a student with a:

1. Name other than that listed on the student's birth certificate, except for a derivative of the name; or
2. Pronoun or title that is inconsistent with the student's biological sex.

A student shall not be subject to discipline for declining to address a person using a:

a. Name other than that listed on the student's birth certificate, except for a derivative of the name; or
b. Pronoun or title that is inconsistent with the person's biological sex.

Legal Reference: A.C.A. § 6-1-108

Date Adopted:
Last Revised:

4.63—STUDENT RELIGIOUS EXPRESSION

The _____ School District Board of Directors does not allow the discrimination against a student based on a student's voluntary religious expression, if any. At the same time, the District shall provide a process to eliminate any actual or perceived sponsorship or attribution to the District of a student's public voluntary expression of a religious viewpoint, if any.

Student Assignments

Student assignments include, but are not limited to:

- Homework;
- Classwork;

- Artwork; and
- Other written or oral assignments.

A student may express the student's religious viewpoint, if any, in the student's assignments without discrimination based on the religious content, if any. A student's assignments shall:

1. Be graded and judged:
- By ordinary academic standards of substance and relevance; and
- Against other conventional, pedagogical topics as identified by the District curriculum; and
1. Not be penalized or rewarded based on the religious content, if any, of the student's assignments.

Accommodation will be considered for those portions of instructional activities in the schools that unduly burden a student's sincere religious belief provided such accommodation doesn't amount to a significant change in curriculum, program, or course of instruction and when it is possible that a substitution of equally rigorous material that advances the same instructional goals can be arranged. Parents and students are advised that such accommodations are easier to grant when the objection is to non-state mandated Standards material than if the material is required by the Standards.[1]

A student or the student's parent can request the student's teacher to accommodate the student's objection based on a religious belief to an instructional activity. Any such request must be made at least twenty-five (25) school days prior to the assignment's due date. Any objection must be raised in accordance with this policy's requirements or it will not be considered.[2]

Upon receiving such a request, the student's teacher shall determine within five (5) work days if an accommodation is possible under the provisions of this policy. If the teacher decides an accommodation cannot be made or if the student or the student's parent believes the accommodation to be unreasonable, the student or the student's parent may request a conference with the teacher and the teacher's principal.

A requested conference will occur at a time of mutual convenience, but no later than five (5) working days following the request. The principal shall have five (5) working days in which to make a decision on the appeal. If the student, the student's parent, or the teacher is unsatisfied with the principal's decision, it may be appealed to the District Superintendent who shall convene a conference between the student, the parent and the teacher. The requested conference will occur at a time of mutual convenience, but no later than five (5) working days following the request. The Superintendent shall have five (5) working days in which to make a decision on the appeal which shall be final with no further right of appeal.

Student Presenters

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A student's expression of a religious viewpoint, if any, on an otherwise permissible subject shall not be excluded from a forum, whether oral or in writing, where students are allowed to speak.
The District has the right to restrict student speech that is inappropriate in the school setting by being obscene, vulgar, offensively lewd, or indecent.

Review of written student forums shall be handled in accordance with Policy 4.14—STUDENT MEDIA AND THE DISTRIBUTION OF LITERATURE.

If the forum is a scheduled event with designated student speakers, the building principal shall have an opportunity to review pre-written remarks prior to the student's presentation at the scheduled forum. The principal may require the student to amend the student's remarks to the extent necessary to address any portions that are determined to be inappropriate. A student's refusal to amend the remarks that were determined to be inappropriate may be prohibited from participation in the forum. A student who diverts from the approved pre-written remarks during a speech in such a manner that is determined to be inappropriate by the building principal or another present District staff member may be asked to return to the approved remarks. If a student refuses to return to the approved remarks or continues to divert from the approved remarks in a manner that is determined to be inappropriate may be escorted from the forum and disciplined in accordance with the District's Student Code of Conduct.

If the timing or format of the forum does not provide for pre-written remarks to be reviewed, then the building principal or other District staff shall have the authority to address a student whose remarks are determined to be inappropriate. The building principal or District staff member shall initially ask the student to cease the inappropriate remarks. If the student refuses or makes additional inappropriate remarks after being directed to cease such remarks, then the building principal or District staff member may escort the student from the forum and the student may be disciplined in accordance with the District's Student Code of Conduct.

There shall be a disclaimer that a student speaker's speech does not reflect the endorsement, sponsorship, position, or expression of the District. The disclaimer shall be provided at all forums where students speak and at all graduation ceremonies. The disclaimer shall be provided orally or in writing as most appropriately fits the format of the forum.

Information on how to participate in a student forum shall be provided to all students.[3]

In addition to the salutatorian and valedictorian selection process in Policy 5.17—HONOR ROLL AND HONOR GRADUATES, the following students may speak during the District's graduation ceremony:[4]

Notes: [1] This paragraph, along with the following two paragraphs, are not required by law and can be deleted or amended as your district chooses. The goal, however, is to be proactive for

the instances when such a request is made and to have established policy BEFORE the request.

[2] The goal of this paragraph is to keep a student from waiting until the last minute to make a request. For the timeline to be workable the teacher will obviously have to issue a class syllabus sufficiently far enough in advance to allow the time required for the appeal process to play out. The following are possible alternatives to the policy's suggested sentence:

- Pick a number less than five (5) for each phase of the appeal process. Be sure, however, that it allows sufficient time for each phase to realistically take place; or
- Replace the sentence with the following language:

The request must be made at least five (5) days prior to when the assignment is due. In the event of an appeal, the student will be given additional time to complete the original or alternative assignment, if offered, with no loss of credit or penalty for late work, at the conclusion of the appeal process.

[3] Insert the process your district will use to notify students of upcoming forums, such as a student newsletter, posting to bulletin boards, or distribution to student emails.

[4] Insert the students in addition to the salutatorian and valedictorian that traditionally speak at your graduation ceremony. Be sure to include the process for how those students are designated if it is not due to that student's position, such as class president. If you have opted not to have salutatorians and valedictorians, you may remove them from this policy.

Cross References: 4.14—STUDENT MEDIA AND THE DISTRIBUTION OF LITERATURE
5.17—HONOR ROLL AND HONOR GRADUATES

Legal References: A.C.A. § 6-10-139
A.C.A. § 6-18-101
A.C.A. § 6-18-1201 et seq.

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