

## TABLE OF CONTENTS

### SECTION 4—STUDENTS

|  |    |
|--|----|
| 4.1—RESIDENCE REQUIREMENTS                                   | 4  |
| 4.2—ENTRANCE REQUIREMENTS                                    | 6  |
| 4.3—COMPULSORY ATTENDANCE REQUIREMENTS                       | 9  |
| 4.4—STUDENT TRANSFERS  | 10 |
| 4.5—SCHOOL CHOICE  | 11 |
| 4.6—HOME SCHOOLING   | 15 |
| 4.7—ABSENCES   | 17 |
| 4.8—RESERVED   | 20 |
| 4.9—RESERVED   | 21 |
| 4.10—CLOSED CAMPUS   | 22 |
| 4.11—EQUAL EDUCATIONAL OPPORTUNITY                           | 23 |
| 4.12—STUDENT ORGANIZATIONS/EQUAL ACCESS                      | 24 |
| 4.13—PRIVACY OF STUDENTS’ RECORDS/ DIRECTORY INFORMATION     | 25 |
| 4.14—STUDENT PUBLICATIONS AND THE DISTRIBUTION OF LITERATURE | 28 |
| 4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL                   | 30 |
| 4.16—STUDENT VISITORS  | 32 |
| 4.17—STUDENT DISCIPLINE                                      | 33 |
| 4.18—PROHIBITED CONDUCT                                      | 34 |
| 4.19—CONDUCT TO AND FROM SCHOOL                              | 36 |
| 4.20—DISRUPTION OF SCHOOL                                    | 37 |
| 4.21—STUDENT ASSAULT OR BATTERY                              | 38 |
| 4.22—WEAPONS AND DANGEROUS INSTRUMENTS                       | 39 |

|  |    |
|--|----|
| 4.23—TOBACCO AND TOBACCO PRODUCTS _____                          | 40 |
| 4.24—DRUGS AND ALCOHOL _____                                     | 41 |
| 4.25—STUDENT DRESS AND GROOMING _____                            | 42 |
| 4.26—GANGS AND GANG ACTIVITY _____                               | 43 |
| 4.27—STUDENT SEXUAL HARASSMENT _____                             | 44 |
| 4.28—LASER POINTERS _____  | 46 |
| 4.29—INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY _____      | 47 |
| 4.29.1—BRING YOUR OWN DEVICE _____                               | 49 |
| 4.29F—STUDENT ELECTRONIC DEVICE and INTERNET USE AGREEMENT _____ | 52 |
| 4.30—SUSPENSION FROM SCHOOL _____                                | 54 |
| 4.31—EXPULSION _____   | 57 |
| 4.32—SEARCH, SEIZURE, AND INTERROGATIONS _____                   | 59 |
| 4.33—STUDENTS’ VEHICLES _____                                    | 61 |
| 4.34—COMMUNICABLE DISEASES AND PARASITES _____                   | 62 |
| 4.35—STUDENT MEDICATIONS _____                                   | 63 |
| 4.36—STUDENT ILLNESS/ACCIDENT _____                              | 66 |
| 4.37—EMERGENCY DRILLS _____                                      | 67 |
| 4.38—PERMANENT RECORDS _____                                     | 68 |
| 4.39—CORPORAL PUNISHMENT _____                                   | 69 |
| 4.40—HOMELESS STUDENTS _____                                     | 70 |
| 4.41— RESERVED _____   | 73 |
| 4.42— RESERVED _____   | 74 |
| 4.43—BULLYING _____  | 75 |
| 4.44— RESERVED _____   | 78 |

|  |     |
|--|-----|
| 4.45— RESERVED _____   | 79  |
| 4.46—PLEDGE OF ALLEGIANCE AND PERIOD OF SILENCE _____  | 80  |
| 4.47— POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES<br>DURING STATE TESTING _____ | 81  |
| 4.48—VIDEO SURVEILLANCE AND OTHER STUDENT MONITORING _____   | 82  |
| 4.49—RESERVED _____  | 83  |
| 4.50— SCHOOL MEAL MODIFICATIONS _____  | 84  |
| 4.51— RESERVED _____   | 85  |
| 4.52—STUDENTS WHO ARE FOSTER CHILDREN _____  | 86  |
| 4.53— PLACEMENT OF MULTIPLE BIRTH SIBLINGS _____   | 88  |
| 4.54—STUDENT ACCELERATION _____  | 89  |
| 4.54.1—SCHOOL ATTENDANCE ZONES _____   | 91  |
| 4.54.2—ASSIGNMENT OF SCHOOLS _____   | 92  |
| 4.55— RESERVED _____   | 93  |
| 4.56—EXTRA-CURRICULAR ACTIVITIES-SECONDARY LEVEL _____   | 94  |
| 4.56.1—HOME SCHOOLING PARTICIPATION _____  | 95  |
| 4.57—RESERVED _____  | 97  |
| 4.58— RESERVED _____   | 98  |
| 4.59— RESERVED _____   | 99  |
| 4.60—RESERVED _____  | 100 |
| 4.61—WELLNESS POLICY _____   | 101 |
| 4.61.1—WATER BOTTLES _____   | 105 |

#### **4.1—RESIDENCE REQUIREMENTS**

Definitions:

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

“Resident” means a student whose parents, legal guardians, persons having legal, lawful control of the student under order of a court, or persons standing in loco parentis reside in the District.

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

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

Any person eighteen (18) years of age or older may establish a residence separate and apart from his or her parents or guardians for school attendance purposes.

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

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

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

Legal References:       A.C.A. § 6-4-302  
                                  A.C.A. § 6-18-202  
                                  A.C.A. § 6-18-203

A.C.A. § 9-28-113

Additional Reference: ASBA Model Policies

Date Adopted:

## 4.2—ENTRANCE REQUIREMENTS

To enroll in a school in the District, the child must be a resident of the District as defined in District Policy 4.1—RESIDENCE REQUIREMENTS, meet the criteria outlined in Policy 4.47—HOMELESS STUDENTS or in Policy 4.48—STUDENTS WHO ARE FOSTER CHILDREN, be accepted as a transfer student under the provisions of Policy 4.4, or participate under a school choice option and submit the required paperwork as required by the choice option.

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

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

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

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

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

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

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

1. The parent, guardian, or other responsible person shall furnish the child's social security number, or if they request, the District will assign the child a nine (9) digit number designated by the department of education.
2. The parent, guardian, or other responsible person shall provide the District with one (1) of the following documents indicating the child's age:
  - a. A birth certificate;
  - b. A statement by the local registrar or a county recorder certifying the child's date of birth;
  - c. An attested baptismal certificate;

- d. A passport;
  - e. An affidavit of the date and place of birth by the child's parent or guardian;
  - f. United States military identification; or
  - g. Previous school records.
3. The parent, guardian, or other responsible person shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. The Board reserves the right, after a hearing before the Board, not to allow any person who has been expelled from another school district to enroll as a student until the time of the person's expulsion has expired.
  4. The child shall be age appropriately immunized or have an exemption issued by the Arkansas Department of Health.

### **Uniformed Services Member's Children**

For the purposes of this policy:

"active duty members of the uniformed services" includes members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

"uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services; and

"veteran" means a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

"Eligible child" means the children of:

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

An eligible child as defined in this policy shall:

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

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

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. § 6-18-510  
  A.C.A. § 6-18-702  
  A.C.A. § 9-28-113  
  *Plyler v Doe*, 457 US 202,221 (1982)

Additional Reference:           ASBA Model Policies

Date Adopted:



### **4.3—COMPULSORY ATTENDANCE REQUIREMENTS**

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

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

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

Additional Reference:           ASBA Model Policies

Date Adopted:

#### **4.4—STUDENT TRANSFERS**

The District shall review and accept or reject requests for transfers, both into and out of the District, on a case by case basis. Approved requests shall take effect following Board action taken on the requests.

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

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

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

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

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

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  
  A.C.A. § 9-28-205  
  State Board of Education Standards of Accreditation 12.05

Additional Reference:           ASBA Model Policies

Date Adopted:

## **4.5—SCHOOL CHOICE**

### **Standard School Choice**

The District shall advertise in appropriate print and broadcast media to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline and the requirements and procedure for participation in the program. Such pronouncements shall be made in the spring, but in no case later than April 1.

The student's parent shall submit a school choice application on a form approved by ADE to the non-resident district. The Superintendent will consider all properly submitted applications for School Choice postmarked or hand delivered on or before May 1st prior to the fall semester the applicant would begin school in the District. It is the District's responsibility to send a copy of the application that includes the date and time stamp to the student's resident district within ten (10) days of the District receiving the application. Applications postmarked or hand delivered on or after May 2nd will not be accepted. When considering applications, priority will be given to applications from siblings (sibling is defined as two (2) or more children having a common parent in common by blood, adoption, marriage, or foster care) residing in the same residence or household of students already attending the District through school choice. The District shall date and time stamp all applications for school choice to transfer as they are received at the District's Student Services Center. It is the District's responsibility to send a copy of the application that includes the date and time stamp to the student's resident district.

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

The Board will adopt a resolution containing the capacity standards for the District. The resolution will contain the acceptance determination criteria identified by academic program, class, grade level, and individual school. The District 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 capacity standards or other State/Federal law.

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

The District shall approve all Standard School Choice applications requesting to transfer out of the District unless the approval would cause the District to have a net enrollment loss (students transferring out minus those transferring in) of more than three percent (3%) of the average daily membership on October 15 of the immediately preceding year. By December 15 of each year, ADE shall determine and notify the District of the net number of allowable choice transfers. For the purpose of determining the three percent (3%) cap, siblings are counted as one student, and students are not counted if the student transfers from a school or district in: Academic Distress under either A.C.A. § 6-15-430(c)(1) or A.C.A. § 6-18-227; or Facilities Distress under A.C.A. § 6-21-812. If, prior to July 1, the District receives sufficient copies of requests from other districts for its students to transfer to other districts to trigger the three percent (3%) cap, it shall notify each district the District received Standard School Choice applications from that it has tentatively reached the limitation cap.

The District will use confirmations of approved choice applications from receiving districts to make a final determination of which applications it received that exceeded the limitation cap and notify each district that was the recipient of an application to that effect.

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

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

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

The transfer student or their parents are responsible for all transportation to and from the nonresident school district.

Students admitted under this policy shall be entitled to continued enrollment until they graduate or are no longer eligible for enrollment in the District's schools. Any student admitted to this District under the provisions of this policy who chooses to return to his/her resident district, or who enrolls in a home school or private school during the school year voids the transfer and must reapply for a school choice admission if desiring to return to this District in the future.

### **Facilities Distress Choice Applications**

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

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

### **Opportunity School Choice**

For the purposes of this section of the policy, a "lack of capacity" is defined to mean that the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the ADE Rules for the

Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for Opportunity School Choice, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

Unless there is a lack of capacity at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student who is enrolled in or assigned to a school classified by the ADE to be in academic distress is eligible to transfer to the school closest to the student's legal residence that is not in academic distress. The student's parent or guardian, or the student if over the age of eighteen (18), must successfully complete the necessary application process by July 30 preceding the initial year of desired enrollment.

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

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

If the District rejects the application, the District shall state in the notification letter the specific reasons for the rejection. A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal the District's decision to deny the application to the State Board of Education. The appeal must be in writing to the State Board of Education via certified mail, return receipt requested, no later than ten (10) calendar days, excluding weekends and legal holidays, after the notice of rejection was received from the District.

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

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

### **Transfers Out of, or Within, the District**

If a District school or the District has been classified by the ADE as being in academic distress the District shall timely notify the parent, guardian, or student, if the student is over eighteen (18) years of age, as soon as practicable after the academic distress designation is made, of all options available under Opportunity Choice. The District shall offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to enroll the student in any public school or school district that has not been classified by the ADE as a public school or school district in academic distress or in a district classified as in need of Level 5 Intensive Support by the ADE or Foster Child School Choice under A.C.A. § 6-18-233.

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

## **Unsafe School Choice Program**

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

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

ADE Rules Governing the Guidelines, Procedures and Enforcement of the  
Arkansas Opportunity Public School Choice Act

Date Adopted:

## **4.6—HOME SCHOOLING**

### **Enrollment in Home School**

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

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

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

- Electronically, including without limitation by email;
- By mail; or
- In person.

The notice shall include:

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

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

### **Enrollment or Re-Enrollment in Public School**

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

- A transcript listing all courses taken and semester grades from the home school;
- Score of at least the thirtieth (30<sup>th</sup>) 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:
  - a. Curricula used in the home school;
  - b. Tests taken and lessons completed by the home schooled student; and
  - c. Other indicators of the home schooled student's academic progress.

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

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

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

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

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

Legal References:      A.C.A. § 6-15-503  
                                  A.C.A. § 6-15-504  
                                  A.C.A. § 6-41-103

Additional Reference: ASBA Model Policies

Date Adopted:



## 4.7—ABSENCES

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

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.

### 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. The student must bring a written statement to the principal or designees upon his/her return to school from the parent or legal guardian stating such reason. A written statement presented for an absence having occurred more than three (3) days prior to its presentation will **not** be accepted.

1. When attendance or the student's illness could jeopardize the health of other students. A maximum of five (5) such days are allowed per semester unless the condition(s) causing such absences is of a chronic or recurring nature, is medically documented, and approved by the principal.
2. Death or serious illness in their immediate family, i.e. – spouse, child, parent, sibling, grandparent, any relative who lives in the same household as the student.
3. Observance of recognized holidays observed by the student's faith.
4. Attendance at an appointment with a government agency.
5. Attendance at a medical appointment.
6. Exceptional circumstances with prior approval of the principal.
7. Participation in an FFA, FHA, or 4-H sanctioned activity.
8. Participation in the election poll workers program for high school students.
9. Absences granted to allow a student to visit his/her parent or legal guardian who is a member of the military and been called to active duty, is on leave from active duty, or has returned from deployment to a combat zone or combat support posting. The number of additional excused absences shall be at the discretion of the Superintendent or designee.
10. Absences granted, at the Superintendent's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in the eleventh (11<sup>th</sup>) grade to complete basic combat training between grades eleven (11) and twelve (12).
11. Any circumstances not covered above which the District determines are excused.

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

It is the Arkansas General Assembly's intention that students having excessive absences be given assistance in obtaining credit for their courses. Excessive absences may, however, be the basis for the denial of course credit, promotion, or graduation.

### **Unexcused Absences**

Absences not defined above or not having an accompanying note from the parent or legal guardian, presented in the timeline required by this policy, shall be considered as unexcused absences. Excessive absences shall not be a reason for expulsion or dismissal of a student.

When a student has five (5) unexcused absences, his/her parents, guardians, or persons in loco parentis shall be notified. Notification shall be by regular mail with a return address sent no later than the following school day.

When a student has ten (10) unexcused absences, his/her parents, guardians, or persons in loco parentis shall be notified. Notification shall be by regular mail with a return address sent no later than the following school day.

At any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or his/her parent, guardian, or person in loco parentis may petition the school or District's administration for special arrangements to address the student's unexcused absences. If formal arrangements are granted, they shall be formalized into a written agreement which will include the conditions of the agreement and the consequences for failing to fulfill the agreement's requirements. The agreement shall be signed by the student, the student's parent, guardian, or person in loco parentis, and the school or District administrator or designee.

Whenever a student has accumulated thirteen (13) unexcused absences or has violated the conditions of an agreement granting special arrangements, in a semester, the District shall notify the prosecuting authority and the parent, guardian, or persons in loco parentis shall be subject to a civil penalty as prescribed by law.

### **Credit Courses**

Students with fifteen (15) total 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.

The Fort Smith Police Department, in cooperation with the District, participates in the "Operation Stay in School" program. Any certified law enforcement officer may stop and detain any unsupervised school-age student found off school premises during school hours and request the production of documentation excusing her/his presence from school.

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

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

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

Legal References:       A.C.A. § 6-4-302  
                              A.C.A. § 6-18-209  
                              A.C.A. § 6-18-220  
                              A.C.A. § 6-18-222  
                              A.C.A. § 6-18-229  
                              A.C.A. § 6-18-231  
                              A.C.A. § 6-18-507(g)  
                              A.C.A. § 6-18-702  
                              A.C.A. § 7-4-116  
                              A.C.A. § 9-28-113(f)  
                              A.C.A. § 27-16-701

Date Adopted:

**4.8—RESERVED**

**4.9—RESERVED**

#### **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.

Date Adopted:

#### **4.11—EQUAL EDUCATIONAL OPPORTUNITY**

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

Inquiries on nondiscrimination may be directed to the Executive Director of Human Resources, who may be reached at (479) 785-2501.

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

Legal References:       A.C.A. § 6-10-130  
                              A.C.A. § 6-18-514  
                              28 C.F.R. § 35.106  
                              34 C.F.R. § 100.6  
                              34 C.F.R. § 104.8  
                              34 C.F.R. § 106.9  
                              34 C.F.R. § 108.9  
                              34 C.F.R. § 110.25

Additional Reference: ASBA Model Policies

Date Adopted:

#### 4.12—STUDENT ORGANIZATIONS/EQUAL ACCESS

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

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

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

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

Legal References:       A.C.A. § 6-5-201 et seq.  
                              A.C.A. § 6-10-130  
                              A.C.A. § 6-18-601 et seq.  
                              A.C.A. § 6-21-201 et seq.  
                              20 U.S.C. 4071 Equal Access Act  
                              *Board of Education of the Westside Community Schools v. Mergens*, 496 U.S. 226 (1990)

Additional Reference: ASBA Model Policies

Date Adopted:



#### 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 eighteen (18), requesting to review the student's education records will be allowed to do so within no more than forty-five (45) days of the request. The District forwards education records, including disciplinary records, to schools that have requested them and in which the student seeks or intends to enroll, or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

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

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

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

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

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

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

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

disclosing information in emergency situations.

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

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

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

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

Unless the parent or guardian of a student (or student, if above the age of eighteen (18)) objects, "directory information" about a student may be made available to the public, military recruiters, post-secondary educational institutions, prospective employers of those students, as well as school publications such as annual yearbooks and graduation announcements. "Directory information" includes, but is not limited to, a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, dates of attendance, his/her placement on the honor roll (or the receipt of other types of honors), as well as his/her participation in school clubs and extracurricular activities, among others. If the student participates in inherently public activities (for example, basketball, football, or other interscholastic activities), the publication of such information will be beyond the control of the District. "Directory information" also includes a student identification (ID) number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems and a student ID number or other unique personal identifier that is displayed on a student's ID badge, provided the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user.

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

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

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

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

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

Legal References:      A.C.A. § 9-28-113(b)(6)  
                                 20 U.S.C. § 1232(g)  
                                 20 U.S.C. § 7908  
                                 34 C.F.R. §§ 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

Additional Reference: ASBA Model Policies

Date Adopted:

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

### **Student Publications**

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

1. Advertising may be accepted for publications that do not condone or promote products that are inappropriate for the age and maturity of the audience or that endorse such things as tobacco, alcohol, or drugs.
2. Publications may be regulated to prohibit writings which are, in the opinion of the appropriate teacher and/or administrator, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.
3. Publications may be regulated to refuse to publish material which might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order, or to associate the school with any position other than neutrality on matters of political controversy.
4. Prohibited publications include:
  - a. Those that are obscene as to minors;
  - b. Those that are libelous or slanderous, including material containing defamatory falsehoods about public figures or governmental officials, which are made with knowledge of their falsity or reckless disregard of the truth;
  - c. Those that constitute an unwarranted invasion of privacy as defined by state law;
  - d. Publications that suggest or urge the commission of unlawful acts on the school premises;
  - e. Publications which suggest or urge the violation of lawful school regulations; and
  - f. Hate literature that scurrilously attacks ethnic, religious, or racial groups.

### **Student Publications on School Web Pages**

Student publications that are displayed on school web pages shall follow the same guidelines as listed above; plus they shall not contain any non-educational advertisements. Additionally, student web publications shall:

1. Adhere to the restrictions regarding use of Directory Information as prescribed in Policy 4.13 including not using a student's photograph when associated with the student's name unless written permission has been received from the student's parent or student if over the age of eighteen (18); and
2. State that the views expressed are not necessarily those of the 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 determine the time, place, and manner of student distribution of non-school materials.

Legal References:       A.C.A. §§ 6-18-1202, 1203, 1204  
                              *Tinker v. Des Moines ISD*, 393 U.S. 503 (1969)  
                              *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986)  
                              *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988)

Additional Reference: ASBA Model Policies

Date Adopted:

## **4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL**

### **Contact by Parents**

Parents having a need to contact their children during the school day shall register first with the office.

### **Contact by Non-Custodial Parents**

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

Unless prior arrangements have been made with the school's principal, Arkansas law provides that the transfer of a child between his/her custodial parent and non-custodial parent, when both parents are present, shall not take place on the school's property on normal school days during normal hours of school operation.

### **Contact by Law Enforcement, Social Services, or by Court Order**

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

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

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release

of the student, the principal or designee shall give the student's parent, legal guardian, or other person having lawful control by court order, or person acting in loco parentis notice that the student has been taken into custody by law enforcement personnel or a state's social services agency. If the principal or designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call the principal or designee, and leave both a day and an after-hours telephone number.

### **Contact by Professional Licensure Standards Board Investigators**

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

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

Additional Reference: ASBA Model Policies

Date Adopted:

#### **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. Unauthorized solicitations will not be allowed on school property at any time.

Reference: ASBA Model Policies

Date Adopted:



#### **4.17—STUDENT DISCIPLINE**

The Board 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; or going to and from school or a school activity.

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

The discipline policies annually shall be reviewed, and changes in the policies may be recommended to the Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

The District’s student discipline policies shall be distributed to each student during the first week of school each year and to new students upon their enrollment. Each student’s parent or legal guardian shall sign and return to the school an acknowledgement form documenting that they have received the policies.

It is required by law that the principal or the person in charge report to the police any incidents the person has personal knowledge of or has received information leading to a reasonable belief that a person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision. If the person making the report is not the Superintendent, that person shall also inform the Superintendent of the incident. Additionally, the principal shall inform any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The Superintendent or designee shall inform the Board of Directors of any such report made to law enforcement.

Legal References:       A.C.A. § 6-18-502  
                                  A.C.A. § 6-17-113

Date Adopted:

#### **4.18—PROHIBITED CONDUCT**

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices on the school campus during normal school hours unless specifically exempted by the administration for health or other compelling reasons such as policies 4.31 and 4.32;
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 (*see* Policy 4.27);
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race,

ethnicity, national origin, sex, or disability;

18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student;
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, “throwing signs” or other gestures associated with gangs are prohibited;
21. Sexual harassment;
22. Bullying; and
23. Operating a vehicle on school grounds while using a wireless communication device.

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

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, 506, 514  
                              A.C.A. § 6-18-707  
                              A.C.A. § 6-21-609  
                              A.C.A. §§ 27-51-1602, 1603, 1609

Additional Reference: ASBA Model Policies

Date Adopted:

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

Students are subject to the same rules of conduct while traveling to and from school as they are while on school grounds. Appropriate disciplinary actions may be taken against commuting students who violate student code of conduct rules.

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

Legal References:       A.C.A. § 6-19-119(b)  
Ark. Division of Academic Facilities and Transportation Rules Governing Maintenance and Operations of Ark. Public School Buses and Physical Examinations of School Bus Drivers 4.0

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.20—DISRUPTION OF SCHOOL**

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

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

Legal Reference: A.C.A. § 6-18-511

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.21—STUDENT ASSAULT OR BATTERY**

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

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

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

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

Legal Reference: A.C.A. § 6-17-106(a)

Additional Reference: ASBA Model Policies

Date Adopted:

#### 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

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

A weapon is defined as any firearm; knife; razor; ice pick; dirk; box cutter; numchucks; explosive; Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or any other instrument or substance capable of causing bodily harm. For the purposes of this policy, “firearm” means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

“Possession” means having a weapon, as defined in this policy, on the student’s body or in an area under his/her control. If a student discovers prior to any questioning or search by any school personnel that he/she has accidentally brought a weapon, other than a firearm, to school on his/her person, in a book bag/purse, or in his/her vehicle on school grounds, and the student informs the principal or a staff person immediately, the student will not be considered to be in possession of a weapon unless it is a firearm. The weapon shall be confiscated and held by the Executive Director of Student Services, and all weapons still in possession of the District at year end will be discarded. Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of not less than one year. The Superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis.

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.

Legal References:       A.C.A. § 6-18-502(c)(2)(A)(B)  
                              A.C.A. § 6-18-507(e)(1)(2)  
                              A.C.A. § 6-21-608  
                              A.C.A. §§ 5-4-201, 401  
                              A.C.A. § 5-27-210  
                              A.C.A. § 5-73-119(b)(e)(8)(9)(10)  
                              20 U.S.C. § 7151

Additional Reference: ASBA Model Policies

Date Adopted:

#### **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 or other school vehicles, or property utilized for school sanctioned events is prohibited. Students who violate this policy, at any school sanctioned event, 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.

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

Additional Reference: ASBA Model Policies

Date Adopted:



#### 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 District shall possess, attempt to possess, consume, use, distribute, sell, buy, attempt to sell, attempt to buy, give to any person, or be under the influence of any substance as defined in this policy, or what the student represents or believes to be any substance as defined in this policy. This policy applies to any student who: is on or about school property; is in attendance at school or any school sponsored activity; has left the school campus for any reason and returns to the campus; or is en route to or from school or any school sponsored activity.

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

\*An analog is a substance which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance. This includes, but is not limited to, K2, spice, genie, and zohai.

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

All medications, prescription and non-prescription, must be registered with and kept in the nurse's office. It is the responsibility of the parent/student to register all medications in the school nurse's office. Students of the District who possess, use, sell, distribute, manufacture, or are under the influence of any form of medication, other than in compliance with the procedures established for such medications, while on school property, including buses, and at school-sponsored activities, are in violation of school policy and shall be subject to discipline.

For those who violate this policy, disciplinary sanctions will be stern. This may, and likely will, include suspension and expulsion. In addition, a parent/guardian conference will be required and the police may be notified.

Reference: ASBA Model Policies

Date Adopted:

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

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

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

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

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

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.26—GANGS AND GANG ACTIVITY**

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

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

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

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

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

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

Additional Reference: ASBA Model Policies

Date Adopted:

#### 4.27—STUDENT SEXUAL HARASSMENT

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

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

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

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

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

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

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances. Depending upon such circumstances, examples of sexual harassment include, but are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the student self-identifies as homosexual; and spreading rumors related to a person's alleged sexual activities.

Students who believe they have been subjected to sexual harassment, or parents of a student who believes their child has been subjected to sexual harassment, are encouraged to file a complaint by contacting a counselor, teacher, Title IX coordinator, or administrator who will assist them in the complaint process. Under no circumstances shall a student be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the harassment.

To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Students who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

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

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

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq.  
A.C.A. § 6-15-1005(b)(1)

Additional Reference: ASBA Model Policies

Date Adopted:

#### **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.

Legal References:       A.C.A. § 6-18-512  
                              A.C.A. § 5-60-122

Additional Reference: ASBA Model Policies

Date Adopted:

## **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 utilize web content filtering software and hardware to monitor and analyze District-provided Internet access, which is designed to prevent students from accessing such materials. For purposes of this policy, "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

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

### **Internet Use and Safety**

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

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

## Misuse of Internet

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

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

Technology violations will result in disciplinary consequences. At the secondary level, the student will be placed on Step 4 of the discipline plan unless the student is on a higher step.

Students who abuse or misuse the school computers may have the following disciplinary actions taken as well:

- 1st offense – 30-day suspension of account; home folder contents may be completely lost.
- 2nd offense – suspension of account for remainder of school year.
- 3rd offense – permanent loss of computer privileges.

- The disciplinary action may include suspension and/or recommendation for expulsion.
- Discipline may be more severe depending on the infraction.
- Depending on the severity of the first offense, students in computer-related classes who violate the computer use agreement may be allowed to complete their coursework using a restricted account.
- Where possible, students will be transferred to a non-computer related class.

Legal References: Children's Internet Protection Act; PL 106-554  
FCC Final Rules 11-125 August 11, 2011  
20 U.S.C. § 6777  
47 U.S.C. § 254(h)(1)  
47 C.F.R. § 54.520  
47 C.F.R. § 54.520(c)(4)  
A.C.A. § 6-21-107  
A.C.A. § 6-21-111

Additional Reference: ASBA Model Policies

Date Adopted:



#### 4.29.1—BRING YOUR OWN DEVICE

It is the intent of the Fort Smith Public School District to support and promote the use of informational and educational technologies in the classroom to the fullest extent practicable. To this end, the following policy has been drafted to support the use of personally-owned technology devices in the classroom at FSSD.

##### 1) **Definitions:**

**Device:** a device is any piece of technology that has the capability to connect to a data source through any means of network access. This includes access through a cellular-carrier contract or through District Wireless network connectivity.

**Network:** a network is a mechanism to connect a device to any internal servers or systems, or to external resources through the Internet.

**User:** a user in the context of this policy is any person who is accessing network resources through the use of a device.

##### 2) **Expectations:**

It is the expectation of every user that has access to network resources will be limited to educational or administrative purposes. Limited personal use of these systems shall be permitted as long as the use:

- imposes no tangible cost to the District;
- does not unduly burden the District's computer or network resources; and
- has no adverse effect on an employee's job performance or a student's academic performance.

##### 3) **Availability of Access and Restrictions:**

Access to the District's network and computing resources from personal devices is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing the use of District computer and network resources, including but not limited to this document and the appropriate acceptable use policy (Staff or Student). The District provides no guarantee of fitness or availability of access to computer or network resources to any user on any device for any given or specified purpose or time. Access to District computer and network resources is provided on an "as is" basis. Access for personal devices is limited to wireless connectivity only. No personal devices shall be connected to the District network via hardware connection.

##### 4) **Limitations of Support:**

Access to District computer and network resources from personally-owned devices will be subject to the capabilities of the device and user. District technical support will be limited to providing basic connectivity information for wireless access. At no time will District technical staff provide support to individual users for personally-owned devices, in-District or out-of-District. Users are encouraged to seek support from private technology support services in the event that they are unable to connect their device to District network resources.

##### 5) **Responsibility of the User:**

It is the responsibility of the user to use all computer and network resources in the District in accordance with these policies and in a responsible, legal, and ethical manner. Any violations of these standards, either observed in others or through your own use of technology, shall be reported to your classroom teacher or appropriate administrator immediately. Violations of District policy will subject the user to administrative discipline and any violations of state or federal law may result in criminal prosecution at the discretion of the appropriate authorities. Failure to report violations of District policy, state or federal law shall constitute an offense subject to discipline and/or prosecution according to District policies and any applicable law.

**6) Active Content Filtering and Monitoring:**

In accordance with the Child Internet Protection Act, all use of District devices and/or network resources will be actively filtered to prevent access to inappropriate or illegal content on the Internet. In addition, activity will be monitored as deemed appropriate and necessary by authorized technical staff to ensure safe and appropriate use.

**7) School and Classroom Use of Technology:**

It is expected that each school and classroom will have its own set of rules governing the appropriate use of technology. All users shall abide by those rules, subject to discipline in accordance with District policies regarding appropriate conduct. No user shall have the expectation of any right to use technology in any way other than that which is allowed explicitly by this policy and any school or classroom rules established at those levels. It is expected that the application of classroom management practices will be the right and responsibility of all teachers.

**8) Expectation of Privacy:**

Users are advised that they enjoy no expectation of privacy in any aspect of their use of District computer or network resources, regardless of the ownership of any device using District computer or network resources.

**9) Ownership of Information:**

All files, messages, and other content generated, stored, or transferred using District computer or network resources are subject to inspection by District technical staff and/or administration. In addition, all such artifacts remain the property of the District and are subject to copy, transfer, or deletion at the discretion of the District.

**10) Disciplinary Measures:**

In the event that disciplinary measures are deemed necessary, District staff shall follow all existing policies regarding disciplinary action for inappropriate conduct as deemed appropriate by District administration. In addition, the following sanctions may be applied by technical staff upon observation of a violation of the terms of this or any other applicable District policy regarding appropriate use of computer and network resources:

- temporary disabling of access to District computer and network resources;
- permanent disabling of access to District computer and network resources;
- referral to District administration for further disciplinary action; or
- referral to legal authorities for prosecution under applicable law.

**11) Disclaimer of Liability:**

The District shall not be liable for any user's inappropriate use of computer or network resources, or violations of copyright restrictions or other laws. The District shall not be responsible for ensuring the accuracy, age appropriateness, or usability of any information accessed or obtained through the District's network or computer resources. The District shall not be liable for any lost, stolen, or damaged devices, including any loss of data or other content from such devices. Personally-owned devices are the sole responsibility of the owner. Users and/or their guardians will be held liable for any damage to District computer or network resources resulting from the users' actions. Acceptance of these terms of liability is indicated by the user and/or guardian's signatures on this policy and agreement.

**12) Responsibility for Maintaining Administrative Regulations:**

The Board of Education of the Fort Smith School District hereby authorizes the Administration of FSSD to adopt administrative regulations to carry out this policy.

Date Adopted:

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

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

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

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

1. Conditional Privilege: The Student’s use of the District’s access to the Internet is a privilege conditioned on the Student’s abiding to this Agreement. No student may use the District’s access to the Internet whether through a District or Student owned electronic device unless the Student and his/her parent or guardian have read and signed this Agreement.
2. Acceptable Use: The Student agrees that he/she will use the District’s Internet access for educational purposes only. In using the Internet, the Student agrees to obey all federal and state laws and regulations. The Student also agrees to abide by any Internet use rules instituted at the Student’s school or class, whether those rules are written or oral.
3. Penalties for Improper Use: If the Student violates this Agreement and misuses the Internet, the Student shall be subject to disciplinary action.
4. “Misuse of the District’s access to the Internet” includes, but is not limited to, the following:
  - a. using the Internet for other than educational purposes;
  - b. gaining intentional access or maintaining access to materials which are “harmful to minors” as defined by Arkansas law;
  - c. using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
  - d. making unauthorized copies of computer software;
  - e. accessing “chat lines” unless authorized by the instructor for a class activity directly supervised by a staff member;
  - f. using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
  - g. posting anonymous messages on the system;
  - h. using encryption software;
  - i. wasteful use of limited resources provided by the school including paper;
  - j. causing congestion of the network through lengthy downloads of files;
  - k. vandalizing data of another user;
  - l. obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
  - m. gaining or attempting to gain unauthorized access to resources or files;
  - n. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization;
  - o. invading the privacy of individuals;

- p. divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email unless it is a necessary and integral part of the student's academic endeavor. Personally identifying information includes full names, address, and phone number;
- q. using the network for financial or commercial gain without District permission;
- r. theft or vandalism of data, equipment, or intellectual property;
- s. attempting to gain access or gaining access to student records, grades, or files;
- t. introducing a virus to, or otherwise improperly tampering with the system;
- u. degrading or disrupting equipment or system performance;
- v. creating a web page or associating a web page with the school or District without proper authorization;
- w. providing access to the District's Internet access to unauthorized individuals;
- x. failing to obey school or classroom Internet use rules;
- y. taking part in any activity related to Internet use which creates a clear and present danger of the substantial disruption of the orderly operation of the District or any of its schools; or
- z. installing or downloading software on District computers without prior approval of the technology director or his/her designee.

5. Liability for Debts: Students and their cosigners shall be liable for any and all costs (debts) incurred through the student's use of the computers or access to the Internet including penalties for copyright violations.

6. No Expectation of Privacy: The Student and parent/guardian signing below agree that if the Student uses the Internet through the District's access, that the Student waives any right to privacy the Student may have for such use. The Student and the parent/guardian agree that the District may monitor the Student's use of the District's Internet Access and may also examine all system activities the Student participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system. The District may share such transmissions with the Student's parents/guardians.

7. No Guarantees: The District will make good faith efforts to protect children from improper or harmful matter which may be on the Internet. At the same time, in signing this agreement, the parent and Student recognize that the District makes no guarantees about preventing improper access to such materials on the part of the Student.

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

Student's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Parent/Legal Guardian Signature: \_\_\_\_\_ Date \_\_\_\_\_

#### **4.30—SUSPENSION FROM SCHOOL**

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

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

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

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

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

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

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

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

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

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

## **Suspension Procedures**

- A. A teacher may temporarily dismiss any student from class for disciplinary reasons.
- B. The teacher shall, when feasible, accompany the student to the office of the principal or designee and shall, as soon as practical, file with the principal a written statement about the student's dismissal from class.
- C. After a conference, which will include at least the principal or assistant principal, the teacher and the student, the principal or designee shall determine whether to reinstate the student in class, reassign the student, or take other disciplinary action.
- D. The principal or designee of any school is authorized to suspend students from school for disciplinary reasons up to ten school days, including the day upon which the suspension was initially imposed.
- E. Prior to such suspension, the principal or designee shall inform the student either orally or in writing about the infraction.
- F. If the student denies the charges, the principal shall explain to the student the evidence that forms a basis of the charges and shall permit the student to present his/her side of the story.
- G. When the principal considers that a suspension is proper, he/she shall send the student home with a Suspension Notice requesting a student/parent/principal conference prior to admission.
- H. The parent will be provided a copy of the Suspension Notice that shall include the reasons for the suspension, its duration, the manner in which the student may be readmitted to school, and the procedure for review of the suspension.
- I. The principal or designee may require the attendance of the student involved at the said conference as a condition of considering reinstatement.
- J. When students have been notified that they are suspended from school, they shall remain away from all school district premises and any school district activities until the principal or designee reinstates them. Suspended students may return to school premises when accompanied by their parent or guardian for a student/parent/principal conference.
- K. If no decision is reached during the conference by the principal for a reinstatement of the student or if any suspended student or a parent or guardian (when the student is a minor) requests a review of the suspension by a Superintendent, the principal or designee shall advise the person of the review procedure.
- L. Suspensions of five days or less will be reviewed by the Superintendent or designee upon parent request; the decision reached in the review is final. All reviews must be required within the term of the suspension. The Superintendent of Schools or designee shall have the authority to revoke, terminate or otherwise modify the suspension and will notify the principal and parents of his/her actions as soon as possible.

- M. A suspension of more than five days will be reviewed by the Superintendent or designee upon parent request; the decision reached in the review may be appealed to the Student Affairs Committee of the School Board. The Superintendent or designee or the Student Affairs Committee shall have the authority to revoke, terminate or otherwise modify the suspension and will notify the principal and parties of the actions. All appeals must be filed within the term of the suspension.
- N. A suspended student will not be readmitted to school until the suspension is completed or the appeal process, if applicable, is completed.
- O. If the school is undergoing a violent upheaval or if orderly educational processes have otherwise been substantially disrupted, students may be suspended indefinitely without notice, hearing, and the other rights provided herein having been first given. In all such cases, written notices, hearings, and other rights shall be provided in accordance with the normal provisions at the earliest practical date after order is restored.
- P. A student may request that hearings with the Board or Student Affairs Committee of the Board be private. The Board or Student Affairs Committee may consider its decision in executive session without the presence of anyone other than the Board or Committee. The Board or Committee shall reconvene in public session to vote on the matter.

Legal References:       A.C.A. § 6-18-507  
                              *Goss v Lopez*, 419 U.S. 565 (1975)

Date Adopted:



#### **4.31—EXPULSION**

The Board 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 for student conduct deemed to be of such gravity that suspension would be inappropriate, where the student's continued attendance at school would disrupt the orderly learning environment, or would pose an unreasonable danger to the welfare of other students or staff.

Expulsion shall not be used to discipline a student in kindergarten through fifth (5<sup>th</sup>) grade unless the student's behavior poses a physical risk to himself or others, causes a serious disruption that cannot be addressed through other means, or is the act of bringing a firearm on school campus.

Prior to any expulsion recommendation being forwarded to the Board, the case will be reviewed by the Executive Director of Student Service, who will accept, reject or modify the recommendation based on the information presented by the Principal (or his/her designee) and parent(s) and/or guardian(s).

After reviewing the decision of the Executive Director of Student Services, the Superintendent may recommend to the Board that the student be expelled for the specified length of time. In this event, the Superintendent or his/her designee shall give written notice to the parent(s) or legal guardian (mailed to the address reflected on the District's records) that he/she will recommend to the Board that the student be expelled and state the reasons for the recommendation. The notice shall give the date, hour, and place where the Board will consider and vote to affirm, reject or modify the recommendation.

If the parent or legal guardian of the student involved in the disciplinary actions wishes to appeal the expulsion to the Board, the parent or legal guardian may request an appeal hearing through the Superintendent. In the event the disciplined student has established a residence in the District pursuant to Ark. Code Ann. § 6-18-202 that is separate and apart from the student's parents, guardians, or other persons having lawful control of him or her under an order of a court, the student shall possess the same right to request an appeal to the Board.

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

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

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

Except as permitted by Policy 4.23, the Superintendent shall recommend the expulsion of any student for a period of not less than one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a

case-by-case basis. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The Superintendent and the Board 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.

Legal Reference: A.C.A. § 6-18-507

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.32—SEARCH, SEIZURE, AND INTERROGATIONS**

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

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

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

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

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

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

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

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.33—STUDENTS' VEHICLES**

Vehicles driven to school shall be parked in the area designated for student parking. Parking on school property is a privilege which may be denied to a student for any disciplinary violation, at the discretion of the student's building principal.

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

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

Reference: ASBA Model Policies

Date Adopted:

#### **4.34—COMMUNICABLE DISEASES AND PARASITES**

Students with communicable diseases or with human host parasites that are transmittable in a school environment shall demonstrate respect for other students by not attending school while they are capable of transmitting their condition to others. Students whom the school nurse determines are unwell or unfit for school attendance or who are believed to have a communicable disease or condition will be required to be picked up by their parent or guardian. Specific examples include, but are not limited to: chicken pox, measles, scabies, lice, 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 (100.0 F when taken orally). A student who has been sent home by the school nurse will be subsequently readmitted, at the discretion of the school nurse, when the student is no longer a transmission risk. In some instances, a letter from a health care provider may be required prior to the student being readmitted to the school.

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

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

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

The parents or legal guardians of students found to have live human host parasites that are transmittable in a school environment will be asked to pick their child up. 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.

Legal References:       A.C.A. § 6-18-702  
                                  Arkansas State Board of Health Rules and Regulations Pertaining To Immunization Requirements

Additional Reference: ASBA Model Policies

Date Adopted:

#### 4.35—STUDENT MEDICATIONS

Prior to the administration of any medication to any student under the age of eighteen (18), written parental consent is required. The consent form shall include authorization to administer the medication and relieve the Board and its employees of civil liability for damages or injuries resulting from the administration of medication to students in accordance with this policy. All signed medication consent forms are to be maintained by the school nurse.

Unless authorized to self-administer, students are not allowed to carry any medications, including over-the-counter medications or any perceived health remedy not regulated by the U.S. Food and Drug Administration, while at school. The parent or legal guardian shall bring the student's medication to the school nurse or designee. 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 or designee, the nurse/designee 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/designee shall ask another school employee to verify, in the presence of the student the quantity of the medication(s). Each person present shall sign a form verifying the quantity of the medication(s).

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

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

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

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

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

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

1. Self-administer either a rescue inhaler or auto-injectable epinephrine; or
2. Possess on his or her person:
  - a) A rescue inhaler or auto-injectable epinephrine; or
  - b) The necessary supplies and equipment to perform his/her own diabetes monitoring and treatment functions.

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

- in school;
- at an on-site school sponsored activity;
- while traveling to or from school; or
- at an off-site school sponsored activity.

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

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

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

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

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

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

### **Emergency Administration of Epinephrine**

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

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



The school shall not keep outdated medications or any medications past the end of the school year. Parents shall be notified in advance of the school's intention to dispose of any medication. Medications not picked up by the parents or legal guardians by the last day of student attendance, shall be disposed of by the school nurse in accordance with current law and regulations.

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

Additional Reference: ASBA Model Policies

Date Adopted:

#### **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.

Reference: ASBA Model Policies

Date Adopted:

#### **4.37—EMERGENCY DRILLS**

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

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

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

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

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, 1303  
                              Ark. Division of Academic Facilities and Transportation Rules Governing Maintenance  
                              and Operations of Ark. Public School Buses and Physical Examinations of School Bus  
                              Drivers 4.03.1

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.38—PERMANENT RECORDS**

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

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

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.39—CORPORAL PUNISHMENT**

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

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

Additional Reference: ASBA Model Policies

Date Adopted:

#### 4.40—HOMELESS STUDENTS

The 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:

- Receiving the appropriate time and training necessary to carry out the duties required by law and this policy;
- Coordinating and collaborating with the State Coordinator, community, and school personnel responsible for education and related services to homeless children and youths;
- Ensuring that school personnel receive professional development and other support regarding their duties and responsibilities for homeless youths;
- Ensuring that unaccompanied homeless youths:
  - Are enrolled in school;
  - Have opportunities to meet the same challenging State academic standards as other children and youths;
  - 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; and
- Ensuring that public notice of the educational rights of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.

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

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

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

- The school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool; and
- The designated receiving school at the next grade level for all feeder schools when the child completes the final grade provided by the school of origin.

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

1. Continue the child's or youth's education in the school of origin for the duration of homelessness:
  - In any case in which a family becomes homeless between academic years or during an academic year; and

- For the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
2. Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

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

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

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

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

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

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

1. Are:
  - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - b. Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - c. Living in emergency or transitional shelters;
  - d. Abandoned in hospitals; or
  - e. Awaiting foster care placement;
2. Have a primary nighttime residence that is a public or private place not designed for a ordinarily used as a regular sleeping accommodation for human beings;
3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

4. Are migratory children who are living in circumstances described in clauses (1) through (3).

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

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

Additional Reference: ASBA Model Policies

Date Adopted:



**4.41—RESERVED**

**4.42—RESERVED**

#### **4.43—BULLYING**

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

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

#### **Definitions:**

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

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

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

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

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.

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

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

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

**Cyberbullying of School Employees** is expressly prohibited and includes, but is not limited to:

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

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

1. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes;
2. Pointed questions intended to embarrass or humiliate;
3. Mocking, taunting or belittling;
4. Non-verbal threats and/or intimidation such as "fronting" or "chesting" a person;
5. Demeaning humor relating to a student's race, gender, ethnicity or actual or perceived attributes;
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans;
7. Blocking access to school property or facilities;
8. Deliberate physical contact or injury to person or property;
9. Stealing or hiding books or belongings;

10. Threats of harm to student(s), possessions, or others;
11. Sexual harassment, as governed by Policy 4.29, is also a form of bullying; and/or
12. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: "Slut") or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: "You are so gay." "Fag" "Queer").

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

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

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion. In determining the appropriate disciplinary action, consideration may be given to other violations of the student handbook which may have simultaneously occurred.

Notice of what constitutes bullying, the District's prohibition against bullying, and the consequences for students who bully shall be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus. Parents, students, school volunteers, and employees shall be given copies of the notice.

Copies of this policy shall be available upon request.

Legal Reference:       A.C.A. § 6-18-514  
                              A.C.A. § 5-71-217

Additional Reference: ASBA Model Policies

Date Adopted:

**4.44—RESERVED**

**4.45—RESERVED**

#### **4.46—PLEDGE OF ALLEGIANCE AND PERIOD OF SILENCE**

The Pledge of Allegiance shall be recited during the first class period of each school day. Those students choosing to participate shall do so by facing the flag with their right hands over their hearts, or in an appropriate salute if in uniform, while reciting the Pledge. Students choosing not to participate shall be quiet while either standing or sitting at their desks.

Students shall not be compelled to recite the Pledge, but students who choose not to recite the Pledge shall not disrupt those students choosing to recite the Pledge.

Students choosing not to recite the Pledge shall not be subject to any comments, retaliation, or disciplinary action.

Additionally, each class shall observe a one (1) minute period of silence at the beginning of each school day.

During the period of silence a student may, without interfering with or distracting another student:

1. Reflect;
2. Pray; or
3. Engage in a silent activity.

A teacher or school employee in charge of a public school classroom shall ensure that all students remain silent and do not interfere with or distract another student during the period of silence.

Legal Reference:       A.C.A. § 6-16-108  
                              A.C.A. § 6-10-115

Additional Reference: ASBA Model Policies

Date Adopted:



#### **4.47— POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES DURING STATE TESTING**

To protect the security of statewide assessments, no electronic device, as defined in this policy, shall be accessible by a student at any time during assessment administration unless specifically permitted by a student's individualized education program (IEP) or individual health plan; this means that when a student is taking an AESAA assessment, the student shall not have his/her electronic device in his/her possession. Any student violating this provision shall be subject to disciplinary provisions.

As used in this policy, "electronic devices" means anything that can be used to transmit or capture images, sound or data.

Use of an electronic device is permitted to the extent it is approved in a student's IEP or it is needed in an emergency that threatens the safety of students, staff or other individuals.

Legal References:       A.C.A. § 6-15-2907  
                              A.C.A. § 6-18-515  
                              A.C.A. § 27-51-1602  
                              A.C.A. § 27-51-1603  
                              A.C.A. § 27-51-1609  
                              ADE Test Administration Manual

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.48—VIDEO SURVEILLANCE AND OTHER STUDENT MONITORING**

The Board 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 restrooms 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 after they are 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.

Legal References:     20 U.S.C. § 1232(g)  
                              20 U.S.C. § 7115  
                              34 CFR § 99.3, 4, 5, 7, 8, 10, 12, 31

Additional Reference: ASBA Model Policies

Date Adopted:

**4.49—RESERVED**

#### 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:
  - a. The Arkansas State Medical Board;
  - b. The Arkansas State Board of Chiropractic Examiners (Chiropractors); or
  - c. 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:
  - Food(s) to avoid or restrict;
  - Food(s) to substitute;
  - Caloric modifications; or
  - 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.

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

Legal References:       Commissioner's Memo FIN-09-044  
                                  Commissioner's Memo FIN-15-122  
                                  Commissioner's Memo CNU-17-051  
                                  7 C.F.R. § 210.10(g)

Date Adopted:

**4.51— RESERVED**

#### **4.52—STUDENTS WHO ARE FOSTER CHILDREN**

The District will afford the same services and educational opportunities to foster children that are afforded other children and youth. The District shall work with the Department of Human Services (DHS), the Arkansas Department of Education (ADE), and individuals involved with each foster child to ensure that the foster child is able to maintain his/her continuity of educational services to the fullest extent that is practical and reasonable.

The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational liaison for foster children and youth whose responsibilities shall include ensuring the timely school enrollment of each foster child and assisting foster children who transfer between schools by expediting the transfer of relevant educational records. The name and contact information of each foster care liaison will be forwarded to the Special Education Section of the Department of Education at the beginning of each school year.

Fort Smith Schools, 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 develop a transportation plan to and from school for the foster child to the extent it is reasonable and practical and provide transportation in the event an additional expense will not be imposed on the District.

Upon notification to the District's foster care liaison by a foster child's caseworker that a foster child's school enrollment is being changed to one of the District's schools, the school receiving the child must immediately enroll him/her. Immediate enrollment is required even if a child lacks the required clothing, academic or medical records, or proof of residency.

A foster child's grades shall not be lowered due to absence from school that is caused by a change in the child's school enrollment, the child's attendance at dependency-neglect court proceedings, or other court-ordered counseling or treatment.

Any course work completed by the foster child prior to a school enrollment change shall be accepted as academic credit so long as the child has satisfactorily completed the appropriate academic placement assessment.

If a foster child was enrolled in a District school immediately prior to completing his/her graduation requirements while detained in a juvenile detention facility or while committed to the Division of Youth Services of DHS, the District shall issue the child a diploma.

#### **Foster Child School Choice**

If DHS approves a request from a foster parent, or the foster child if the foster child is eighteen (18) years of age, to transfer to another school in the District or into the District as being in the best interest of the foster child, the District shall allow the foster child to transfer to another school in the District or into the District if the foster parent, or the foster child if the foster child is eighteen (18) years of age, submits a request to transfer on a form approved by ADE that is postmarked by no later than May 1 of the year the student seeks to begin the fall semester at another school in the District or in the District.

By July 1 of the school year in which the student seeks to transfer under this section, the Superintendent

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

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

1. The public school or District has reached the maximum student-to-teacher ratio allowed under federal law, state law, rules for standards of accreditation, or other applicable rule or regulation; or
2. Approving the transfer would conflict with a provision of an enforceable desegregation court order or a public school district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment.

A foster child whose application is rejected by the District may submit a written request within ten (10) days following the receipt of the rejection letter from the Superintendent to the State Board of Education for the State Board to reconsider the transfer.

A Foster Child School Choice transfer shall remain in effect until the foster child:

- Graduates from high school; or
- Transfers to another school or school district under:
  - a. The Foster Child School Choice Act;
  - b. Opportunity Public School Choice Act of 2004;
  - c. The Public School Choice Act of 2015; or
  - d. 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.

Legal Reference: A.C.A. § 6-18-233  
A.C.A. § 9-28-113

Additional Reference: ASBA Model Policies

Date Adopted:

#### **4.53— PLACEMENT OF MULTIPLE BIRTH SIBLINGS**

The parent, guardian or other person having charge or custody of multiple birth siblings in grades pre-K through 6 may request that the multiple birth siblings are placed in either the same or separate classrooms. The request shall be in writing not later than the 14<sup>th</sup> calendar day prior to the first day of classes at the beginning of the academic year. The school shall honor the request unless it would require the school to add an additional class to the sibling's grade level. If one (1) 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 (1) or more of the multiple birth siblings if:

- There have been a minimum of thirty (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:
  - a. Detrimental to the educational achievement of one (1) or more of the siblings;
  - b. Disruptive to the siblings' assigned classroom learning environment; or
  - c. Disruptive to the school's educational or disciplinary environment.

If a parent believes the school has not followed the requirements of this policy, the parent may appeal the multiple birth siblings' classroom placement to the Superintendent. The Superintendent's decision regarding the appeal shall be final.

Legal Reference:       A.C.A. § 6-18-106

Date Adopted:



#### 4.54—STUDENT ACCELERATION

The District provides educational experiences for all students to achieve as they move through the thirteen year K-12 instructional continuum. Occasionally, it is appropriate to consider grade level acceleration for a student whose academic abilities and potential for success reflect a need for him/her to move through the continuum at an accelerated pace, i.e., complete the K-12 instructional continuum in less than thirteen (13) years.

Grade level acceleration for a student is an extremely significant educational decision. Therefore, it will be considered carefully, on an individual basis, and the process will involve collaboration among district staff, the student's parent(s), and the student, as appropriate.

#### BELIEFS

1. The District will follow Arkansas state law regarding age requirements for admittance into kindergarten. *There will be no early acceleration into kindergarten.*
2. A student new to the District, or beginning kindergarten, *must be enrolled and attending school for a minimum of forty-five (45) school days prior to the submission of a request for grade level acceleration.* Said time period will allow school staff to become familiar with the student's skills and abilities; it will allow for the administration of appropriate specific content evaluations; and it will allow time for the student to adjust to his/her new educational environment.
3. *The grade level acceleration decision will be made by a Grade Level Acceleration Team.* Said team membership will include, at a minimum: The student (when appropriate); the student's parent(s); the classroom teacher(s); the counselor(s); the building principal/designee; the administrator of the gifted education program; and the administrator for elementary and/or secondary programs. The Team may be expanded, as appropriate, to include other school support staff having knowledge of the student.
4. *The approval of grade level acceleration for a student must be a unanimous decision among the membership of the Grade Level Acceleration Team.*

#### PROCESS

1. The individual requesting that the student be considered for grade level acceleration will state his/her request in writing to the building principal. The request must include academic evidence supporting the need for grade level acceleration, i.e., academic functioning two or more years beyond his/her age peers with assessment scores at or above the 95<sup>th</sup> percentile. Said academic evidence may include: recent school assessments such as interim assessments, state assessments, grade level reading and/or math assessments, anecdotal data, report card grades, etc.
2. The building principal/designee will complete the following actions within ten (10) school days of receiving the request for the student to be considered for grade level acceleration:
  - a. Determine if there is parental agreement for the process to proceed.
    - i. If the answer is no, the process is terminated.
    - ii. If the answer is yes, proceed with actions "b" and "c".
  - b. Identify the membership of the Grade Level Acceleration Team.
  - c. Schedule the initial referral conference for the Grade Level Acceleration Team.

3. The Grade Level Acceleration Team will convene for the initial referral conference and complete the following actions within twenty (20) school days of the referral conference date:
  - a. Obtain written parental permission for additional student assessment and, if applicable, access to outside student data/information.
  - b. Identify the contents of the assessment battery which will be administered to determine the student's need for grade level acceleration. The assessment battery may include, but is not limited to: An individual academic assessment (scored according to age norms) to measure academic performance; the Iowa Acceleration Scale to review academic and social characteristics relevant to grade level acceleration – sections I, II, and III; an aptitude test to measure potential to learn new material; a cognitive ability test to measure general intelligence; an original grade appropriate writing sample; pertinent anecdotal data, etc.
  - c. Administer the individual academic assessment which is scored according to age norms. The student's composite score must be in the upper five percent (5%) range to justify administration of the remainder of the assessment battery.
    - i. If the score is not within the upper five percent (5%) range, the process is terminated.
    - ii. If the score is within the upper five percent (5%) range, proceed with actions "d" and "e".
  - d. The principal/designee will ensure the assessment battery is administered, and the results of each assessment instrument will be presented in writing in a timely manner.
  - e. The principal/designee will schedule a data review conference for the Grade Level Acceleration Team.
  
4. The Grade Level Acceleration Team will convene for the data review conference to review/discuss all data which has been collected for the student, and the Team will make a decision regarding grade level acceleration.
  - a. The Iowa Acceleration Scale will be used to facilitate discussion as follows:
    - i. Sections IV, V, and VI will guide the discussion of academic ability, aptitude, and achievement;
    - ii. Section VII will guide the discussion of school and academic factors;
    - iii. Section VIII will guide the discussion of developmental factors;
    - iv. Section IX will guide the discussion of interpersonal skills; and,
    - v. Section X will guide the discussion of attitude and support.
  
5. The decision regarding grade level acceleration must be a unanimous decision among the membership of the Grade Level Acceleration Team.
  - a. If grade level acceleration is not approved for the student, the student will continue in his/her current grade level placement.
  - b. If grade level acceleration is approved for the student, the student will be placed in the accelerated setting at a time deemed appropriate by the Team.
    - i. The building principal/designee will continuously monitor the progress of the student throughout the first ninety (90) school days of his/her placement in the accelerated setting.
    - ii. The building principal/designee will advise and/or reconvene the Grade Level Acceleration Team if the student experiences negative consequences in the accelerated grade level placement.

Date Adopted:

#### **4.54.1—SCHOOL ATTENDANCE ZONES**

The Board recognizes the importance of establishing and maintaining school attendance zones within the District. The Board also believes that for these attendance zones to serve the best interests of the District and community, they must be reviewed regularly. Although these zones may change annually, to achieve these goals, the Board will review all school attendance zones within the District at a minimum of every three (3) years.

Date Adopted:

#### **4.54.2—ASSIGNMENT OF SCHOOLS**

The District is divided into attendance zones that have specific boundaries. Each legal resident in an attendance area may attend the local school that serves that attendance area. However, there may be times when the administration will be forced to place students out of their normal attendance area when circumstances demand.

Additionally, at times, it may be necessary for the Board to alter the attendance areas (zones) for just and reasonable causes. Students seeking to attend a school that is not in their designated attendance area must secure approval from the Executive Director of Student Services. Any students who might transfer into the District from outside the District's boundaries will be assigned to a school by the Executive Director of Student Services.

Employees of the District may choose to have their own children attend any school in the District if space is available. Any questions about space availability will be determined by the Executive Director of Student Services. Once the school election has been made, the employee's child is expected to remain at their school of choice for one school year. All transportation responsibilities will be provided by the employee.

Date Adopted:

**4.55—RESERVED**

#### **4.56—EXTRA-CURRICULAR ACTIVITIES – SECONDARY LEVEL**

The Board strongly encourages participation in the many activities that are offered at the secondary level. It is the District's belief that these activities can help enrich the educational experience, positively impact student achievement and lead to a stronger student-school connection.

In order to participate in school sponsored extra-curricular activities, students must meet eligibility rules established by the Arkansas Department of Education, the Arkansas Activities Association (AAA) and the District.

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.

Legal Reference:       A.C.A. § 6-4-302  
                              A.C.A. § 6-15-2907  
                              A.C.A. § 6-18-712

Date Adopted:

#### **4.56.1—HOME SCHOOLING PARTICIPATION**

The District recognizes the State's interest in ensuring that all students have equal access to interscholastic activities as a complement to the academic curriculum.

Home schooled students whose parents' domicile, as defined in AAA Rules, is within the District's boundaries may participate in school extracurricular activities subject to the requirements set forth by Act 1469. 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. While Act 1469 prescribes the criteria for initial and continuing eligibility, actual participation will be dependent upon the same try-out criteria, or other requirements as may be applicable, as for any regularly enrolled student. 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.

In realizing this goal, home school students will be allowed to participate in interscholastic activities with the District, under the following conditions:

1. The home schooled student or his or her legal guardian advises the Principal of the school in writing of the student's request to participate in the interscholastic activity before the signup, tryout, or participation deadlines established for the students enrolled in the District.
2. The home school student must report to the District within the first eleven (11) days of the fall or spring semester.
3. The home school student shall demonstrate academic eligibility by obtaining: a minimum test score of the thirtieth percentile on the Stanford Achievement Test Series, Tenth Edition, in the previous twelve (12) months, or another nationally recognized norm-reference test (approved by the State Board of Education).
4. The home school student shall meet tryout criteria.
5. Continued eligibility requires the home school student to be enrolled in and regularly attend, at least one (1) class period during their semester of participation.
6. The home school student must complete any required permission slips, waivers, physical exams, and drug testing that is required.
7. The home school student must pay any participation fee traditional students enrolled in the District pay for the same extracurricular activity.
8. The home school student must meet all other requirements for continued eligibility identified in the AAA Handbook.
9. The home school student must comply with the District's handbooks and any supplementary requirements or conditions for participation in extracurricular activities and standards of behavior and codes of conduct.

10. 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 is not a resident of the District may begin participating in interscholastic activities:

- a. Immediately upon being approved for participation for all interscholastic activities other than athletic activities; and
- b. One (1) calendar year after being approved to participate in interscholastic activities that are athletic activities unless the approval is prior to July 1 of the school year the student would have been enrolled in seventh (7<sup>th</sup>) grade if the student were enrolled in public school.

A home schooled student who is not a resident of the District and is prohibited under this policy from participating in an interscholastic activity that is an athletic activity for one (1) calendar year may immediately participate in rehearsals, tryouts, practices, auditions, classes, or other endeavors associated with the interscholastic activity.

Extracurricular activities are defined as: any school sponsored program where students from one or more schools meet, work, perform, practice under supervision outside of the 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, interscholastic athletics, band, choral music, forensics, drama, math and science, and club activities.

A student who withdraws from an Arkansas Activities Association member school to be home schooled shall not participate in an interscholastic activity in the District for a minimum of three hundred sixty-five (365) days from the time of the withdrawal.

Legal References:       A.C.A. § 6-15-509  
                                  A.C.A. § 6-18-232  
                                  A.C.A. § 6-18-712

Date Adopted:



**4.57—RESERVED**

**4.58—RESERVED**

**4.59—RESERVED**

**4.60—RESERVED**

#### **4.61—WELLNESS POLICY**

The District is committed to providing students, families and District employees with school environments that promote lifelong wellness practices and protect children’s health, well-being, and ability to learn. Promoting good nutrition, physical activity, and healthy habits is a means to addressing obesity and illness in our community.

##### **Wellness Committee**

A School Nutrition and Physical Activity Advisory Committee (SNPAAC) will be formed and structured in a way to ensure age-appropriate recommendations are made that correlate to the District’s grade configurations. The SNPAAC will have the powers and responsibilities delegated to it by statute and Rule and are incorporated into this policy by reference. The overarching goal of the committee shall be to promote student wellness by monitoring how well the District is doing at implementing this policy. The results of the annual assessment shall be included in each school’s ACSIP, provided to each school’s principal, and reported to the Board. Goals and objectives for nutrition and physical activity shall also be included in the ACSIP.

The SNPAAC will be open to individuals from the following groups:

- Board;
- School administrators;
- School nutrition personnel;
- Teacher organizations;
- Teachers of physical education;
- Parents;
- Students;
- Professional groups (such as nurses);
- School health professionals (such as school nurses, school counselors, and social workers); and
- Community members.

The SNPAAC will provide written recommendations to the District’s Child Nutrition Director concerning menus and other foods sold in the school cafeteria. Such recommendations shall be based, at least in part, on the information the Committee receives from the District on the requirements and standards of the National School Lunch Program and from menus for the National School Lunch Program and other food sold in the school cafeteria.

The SNPAAC will meet at least quarterly.

##### **School Health Coordinator**

To assist the SNPAAC in ensuring that the District fulfills the requirements of this Policy, a District level School Health Coordinator will be appointed.

##### **Goals**

The District will adhere to the ADE Rules Governing Nutrition and Physical Activity Standards And Body Mass Index For Age Assessment Protocols. To promote nutrition, physical activity, and other school based activities that will improve student wellness, the District, working with the SNPAAC, has established the

following goals:

1. Implement a grade appropriate nutrition education program that will develop an awareness of and appreciation for nutrition and physical activity throughout the curriculum;
2. Enforce existing physical education requirements and engage students in healthy levels of vigorous physical activity;
3. Strive to improve the quality of physical education curricula and increase the training of physical education teachers;
4. Follow the Arkansas Physical Education and Health Education Frameworks in grades K-12;
5. Not use food or beverages as rewards for academic, classroom, or sports performances;
6. Establish class schedules and bus routes that do not directly or indirectly restrict meal access;
7. Provide students with ample time to eat their meals in pleasant cafeteria and dining areas;
8. Abide by the current allowable food and beverage portion standards;
9. Meet or exceed the more stringent of Arkansas' or the U.S. Department of Agriculture's (USDA) Nutrition Standards for reimbursable meals and a la' carte foods served in the cafeteria;
10. Restrict access to competitive foods as required by law and Rule;
11. Conform new and/or renewed vending contracts to the content restrictions contained in the Rules and reduce District dependence on profits from the sale of competitive foods;
12. Provide professional development to all District staff on the topics of nutrition and/or physical activity;
13. Utilize the School Health Index available from the CDC to assess how well the District is doing at implementing this wellness policy and at promoting a healthy environment for its students.

### **Food and Beverages Outside of the District's Food Service Programs**

The District will insure that drinking water is available without charge to all students throughout the school including, but not limited to, in the District's food service areas.

All food and beverages sold or provided (but not sold) to students on school campus during the school day by school administrators, school staff, students, student groups, parents, parent groups, or another person, company, or organization associated with the school shall meet the Federal Smart Snacks requirements and Arkansas Nutrition Standards at a minimum. These restrictions include, but are not limited to, food and beverages sold in vending venues (machines, ice chests, cabinets) in school stores or as part of school fundraisers.

Up to a maximum of nine (9) times per school year, school administration may schedule school wide events

where food and beverages provided to students are not required to meet the Federal Smart Snacks standards during the scheduled time. The schedule of the events shall be by school, approved by the principal, and shall be part of the annual school calendar.

Food and beverages outside of the District's food service programs may not be sold, served, or provided to students in the District's food service areas during meal times.

Elementary students shall not have in-school access to vending machines.

The District does not place nutrition restrictions on food or beverages brought from home that are intended for personal consumption only.

### **Advertising**

In accordance with the USDA regulations, oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product that are made by the producer, manufacturer, seller, or any other entity with a commercial interest in the product shall only be permitted on school campus during the school day if they meet or exceed the Federal Smart Snacks standards. This restriction does not apply to:

- Materials used for educational purposes in the classroom, including, but not limited to:
  - a. The use of advertisements as a media education tool; or
  - b. Designing and implementing the health or nutrition curriculum;
- Clothing, apparel, or other personal items used by students and staff;
- The packaging of products brought from home for personal consumption; and
- Currently existing advertisements on school property, including but not limited to, the exterior of vending machines, posters, menu boards, coolers, trash cans, cups used for beverage dispensing, and other food service equipment; however, all future contracts and replacement items shall meet the Federal Smart Snacks standards.

### **Assessment of District's Wellness Policy**

At least once every three (3) years, with input from the SNPACC, the District shall assess both the District as a whole and individual schools' status in regards to the implementation and compliance of the goals of this policy, including the health and wellness goals in the District's ACSIP. The assessment shall be based, at least in part, on:

- The extent to which District schools are in compliance with this Policy;
- The extent to which this Policy compares to other model local school wellness policies;
- The annual reviews of this policy based on modules 1, 2, 3, 4, and 8 of the CDC's School Health Index; and
- A description of the progress made in attaining the goals of this policy.

The District will update this Policy based on the results from the three (3) year assessment.

Legal References: Richard B. Russell National School Lunch Act 42 U.S.C. § 1751 et seq. as amended by PL 111-296 (Section 204) of 2010. (Section 204 is codified at 42 U.S.C. § 1758(b))  
Child Nutrition Act of 1966 42 U.S.C. § 1771 et seq.  
7 C.F.R. § 210.18  
7 C.F.R. § 210.31

A.C.A. § 6-20-709  
A.C.A. §§ 20-7-133, 134, 135  
ADE Rules Governing Nutrition and Physical Activity Standards And Body Mass Index  
For Age Assessment Protocols  
Allowable Competitive Foods/Beverages - Maximum Portion Size List for Middle, Junior  
High, and High School  
Commissioner's Memo CNU-17-010  
Commissioner's Memo CNU-17-013  
Commissioner's Memo CNU-17-016  
Nutrition Standards for Arkansas Public Schools

Additional References: ASBA Model Policies

Date Adopted:



#### **4.61.1—WATER BOTTLES**

The District believes that being well hydrated is an important component to overall student wellness. To support this belief, students will be allowed to possess a container for the consumption of water during class time, subject to the following guidelines:

- Liquids other than water may not be consumed during class time.
- Consumption of water is at the discretion of the teacher.
- Water may not be consumed in close proximity to electronic devices, including student computers.
- Container lids must be securely fastened at all times when not in use to avoid spills.

Date Adopted: