

## Policy Guidance – STUDENT HANDBOOK

Everything that is new in the policies is underlined in red.

The portions that are to be removed from the policies are ~~struck through~~ and are in blue.

### Policies Changed or added

Due to some policies that were amended in the January 10, 2019 set of policy updates requiring additional amendments following the legislative session, you will find some updates on the policy updates page, [arsba.org/mpsupdates](https://arsba.org/mpsupdates), that end with “CR” or “RAW”. Titles that end with “RAW” indicate the changes to the policy both from January and since the legislative session using strikethroughs and underlines. Titles that end with “CR” have had the changes made in January cleaned so that only those changes since the legislative session are indicated with strikethroughs and underlines.

Act 910 of 2019 required that the following policies had government agencies names changed, such as “Arkansas Department of Education” changed to “Division of Elementary and Secondary Education”, within the body of the policy but had no other changes to the body of the policy: 2.1; 3.4; 3.50; 4.38; 4.42; 5.11; 5.12; 5.27; 7.2; and 7.16.

Act 910 of 2019 required that the following policies had governmental agencies names changed, such as the “Arkansas Department of Education” changed to “Division of Elementary and Secondary Education” or “ADE” changed to “DESE” within the footnotes or legal references but no changes were required within the body of the policy or from another act and thus these policies do not require PPC or Board action: 3.2; 3.19; 3.52; 3.54F; 4.13; 4.29; 4.54; 5.4; 5.16; 6.11; 6.12; 7.10; 7.22; 8.33; and 8.41.

**4.1—RESIDENCE REQUIREMENTS** – The policy was amended to include changes from Acts 756 and 939.

**4.2—ENTRANCE REQUIREMENTS** – The policy was amended to incorporate changes from Acts 640, 756, and 939.

**4.3—COMPULSORY ATTENDANCE REQUIREMENTS** – The policy was updated to incorporate changes from Act 756.

**4.4—STUDENT TRANSFERS** – The policy was updated to incorporate changes from Act 640 and to match changes made to Policy 4.2.

**4.5—SCHOOL CHOICE** – The policy was updated to include changes regarding school choice application deadlines from students of military families from Act 171; updates to Opportunity school choice and standard school choice from Act 754; and updates to the facilities distress school choice options under Act 933. The policy was updated to incorporate the change from the Arkansas Department of Education to the Division of Elementary and Secondary Education under Act 910 and for the elimination of state “regulations” in favor of “rules” under Act 315.

**4.7—ABSENCES** – The policy was updated to include changes from Acts 617, 756, 910, and 939.

**4.14—STUDENT PUBLICATIONS Media AND THE DISTRIBUTION OF LITERATURE** – the policy was updated to incorporate the change from student publications to student media from Act 912.

**4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL** – The policy was updated to match the list of custodians from Act 756 and to change the Department of State Police to the Division of State Policy from Act 910.

**4.17—STUDENT DISCIPLINE** – The policy was updated to include changes from Acts 640, 756, and 1029. In addition, a footnote was added with language on due process to include a reference to the IDEA requirements for students receiving special education services.

**4.18—PROHIBITED CONDUCT** – Prohibited conduct number 17 was updated to include all protected categories under A.C.A. § 6-18-514. Policy 3.17 was removed from the Cross References due to it being repealed. In addition, the Legal References were updated to account for changes from Act 640.

**4.19—CONDUCT TO AND FROM SCHOOL AND TRANSPORTATION ELIGIBILITY** – The policy was updated to remove potential conflicts with changes to other policies resulting from Act 640. In addition, 5-60-112 was added to the list of Legal References.

- 4.21—STUDENT ASSAULT OR BATTERY** – Language in the policy was updated to assist in format standardization.
- 4.22—WEAPONS AND DANGEROUS INSTRUMENTS** – The policy was updated to incorporate changes from Act 640.
- 4.24—DRUGS AND ALCOHOL** – The policy was amended to more closely match the language in Policy 4.35 on the possession and use of OTC medications, prescription drugs, and non-FDA approved remedies.
- 4.29F—STUDENT ELECTRONIC DEVICE and INTERNET USE AGREEMENT** – Item number 2 was updated to distinguish between Federal regulations and state rules from Act 315.
- 4.30—SUSPENSION FROM SCHOOL** – The policy was updated to incorporate changes from Acts 640 and 756. In addition, a footnote was added as a reminder to ensure all special education requirements are met prior to a student’s suspension.
- 4.31—EXPULSION** – The policy was updated to include changes from Acts 640, 709, and 756, including updating the list of Legal References. In addition, a footnote was added as a reminder to ensure all special education requirements are met prior to a student’s expulsion.
- 4.32—SEARCH, SEIZURE, AND INTERROGATIONS** – The policy was updated to incorporate changes from Acts 756 and 910.
- 4.35—STUDENT MEDICATIONS** – The policy was updated to allow students to possess and use FDA approved sunscreen without a physician order from Act 247. The policy was also updated to include changes for epinephrine and the emergency administration of albuterol from Act 851. The legal references were updated to include changes from Act 315, 190, and 757.
- 4.35F2—MEDICATION SELF-ADMINISTRATION CONSENT FORM** – Language was added to include an acknowledgement that a student who self carries medication may be disciplined if they distribute the medication to another student.
- 4.35F4—EPINEPHRINE EMERGENCY ADMINISTRATION CONSENT FORM** – The form was updated to remove references to Section 504 of the Rehabilitation Act from Act 851.
- 4.35F5—ALBUTEROL EMERGENCY ADMINISTRATION CONSENT FORM** – This is a new form to coincide with the changes from Act 851.
- 4.38—PERMANENT RECORDS** – Changed ADE to DESE
- 4.39—CORPORAL PUNISHMENT (Option #1)** – The language noting different options was moved from the policy title into the body of the policy. Option 1 was amended to include the prohibition on using corporal punishment on certain groups of students from Act 557. Option 2 was moved up to be a separate option in this policy rather than its own policy. In addition, a footnote was added providing language for those who have administrators or teachers employed under a waiver of licensure to add language to allow those to administer corporal punishment and the list of legal references was updated to account for changes from Act 640.
- 4.43—BULLYING** – The Policy was updated to incorporate changes from Act 1029. There were enough changes made to the policy that we recommend treating this as a new policy.
- 4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2019 AND 2020** – The policy was updated to match the updated graduation [requirements sheet](#) and to incorporate the requirement for alternative graduation requirements from [LS-19-069](#). In addition, the legal references were updated to include additions from Act 852 and 939.
- 4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2021 AND THEREAFTER** – The policy was updated to match the updated graduation [requirements sheet](#) and to incorporate the requirement for alternative graduation requirements from [LS-19-069](#). In addition, the timeline for when students may receive credit towards graduation for the personal and family finance course was amended from Act 466. The legal references were updated to include additions from Act 852 and 939.
- 4.51—FOOD SERVICE PREPAYMENT** – The policy was updated to change “alternative meals” to “unpaid reimbursable meals” to align with Act 428’s prohibition on districts providing alternative meals to students.

**4.52—STUDENTS WHO ARE FOSTER CHILDREN** – The policy was updated to incorporate changes from Acts 640 and 910.

**4.55—STUDENT PROMOTION AND RETENTION** – The policy was updated to include the provisions for the alternate pathway to graduation. In addition, changes were made to incorporate the transition from the Arkansas Department of Education to the Division of Elementary and Secondary Education from Act 910 and the update to match the new language on parents from Act 756.

**4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS** – The policy was updated to remove a reference to “regulations” in accordance with Act 315. In addition, language prohibiting a student from being required to pay for individual or group instruction in order to participate in an extracurricular activity was added from Act 847.

**4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY** – Language prohibiting a student from being required to pay for individual or group instruction in order to participate in an extracurricular activity was added from Act 847.

**4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS** – A reference to “regulations” was changed to “rules” to incorporate changes from Act 315. In addition, language prohibiting a student from being required to pay for individual or group instruction in order to participate in an extracurricular activity was added from Act 847.

**4.57—IMMUNIZATIONS** – The policy was updated to include the requirement for the district to maintain a record of those students who have immunization waivers and post the percentages on the district website from Act 676. In addition, footnote 1 and the Legal References were updated to change references of “regulations” to “Rules” from Act 315 and to incorporate the changes from Act 910.

**4.59—ACADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOLED STUDENTS** – This policy was substantially updated to incorporate changes resulting from Act 430.

**5.2—PLANNING FOR EDUCATIONAL IMPROVEMENT** – Language was added to require a literacy plan be included as part of each school-level improvement plan as required by Act 83.

**5.3—CURRICULUM DEVELOPMENT** – Language was added to require all purchased reading curriculum to be selected from an DESE approved list starting with the 2021-2022 school year from Act 83.

**5.11—DIGITAL LEARNING COURSES** – Changed ADE to DESE

**5.15—GRADING** – The policy was updated to include changes on weighted credit from Act 632 and some references to parents were amended to include the entire list from Act 756. Also, the Legal References were updated to change the Arkansas Department of Education to the Division of Elementary and Secondary Education from Act 910 and to remove references to state “regulations” due to Act 315.

**5.20—DISTRICT WEBSITE** – The policy was updated to include the requirement to post the immunization waiver report under Policy 4.57 from Act 676 and to incorporate the transition from the Arkansas Department of Education to the Division of Elementary and Secondary Education from Act 910.

**5.21—ADVANCED PLACEMENT, INTERNATIONAL BACCALAUREATE, and HONORS COURSES** – The policy was updated to account for changes to A.C.A. § 6-15-902 from Act 632. The legal References were updated to change Arkansas Department of Education to Division of Elementary and Secondary Education from Act 910 and references to state “regulations” were removed in accordance with Act 315.

**5.22—CONCURRENT CREDIT** – The policy was updated to incorporate the change from the Arkansas Department of Education to the Division of Elementary and Secondary Education from Act 910. In addition, a note was added to include the prohibition from Act 429 on charging a home schooled or private school student who is attending concurrent credit courses through the district for the course unless the district also charges the district’s students to attend concurrent credit courses. The legal references were updated.

**5.26—ALTERNATIVE LEARNING ENVIRONMENTS** – The policy was updated to incorporate changes from Acts 756 and 910.

**5.27—AENGLISH LANGUAGE LEARNERS** – Changes ADE to DESE

**5.28—~~NATIONAL SCHOOL LUNCH ACT~~ ENHANCED STUDENT ACHIEVEMENT FUNDING EXPENDITURES** – The policy was updated to note the change from National School Lunch to Enhanced Student Achievement Funds from Act 1083.

**5.29—WELLNESS POLICY** – The policy was updated to incorporate changes from Act 910, to transition from the ACSIP to the school district support plan, and to update the school health index indicators that districts must use to review the wellness policy.

**6.1—COMMUNICATION GOALS** – References to the Arkansas Department of Education were changed to the Division of Elementary and Secondary Education in accordance with Act 910. In addition, a footnote was added to the policy to cover the requirements for committees that contain board members to include the requirements from Act 1028. The Legal References were updated to incorporate the changes from Acts 190 and 315.

**6.7—COMPLAINTS** – Due to this policy having been updated in January to account for the revisions to the Rules on Federal Complaints, there are two different versions of this policy. The one with “RAW” indicates all of the changes from January and all of the current changes with strikethroughs and underlines while the one with “CR” only indicates the current changes from Act 910 with strikethroughs and underlines.

**6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW)** – This policy was updated to incorporate the restrictions on Level 3 sex offenders to attend on campus events where tickets are sold for admission from Act 187. In addition, language was amended to incorporate the changes from the Arkansas Department of Education to the Division of Elementary and Secondary Education from Act 910 and to replace references of state “regulations” to “rules” from Act 315.

## 4.1—RESIDENCE REQUIREMENTS

### Definitions

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

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

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

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

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

The schools of the District shall be open and free through the completion of the secondary program to all persons between the ages of five (5) and twenty one (21) years whose parents, legal guardians, ~~or other~~ persons having lawful control of the ~~person under an order of a court~~ student, or person standing in loco parentis reside within the District<sup>1</sup> and to all persons between those ages who have been legally transferred to the District for educational purposes.

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

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

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

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

**Notes:** <sup>1</sup> Residency requirements of homeless students is governed by policy 4.40—HOMELESS STUDENTS. Residency requirements governing foster children are governed by policy 4.52—STUDENTS WHO ARE FOSTER CHILDREN

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

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

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

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

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

Date Adopted: July 27, 2011  
Last Revised:

## 4.2—ENTRANCE REQUIREMENTS

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

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

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

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

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

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

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

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

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

### Uniformed Services Member's Children

For the purposes of this policy:

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

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

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

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

"Uniformed services"<sup>4</sup> means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services;

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

"Eligible child" means the children of:

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

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

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

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

An eligible child as defined in this policy shall:

1. Be allowed to continue his/her enrollment at the grade level commensurate with his/her grade level he/she was in at the time of transition from his/her previous school, regardless of age;
2. Be eligible for enrollment in the next highest grade level, regardless of age if the student has satisfactorily completed the prerequisite grade level in his/her previous school;
3. Enter the District's school on the validated level from his/her previous accredited school when transferring into the District after the start of the school year;
4. Be enrolled in courses and programs the same as or similar to the ones the student was enrolled in his/her previous school to the extent that space is available. This does not prohibit the District from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses/and/or programs;
5. Be provided services comparable to those the student with disabilities received in his/her previous school based on his/her previous Individualized Education Program (IEP). This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;
6. Make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, necessary to provide the student with equal access to education. This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;
7. Be enrolled by an individual who has been given the special power of attorney for the student's guardianship. The individual shall have the power to take all other actions requiring parental participation and/or consent;
8. Be eligible to continue attending District schools if he/she has been placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty.

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

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

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

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

<sup>3</sup> ~~The student cannot be enrolled until the Board gives the student a hearing to determine whether to enroll the student. Therefore, a prompt hearing is recommended~~ A.C.A. § 6-18-510 requires that districts adopt this policy language, or similar, AND provide a hearing before the board for the student seeking to enroll in the district while currently serving an expulsion from another district in order for the district to exclude the student until the expiration of the student’s expulsion. Districts who do not include this policy language, or similar, AND provide the hearing before the board may NOT prohibit the enrollment of a student who is currently serving an expulsion from another district.

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

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

Cross References: 4.1—RESIDENCE REQUIREMENTS  
4.4—STUDENT TRANSFERS  
4.5—SCHOOL CHOICE  
4.6—HOME SCHOOLING  
4.34—COMMUNICABLE DISEASES AND PARASITES  
4.40—HOMELESS STUDENTS

Legal References: A.C.A. § 6-4-302  
A.C.A. § 6-4-309  
A.C.A. § 6-15-504  
A.C.A. § 6-18-107  
A.C.A. § 6-18-201 (c)  
A.C.A. § 6-18-207  
A.C.A. § 6-18-208  
A.C.A. § 6-18-510  
A.C.A. § 6-18-702  
A.C.A. § 9-28-113  
Plyler v Doe 457 US 202,221 (1982)

Date Adopted: April 28, 2014  
Last Revised:



#### 4.3—COMPULSORY ATTENDANCE REQUIREMENTS

Every parent, legal guardian, person having lawful control of the child, or ~~other person having custody or charge~~ standing in loco parentis of any child age five (5) through seventeen (17) years on or before August 1 of that year who resides, as defined by policy (4.1—RESIDENCE REQUIREMENTS), within the District shall enroll 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, legal guardian, person having lawful control of the child, or ~~other person having custody or charge~~ standing in loco parentis of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the ~~Department of~~ Division of Elementary and Secondary Education must be signed and on file with the District administrative office.
4. The child has received a high school diploma or its equivalent as determined by the State Board of Education.
5. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
6. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).

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

Date Adopted: April 28, 2014  
Last Revised:

#### 4.4m—STUDENT TRANSFERS

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

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

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

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

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

Except as otherwise required or permitted by law,<sup>34</sup> the responsibility for transportation of any nonresident student admitted to a school in this District shall be borne by the student or the student's parents. The District and the resident district may enter into a written agreement with the student or student's parents to provide transportation to or from the District, or both.

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

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

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

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

Cross Reference: 4.6—HOME SCHOOLING

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

Date Adopted: April 28, 2014

Last Revised:

## 4.5m—SCHOOL CHOICE

### Standard School Choice

#### **Exemption**

The District is under an enforceable desegregation court order/court-approved desegregation plan<sup>1</sup> that explicitly limits the transfer of students between school districts and has submitted the appropriate documentation to the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#).<sup>2</sup> As a result of the desegregation order/desegregation plan<sup>1</sup>, the District is exempt from the provisions of the Public School Choice Act of 2015 (Standard School Choice) and the Arkansas Opportunity Public School Choice Act of 2004 (Opportunity School Choice). The District shall notify the superintendents of each of its geographically contiguous school districts of its exemption.<sup>3</sup> The exemption prohibits the District from accepting any school choice applications from students wishing to transfer into or out of the District through standard School Choice or Opportunity School Choice.<sup>4</sup>

#### **Definition**

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

#### **Transfers into the District**

##### **Capacity Determination and Public Pronouncement**

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

The District shall advertise in appropriate broadcast media and either print media or on the Internet to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline; and the requirements and procedures for participation in the program; and include contact information for the primary point of contact at the District for school choice questions. Such pronouncements shall be made in the spring.

##### **Application Process**

The student's parent shall submit a school choice application on a form approved by ADE to this District along with a copy to the student's resident district. Except for students who have a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base, the The transfer application must be postmarked or hand delivered on or before May 1 of the year preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications the District receives as both the resident and nonresident district as they are received in the District's central office. It is the District's responsibility to send a copy of the application that includes the date and time stamp to the student's resident district within ten (10) days of the District receiving the application.<sup>7</sup> Except for applications from students who have a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base, applications Applications postmarked or hand delivered on or after May 2 will not be accepted. Statutorily, preference is required to be given to siblings of students who are already enrolled in the District. Therefore, siblings whose applications fit the capacity standards approved by the Board of Directors may be approved ahead of an otherwise qualified non-sibling applicant who submitted an earlier application as identified by the application's date and time stamp.

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

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

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

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

##### **Accepted Applications**

Applications which fit within the District's stated capacity standards shall be provisionally accepted, in writing, with the notification letter stating a reasonable timeline by which the student shall enroll in the District by taking the steps detailed in the letter, including submission of all required

documents. If the student fails to enroll within the stated timeline, or if all necessary steps to complete the enrollment are not taken, or examination of the documentation indicates the applicant does not meet the District's stated capacity standards, the acceptance shall be null and void.<sup>87</sup>

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

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

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

### **Rejected Applications**

The District may reject an application for a transfer into the District under Standard School Choice due to a lack of capacity. However, the decision to accept or reject an application may not be based on the student's previous academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings other than a current expulsion.<sup>88</sup>

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

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

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

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

### **Transfers Out of the District**

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

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

If, prior to July 1, the District receives sufficient copies of requests from other districts for its students to transfer to other districts to trigger the three percent (3%) cap, it shall notify each district the District received Standard School Choice applications from that it has tentatively reached the limitation cap. The District will use confirmations of approved choice applications from receiving districts to make a final determination of which applications it received that exceeded the limitation cap and notify each district that was the recipient of an application to that effect.<sup>109</sup> The District shall immediately notify all receiving districts if it should drop back below its three percent (3%) cap prior to July 1.

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

### **Facilities Distress School Choice Applications**

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

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

### **Opportunity School Choice**

#### **Transfers Into or Within the District<sup>140</sup>**

For the purposes of this section of the policy, a "lack of capacity"<sup>141</sup> is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the ADESE Rules for the Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for Opportunity School Choice, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

Unless there is a lack of capacity<sup>141</sup> at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student may transfer from the student's assigned school to another school in the District<sup>10</sup> or from the student's resident district into the District if: who is enrolled in or assigned to a school classified by the ADE to be in academic distress or in a district classified by ADE as in need of Level 5 Intensive Support is eligible to transfer to the school closest to the student's legal residence that is not in academic distress or in a district classified as in need of Level 5 Intensive Support. The student's parent or guardian, or the student if over the age of eighteen (18), must successfully complete the necessary application process by July 30 preceding the initial year of desired enrollment.

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

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

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

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

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

If the District rejects the application, the District shall state in the notification letter the specific reasons for the rejection.<sup>142</sup> A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal the District's decision to deny the application to the State Board of Education. The appeal must be in writing to the State Board of Education via certified mail, return receipt requested, no later than ten (10) calendar days, excluding weekends and legal holidays, after the notice of rejection was received from the District.

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

The District may, but is not obligated to provide transportation to and from the transferring district.<sup>143</sup>

#### **Transfers out of, or within, the District<sup>140</sup>**

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

classified by the ADE as a public school in academic distress or a school district that has not been classified by the State Board as in need of Level 5 Intensive Support or in a public school that does not have a rating of "F".

Additionally, the District shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.<sup>154</sup>

### Unsafe School Choice Program

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

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

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

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

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

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

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

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

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

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

<sup>4</sup> If the desegregation court order/court-approved desegregation plan your district is under would prohibit standard school choice but would not prohibit Opportunity School Choice, remove the references to Opportunity Choice in this paragraph and add the following sentence:

*While the District's desegregation court order/court-approved-desegregation-plan exempts the District from the provisions of Standard School Choice, the District's desegregation court order/court-approved-desegregation-plan does not exempt it from the transfer provisions of the Arkansas Opportunity Public School Choice Act of 2004 (Opportunity School Choice).*

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

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

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

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

<sup>7</sup>While A.C.A. § 6-18-1905(a)(1) only requires the non-resident district to notify the resident district of the receipt of an application, any notification without the date and time of the receipt of the application will make it impossible for a resident district that has reached its three percent (3%) cap to know the student who triggered the reaching of the cap. If you do not wish to transmit a copy of the application to the resident district, replace the sentence with the following language:

*It is the District's responsibility to notify the student's resident district of the receipt of the student's application within ten (10) days of the District receiving the application; the notification shall include the student's name and the date and time the District received the application.*

<sup>87</sup> Consider the following about the timing of your acceptance of an application and why it's important to provisionally accept each application until the notification letter is returned to you:

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

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

<sup>98</sup> You are required to hold a hearing before the board of directors about the student's expulsion. (See A.C.A. § 6-18-510.) It is possible that the expulsion was for a disciplinary infraction that does not result in expulsion in your district. If this is the case, you have the choice of whether or not to admit the student under school choice due to the resident district's expulsion of the student, but you may NOT deny a student unless you hold a hearing.

<sup>109</sup> The "shalls" used in this paragraph are not statutorily required (The Public School Choice Act of 2015 simply doesn't address the issue), but without notification to the non-resident district, there is no way for the non-resident district to know when the cap has been reached.

<sup>149</sup> Only include "or within" if your district has more than one school with the same grade(s).

<sup>121</sup> The capacity standards under "Opportunity Choice" are slightly more strict than under "Standard Choice" standards and are limited to what is stated in the policy. Additionally, by Rule, you are required to base your decision on ninety-five (95%) of capacity at the time of the application with no provision for consideration of your district's normal growth. Just as with Standard School Choice, your application of a lack of capacity must be consistent; you can't choose to add a teacher due to accepting a student, but refuse to add a staff member because the applicant requires special education.

<sup>132</sup> The student or his/her parents may appeal to the State Board a decision to deny admission.

<sup>143</sup> Sending districts are required to spend up to four hundred dollars (\$400) per year to transport the student. The statute and the Rules are unclear. They both state that receiving districts **may** transport opportunity choice students, but sending districts **shall** pay up to four hundred dollars (\$400) per year to transport the student. The policy's language makes no attempt to settle the discrepancy. The financial responsibility of the transferring district goes away when the school/district is no longer in academic distress has a rating of "F" or the student's resident district is no longer classified by the state board as in need of Level 5 — intensive support. At that time the statute states that the receiving district may choose to pay for the transportation.

<sup>154</sup> Opportunity Choice does not give you the option contained in Standard Choice of advertising on the Internet in place of print media.

Legal References: A.C.A. § 6-1-106

A.C.A. § 6-13-113

A.C.A. § 6-15-2915

A.C.A. § 6-18-227

A.C.A. § 6-18-233

A.C.A. § 6-18-320

A.C.A. § 6-18-510

A.C.A. § 6-18-1901 et seq.

A.C.A. § 6-21-812

[ADESE Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act](#)

[DESE Rules Governing The Public School Choice Act of 2015](#)

Date Adopted: June 27, 2011

Last Revised:

#### **4.7m—ABSENCES**

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

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

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

#### **Excused Absences**

Excused absences are those where the student was on official school business or when the absence was due to one of the following reasons.

1. Exceptional circumstances with prior approval of the principal;
2. Participation in an FFA, FHA, or 4-H sanctioned activity;
3. Participation in the election poll workers program for high school students;
4. 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;
5. Absences granted, at the Principal's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in eleventh grade to complete basic combat training between grades eleven (11) and (12).
6. Students who serve as pages for a member of the General Assembly shall be considered on instructional assignment and shall not be considered absent from school for the day the student is serving as a page.
7. Absences for students excluded from school by the Arkansas Department of Health during a disease outbreak because the student has an immunization waiver or whose immunizations are not up to data.

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 shall be considered as unexcused absences. Students with 10 unexcused absences in a course in a semester shall may not receive credit for that course. At the discretion of the principal after consultation with persons having knowledge of the circumstances of the unexcused absences, the student may be denied promotion or graduation. Excessive absences shall not be a reason for expulsion or dismissal of a student.

When a student has 5 unexcused absences, his/her parent, legal guardians, person having lawful control of the student, or a person standing in loco parentis shall be notified. Notification shall be by telephone by the end of the school day in which such absence occurred or by regular mail with a return address sent no later than the following school day.

Whenever a student exceeds 10 unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, legal guardian, person having lawful control of the student, or a person standing in loco parentis shall be subject to a civil penalty as prescribed by law.

At any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or



his/her parent, legal guardians, person having lawful control of the student, or a person standing in loco parentis may petition the school or district's administration for special arrangements to address the student's unexcused absences. If formal arrangements are granted, they shall be formalized into a written agreement which will include the conditions of the agreement and the consequences for failing to fulfill the agreement's requirements. The agreement shall be signed by the student, the student's parent, legal guardians, person having lawful control of the student, or a person standing in loco parentis, and the school or district administrator or designee.

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

Suspension days will be unexcused absences, but, since a suspended student is prohibited from attending school, days missed due to out-of-school suspension shall NOT be counted as absences for the purpose of determining truancy.

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

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

Date Adopted: June 27, 2011

Last Revised:

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

##### Student Publications **Media**

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

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

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

Student ~~publications that are~~ **media** displayed on school web pages shall follow the same guidelines as listed above; ~~plus they and~~ shall ~~also:~~

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

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

A student or group of students who distribute ten (10) or fewer copies of the same non-school literature, publications, or materials (hereinafter "non-school materials"), shall do so in a time, place, and manner that does not cause a substantial disruption of the orderly education environment. A student or group of students wishing to distribute more than ten (10) copies of non-school materials<sup>1</sup> shall have school authorities<sup>2</sup> review their non-school materials at least three (3) school days<sup>3</sup> in advance of their desired time of dissemination. School authorities shall review the non-school materials, prior to their distribution and will bar from distribution those non-school materials that are obscene, libelous, pervasively indecent, or advertise unlawful products or services. Material may also be barred from distribution if there is evidence that reasonably supports a forecast that a substantial disruption of the orderly operation of the school or educational environment will likely result from the distribution.<sup>4</sup> Concerns related to any denial of distribution by the principal shall be heard by the superintendent, whose decision shall be final.

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

The regulations shall:

1. Be narrowly drawn to promote orderly administration of school activities by preventing disruption and may not be designed to stifle expression;
2. Be uniformly applied to all forms of non-school materials;
3. Allow no interference with classes or school activities;
4. Specify times, places, and manner where distribution may and may not occur<sup>5</sup>; and
5. Not inhibit a person's right to accept or reject any literature distributed in accordance with the regulations.<sup>6</sup>
6. -Students shall be responsible for the removal of excess literature that is left at the distribution point for more than \_\_\_ days.<sup>7</sup>

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

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

<sup>1</sup> You may change this number, but the inclusion of a number below which prior inspection is not required permits the exchange of such items as personal notes between students, CDs, party invitations, or birthday cards. The review requirement also applies to materials distributed at extracurricular events that are not intended primarily for adults.

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

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

<sup>4</sup> While you can prohibit material for the stated reasons, you may not do so merely because it contains a controversial message or content the district disagrees with.

<sup>5</sup> The time, place, and manner of distribution may vary by the age of the students attending the school. For example, elementary schools may wish to have more narrowly tailored times and places for the distribution and restrict how the materials are made available. It is more difficult for elementary students to tell the difference between school-sponsored and non-school-sponsored materials which could affect who would be appropriate distributors of the materials. Schools also have the option of putting up a notice at the distribution site such as a designated table in a foyer or hallway that the materials do not represent the viewpoint of the school. You might also choose to add a qualifier permitting the principal to impose additional requirements when deemed appropriate to avoid disruption, congestion, or other problems that could be associated with the distribution.

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

<sup>7</sup> If you choose to include this optional sentence, select a reasonable amount of time for any specific item to be available at one stretch. Some materials could conceivably be appropriately left for distribution for significantly longer periods of time than other materials. You may also choose to add an additional sentence requiring the student(s) who distribute the materials to be responsible for picking up any materials thrown on school grounds.

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

Legal References: A.C.A. § 6-18-1202, 1203, & 1204

*Tinker v. Des Moines ISD*, 393 U.S. 503 (1969)

*Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986)

*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988)

Date Adopted: April 11, 2016

Last Revised:

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

##### CONTACT BY PARENTS

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

##### CONTACT BY NON-CUSTODIAL PARENTS

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

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

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

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

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

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

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

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

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

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

Date Adopted: April 27, 2015  
Last Revised:

#### 4.17—STUDENT DISCIPLINE

The Gosnell Board of Education has a responsibility to protect the health, safety, and welfare of the District's students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs: at any time on the school grounds; off school grounds at a school sponsored function, activity, or event; going to and from school or a school activity.

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

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

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

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

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

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

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

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

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

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

Date Adopted: May 17, 2012  
Last Revised:

#### 4.18—PROHIBITED CONDUCT

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

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices on the school campus during normal school hours unless specifically exempted by the administration for health or other compelling reasons;
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, [sexual orientation](#), [gender identity](#), or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student;
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, "throwing signs" or other gestures associated with gangs are prohibited;
21. Sexual harassment;
22. Bullying;
23. Operating a vehicle on school grounds while using a wireless communication device; and
24. Theft of another individual's personal property.

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

Cross References: [Prohibited Conduct #1—Policy # 3.17](#)

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

Legal References: A.C.A. § 6-5-201, A.C.A. § 6-15-1005, A.C.A. § 6-18-222, A.C.A. § 6-18-502  
A.C.A. § 6-18-514  
A.C.A. § 6-18-707  
A.C.A. § 6-21-609  
A.C.A. § 27-51-1602  
A.C.A. § 27-51-1603  
A.C.A. § 27-51-1609

Date Adopted: April 17, 2015  
Last Revised:

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

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

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

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

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

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

Legal References: A.C.A. § 5-60-122

A.C.A. § 6-19-119 (b)

Ark. Division of Academic Facilities and Transportation Rules Governing Maintenance and Operations of Ark. Public School Buses and Physical Examinations of School Bus Drivers 4.0

Date Adopted: May 17, 2012

Last Revised:

#### 4.21—STUDENT ASSAULT OR BATTERY

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

Furthermore, it is unlawful, during regular school hours, and in a place where a public school employee is required to be in the course of his or her duties, for any person to address a public school employee using language which, in its common ~~understanding~~ acceptation, is calculated to: ~~a) cause a breach of the peace; b) materially and substantially interfere with the operation of the school; c) arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.~~

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

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

Legal Reference: A.C.A. § 6-17-106 (a)

Date Adopted: April 10, 2017

Last Revised:



## 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

### Definitions

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

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

"Weapon" means any:

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

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

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

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

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

~~Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of not less than one (1) year. The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis.<sup>1</sup>~~

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

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

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

Notes: [A.C.A. § 5-73-119](#) trumps the more lenient US DOE Guidelines relating to a student's accidental possession of a firearm on campus. Consequently, the leniency provisions of the policy for students who inadvertently bring a weapon to school cannot be extended to a firearm.

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

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

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

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

Cross Reference: Policy 4.31—EXPULSION

Legal References:

[A.C.A. § 5-4-201](#)  
[A.C.A. § 5-4-401](#)  
[A.C.A. § 5-27-210](#)  
[A.C.A. § 5-73-119\(b\)\(e\)\(8\)\(9\)\(10\)](#)  
[A.C.A. § 5-73-133](#)  
A.C.A. § 6-18-502 (e)(2)(A)(B)  
A.C.A. § 6-18-507 (e)(1)(2)  
A.C.A. § 6-21-608  
[A.C.A. § 5-4-201](#)  
[A.C.A. § 5-4-401](#)  
[A.C.A. § 5-27-210](#)  
[A.C.A. § 5-73-119\(b\)\(e\)\(8\)\(9\)\(10\)](#)  
[A.C.A. § 5-73-133](#)  
20 USC § 7151 [7961](#)

Date Adopted: July 15, 2013  
Last Revised

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

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

~~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.~~

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

~~Cross Reference: 4.35—STUDENT MEDICATIONS~~

Date Adopted: July 15, 2013

Last Revised:

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

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

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

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

1. **Conditional Privilege:** The Student's use of the district's access to the Internet is a privilege conditioned on the Student's abiding to this agreement. No student may use the district's access to the Internet whether through a District or student owned electronic device unless the Student and his/her parent or guardian have read and signed this agreement.
2. **Acceptable Use:** The Student agrees that he/she will use the District's Internet access for educational purposes only. In using the Internet, the Student agrees to obey all federal and state laws and regulations and any State laws and rules. The Student also agrees to abide by any Internet use rules instituted at the Student's school or class, whether those rules are written or oral.
3. **Penalties for Improper Use:** If the Student violates this agreement and misuses the Internet, the Student shall be subject to disciplinary action. **[Note: A.C.A. § 6-21-107 requires the district to have "...provisions for administration of punishment of students for violations of the policy with stiffer penalties for repeat offenders, and the same shall be incorporated into the district's written student discipline policy." You may choose to tailor your punishments to be appropriate to the school's grade levels.]**
4. **"Misuse of the District's access to the Internet" includes, but is not limited to, the following:**
  - a. Using the Internet for other than educational purposes;
  - b. Gaining intentional access or maintaining access to materials which are "harmful to minors" as defined by Arkansas law;
  - c. Using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
  - d. Making unauthorized copies of computer software;
  - e. Accessing "chat lines" unless authorized by the instructor for a class activity directly supervised by a staff member;
  - f. Using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
  - g. Posting anonymous messages on the system;
  - h. Using encryption software;
  - i. Wasteful use of limited resources provided by the school including paper;
  - j. Causing congestion of the network through lengthy downloads of files;
  - k. Vandalizing data of another user;
  - l. Obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
  - m. Gaining or attempting to gain unauthorized access to resources or files;
  - n. Identifying oneself with another person's name or password or using an account or password of another user without proper authorization;
  - o. Invading the privacy of individuals;
  - p. Divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email unless it is a necessary and integral part of the student's academic endeavor. Personally identifying information includes full names, address, and phone number.
  - q. Using the network for financial or commercial gain without district permission;
  - r. Theft or vandalism of data, equipment, or intellectual property;
  - s. Attempting to gain access or gaining access to student records, grades, or files;
  - t. Introducing a virus to, or otherwise improperly tampering with the system;
  - u. Degrading or disrupting equipment or system performance;
  - v. Creating a web page or associating a web page with the school or school district without proper authorization;
  - w. Providing access to the District's Internet Access to unauthorized individuals;
  - x. Failing to obey school or classroom Internet use rules; or
  - y. Taking part in any activity related to Internet use which creates a clear and present danger of the substantial disruption of the orderly operation of the district or any of its 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 \_\_\_\_\_

Date Adopted: April 28, 2014

Last Revised:

#### 4.30—SUSPENSION FROM SCHOOL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cross Reference: 4.7—ABSENCES

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

Date Adopted: May 17, 2012

Last Revised:

#### 4.31—EXPULSION

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

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

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

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

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

The hearing shall be conducted not later than ten (10) school days<sup>1</sup> following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

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

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

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of ~~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, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.<sup>2</sup> The parents, ~~or~~ legal guardians, persons having lawful control of the student, or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

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

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

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

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

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

Cross Reference: Policy 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

Legal References: A.C.A. § 6-15-1406  
A.C.A. § 6-18-502  
A.C.A. § 6-18-507

Date Adopted: May 17, 2012  
Last Revised:



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

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

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

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

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

State Law requires that Department of Human Services employees, local law enforcement, or agents of the Crimes Against Children Division of the Department ~~Division~~ of Arkansas State Police, may interview students without a court order for the purpose of investigating suspected child abuse. In instances where the interviewers deem it necessary, they may exercise a "72-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 ~~of the student, or person standing in loco parentis by court order, or person acting in loco parentis on student enrollment forms.~~ The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, ~~custodian person having lawful control of the student,~~ or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Department ~~Division~~ of Arkansas State Police, or an investigator or employee of the Department of Human Services.

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

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

1. A good reason to believe that a specific student likely possesses an illegal or forbidden item in violation of Board policy; and
2. The belief that the student possesses the item exists both prior to and at the time of the search.

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

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

Date Adopted: June 27, 2011  
Last Revised:

#### 4.35—STUDENT MEDICATIONS

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

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

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

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

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

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

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

(O1)The only Schedule II medications that shall be allowed to be brought to the school are methylphenidate (e.g. Ritalin or closely related medications as determined by the school nurse), dextroamphetamine (Dexedrine), and amphetamine sulfate (e.g. Adderall or closely related medications as determined by the school nurse).<sup>4</sup>

For the student's safety, no student will be allowed to attend school if the student is currently taking any other Schedule II medication than permitted by this policy.<sup>3</sup> Students who are taking Schedule II medications which are not allowed to be brought to school shall be eligible for homebound instruction if provided for in their IEP or 504 plans.<sup>24</sup>

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

#### Self-Administration of Medication

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

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

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

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

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

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

### **Emergency Administration of Glucagon and Insulin**

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

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

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

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

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

### **Emergency Administration of Epinephrine**

The school nurse or other school employees designated by the school nurse as a care provider who have been trained<sup>46</sup> and certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP [developed under Section 504 of the Rehabilitation Act of 1973](#) which [that](#) provides for the administration of an epinephrine auto-injector in emergency situations.

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

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

The school nurse for each District school shall keep epinephrine auto-injectors on hand that are suitable for the students the school serves. The school nurse or other school employee designated by the school nurse as a care provider who has been trained<sup>46</sup> and certified by a licensed physician may administer auto-injector epinephrine to those students who the school nurse, or other school employee certified to administer auto-injector epinephrine, in good faith professionally believes is having a life-threatening anaphylactic reaction.

### **Emergency Administration of Albuterol**

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

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

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

### **Emergency Administration of Anti-opioid**

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

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

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

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

<sup>4</sup>Arkansas Children's Hospital, The University of Arkansas Medical System, the Department of Health, and ADE have developed a training that would meet the statute's and this policy's certification requirements.

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

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

#### Option One

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

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

#### Option Two

<sup>4</sup> A partial, but not all-inclusive listing of Schedule II medications not specifically permitted includes: Opium, morphine, codeine, hydromorphone (Dilaudid), methadone, meperidine (Demerol), cocaine, oxycodone (Percodan), amobarbital, pentobarbital, sufentanil, etorphine hydrochloride, phenylactone, dronabinol, secobarbital, and fentanyl.

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

<sup>3</sup> A student who had surgery or was in an accident and is taking a Schedule II medication may be told by his/her doctor to not attend class. In such a case, a 504 plan can be developed to cover the duration of the student's recovery. The plan could include homebound instruction.

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

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

Date Adopted: May 17, 2012  
Last Revised:

**4.35F2—MEDICATION SELF-ADMINISTRATION CONSENT FORM**

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

This form is good for school year 2019-2020. This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

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

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

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

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

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

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

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

Parent or legal guardian signature \_\_\_\_\_ Date \_\_\_\_\_

Date Adopted: May 17, 2012  
Last Revised:

**4.35F4—EPINEPHRINE EMERGENCY ADMINISTRATION CONSENT FORM**

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

This form is good for school year 2019-2020. This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

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

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

Date of physician's order \_\_\_\_\_

Circumstances under which Epinephrine may be administered \_\_\_\_\_

\_\_\_\_\_

Other instructions \_\_\_\_\_

\_\_\_\_\_

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

Parent or legal guardian signature \_\_\_\_\_ Date \_\_\_\_\_

Date Adopted: July 15, 2013  
Last Revised:

**4.35F5—ALBUTEROL EMERGENCY ADMINISTRATION CONSENT FORM**

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

This form is good for school year 2019-2020. This consent form must be updated anytime the student's medication order changes and renewed each year and/or anytime a student changes schools.

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

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

Date of physician's order \_\_\_\_\_

Circumstances under which albuterol may be administered \_\_\_\_\_

\_\_\_\_\_

Other instructions \_\_\_\_\_

\_\_\_\_\_

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

Parent or legal guardian signature \_\_\_\_\_ Date \_\_\_\_\_

Date Adopted:

Last Revised:

#### 4.38—PERMANENT RECORDS

Permanent school records, as required by the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#), shall be maintained for each student enrolled in the District until the student receives a high school diploma or its equivalent or is beyond the age of compulsory school attendance<sup>1</sup>. A copy of the student's permanent record shall be provided to the receiving school district within ten (10) school days after the date a request from the receiving school district is received<sup>2</sup>.

Notes: <sup>1</sup> The legal requirement for retention of student records is as written. ASBA strongly advises districts, however, to retain the records of graduates indefinitely due to the potential for future need of the records by students for college admissions, security clearances, background checks, etc.

<sup>2</sup> The law prohibits districts from refusing to provide the records to receiving schools due to a student owing money to the district.

Legal References: A.C.A. § 6-18-901  
[ADESE Rules Governing Student Permanent Records](#)

Date Adopted: April 10, 2017  
Last Revised:



#### 4.39—CORPORAL PUNISHMENT

**(O1)** The Gosnell School Board authorizes the use of corporal punishment to be administered in accordance with this policy by the Superintendent or ~~his/her~~ the superintendent's designated staff members who are required to have a state-issued license as a condition of their employment.<sup>1</sup>

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

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

Corporal punishment shall not be used as a form of discipline for a student who is intellectually disabled, non-ambulatory, non-verbal, or autistic.<sup>2</sup>

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

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

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

Date Adopted: April 10, 2016  
Last Revised:

#### 4.43—BULLYING

##### Definitions

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

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

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

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

1. Cyberbullying;
2. Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes,
3. Pointed questions intended to embarrass or humiliate,
4. Mocking, taunting or belittling,
5. Non-verbal threats and/or intimidation such as "fronting" or "chesting" a person,
6. Demeaning humor relating to a student's actual or perceived attributes,
7. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
8. Blocking access to school property or facilities,
9. Deliberate physical contact or injury to person or property,
10. Stealing or hiding books or belongings,
11. Threats of harm to student(s), possessions, or others,
12. Sexual harassment, as governed by policy 4.27, is also a form of bullying, and/or
13. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether the student self-identifies as homosexual or transgender (Examples: "Slut", "You are so gay.", "Fag", "Queer").

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

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

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

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

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

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

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

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

Respect for the dignity of others is a cornerstone of civil society. Bullying creates an atmosphere of fear and intimidation, robs a person of his/her dignity, detracts from the safe environment necessary to promote student learning, and will not be tolerated by the Board of Directors. Students

who bully another person shall be held accountable for their actions whether they occur on school equipment or property; off school property at a school sponsored or approved function, activity, or event; going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops.

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

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

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

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

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

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

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

Copies of this policy shall be available upon request.<sup>4</sup>

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

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

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

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

<sup>4</sup> There should be a statement in the Student Handbook to this effect.

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

Date Adopted: May 23, 2011

Last Revised:

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

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

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents as part of the annual school district support plan development process<sup>3</sup> to determine if changes need to be made to better serve the needs of the district's students. The superintendent, or his/her designee, shall select the composition of the review panel.

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

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

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

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

#### GRADUATION REQUIREMENTS

The number of units students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of twenty-two (22) units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the twenty-two (22) units required for graduation by the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#), the district requires an additional 2 units to graduate for a total of 24 units. The additional required units may be taken from any electives offered by the district.<sup>6</sup> There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

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

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

#### Digital Learning Courses

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

#### Personal and Family Finance

[In tenth \(10th\), eleventh \(11th\), or twelfth \(12th\) grade, all All students shall receive credit in a course covering the Personal and Family Finance Standards in order to graduate.](#)

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

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

Oral Communications: one-half (½) unit

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

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

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

3) Algebra II; and

4) The fourth unit may be either:

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

Natural Science: a total of three (3) units with lab experience chosen from

One unit of Biology; and either:

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each):

- ) Physical Science;
- ) Chemistry;
- ) Physics; or

One unit from the three categories above and a computer science flex credit may be taken in the place of a third science credit.

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

Social Studies: three (3) units

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

Physical Education: one-half (½) unit

**Note:** While one-half (½) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (½) unit

Economics – one half (½) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.<sup>8</sup>

Fine Arts: one-half (½) unit

### **CAREER FOCUS: - Six (6) units**

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

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

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

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

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

Oral Communications: one-half (½) unit

Mathematics: four (4) units

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

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

Science: three (3) units

~~) at least one (1) unit of biology or its equivalent; and~~  
Two units chosen from the following three categories:

- )} Physical Science;
- )} Chemistry;
- )} Physics; or

One unit from the three categories above and a computer science flex credit may be taken in the place of a third science credit.

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

Social Studies: three (3) units

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

Physical Education: one-half (½) unit

**Note:** While one-half (½) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (½) unit

Economics – one half (½) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.<sup>8</sup>

Fine Arts: one-half (½) unit

#### **CAREER FOCUS: - Six (6) units**

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

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

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

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

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

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

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

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

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

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

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

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

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

Legal References: Standards for Accreditation 1-C.2, 1-C.2.1, 1-C.2.2, 1-C.2.3  
[ADESE Guidelines for the Development of Smart Core Curriculum Policy](#)  
[ADESE Rules Governing Distance and Digital Learning](#)  
[Smart Core Information Sheet 2018](#)  
[Smart Core Waiver Form 2018](#)  
Commissioner's Memo LS-18-082  
A.C.A. § 6-4-302  
[A.C.A. § 6-16-122](#)  
[A.C.A. § 6-16-143](#)  
A.C.A. § 6-16-149  
A.C.A. § 6-16-150  
A.C.A. § 6-16-1406  
[A.C.A. § 6-18-107](#)

Date Adopted: April 29, 2013  
Last Revised:

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

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

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents as part of the annual school district support plan development process<sup>3</sup> to determine if changes need to be made to better serve the needs of the district's students. The superintendent, or his/her designee, shall select the composition of the review panel.

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

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

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

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

#### GRADUATION REQUIREMENTS

The number of units students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of twenty-two (22) units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the twenty-two (22) units required for graduation by the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#), the district requires an additional 2 units to graduate for a total of 24 units. The additional required units may be taken from any electives offered by the district.<sup>6</sup> There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

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

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

#### Digital Learning Courses

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

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

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

Oral Communications: one-half (½) unit

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

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

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

- 3) Algebra II; and
- 4) The fourth unit may be either:



- ) A math unit approved by [ADESE](#) beyond Algebra II; or
- ) A computer science flex credit may be taken in the place of a fourth math credit.

Natural Science: a total of three (3) units ~~with lab experience chosen from~~

One unit of Biology; and either:

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each):

) \_\_\_\_\_ Physical Science;

) \_\_\_\_\_ Chemistry;

) \_\_\_\_\_ Physics; or

One unit from the three categories above and a computer science flex credit may be taken in the place of a third science credit.

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

Social Studies: three (3) units

) Civics - one-half (½) unit

) World History - one unit

) American History - one unit

) Other social studies – one-half (½) Unit

Physical Education: one-half (½) unit

**Note:** While one-half (½) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (½) unit

Economics – one half (½) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.<sup>8</sup>

Fine Arts: one-half (½) unit

#### **CAREER FOCUS: - Six (6) units**

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

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

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

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

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

Oral Communications: one-half (½) unit

Mathematics: four (4) units

) Algebra or its equivalent\* - 1 unit

) Geometry or its equivalent\* - 1 unit

) All math units must build on the base of algebra and geometry knowledge and skills.

) (Comparable concurrent credit college courses may be substituted where applicable)

) A computer science flex credit may be taken in the place of a math credit beyond Algebra I and Geometry

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

Science: three (3) units

) \_\_\_\_\_ at least one (1) unit of biology or its equivalent; and

Two units chosen from the following three categories:

) \_\_\_\_\_ Physical Science;

) \_\_\_\_\_ Chemistry;

) \_\_\_\_\_ Physics; or

One unit from the three categories above and a computer science flex credit may be taken in the place of a third science credit.

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

Social Studies: three (3) units

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

Physical Education: one-half (½) unit

**Note:** While one-half (½) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (½) unit

Economics – one half (½) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.<sup>8</sup>

Fine Arts: one-half (½) unit

#### **CAREER FOCUS: - Six (6) units**

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

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

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

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

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

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

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

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

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

<sup>9</sup> In order for students to receive the community service learning (CLS) credit, the district must have completed and submitted a CLS plan to ADESE. In addition, a partner site application must be approved by both the district's board of directors and by the State Board if

an organization the District has partnered with, rather than a District employee, is responsible for certifying a student's hours of service. Districts who do not intend to submit a CLS plan should not include this language.

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

Legal References: Standards for Accreditation 1-C.2, 1-C.2.1, 1-C.2.2, 1-C.2.3  
[ADESE Guidelines for the Development of Smart Core Curriculum Policy](#)  
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Commissioner's Memo LS-18-082  
A.C.A. § 6-4-302  
[A.C.A. § 6-16-122](#)  
[A.C.A. § 6-16-143](#)  
A.C.A. § 6-16-149  
A.C.A. § 6-16-150  
A.C.A. § 6-16-1406  
[A.C.A. § 6-18-107](#)

Date Adopted: June 26, 2017  
Last Revised:

#### 4.51—FOOD SERVICE PREPAYMENT

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

(O1) The district does not provide credit for students to charge for meals, a la carte, or other food and beverage items available for purchase in the school food service areas. Meals, a la carte, or other food and beverage items may be purchased by either providing payment for the items at the time of receipt or by having a prepaid account with the District that may be charged for the items. Parents, or students choosing to do so, may pay in advance for meals, a la carte, or other food and beverage items through any of the following methods:<sup>2</sup>

- ) Submitting cash or check payment at the school's designated location<sup>3</sup>;
- ) Depositing funds through the District's online service;

A student's parents will be contacted by authorized District personnel regarding a student's prepaid account balance at the following times:<sup>4</sup>

##### Unpaid Meal Access Alternative Meals<sup>5</sup>

Option A: ~~The District does not provide alternative meals for students.~~

Option B: ~~The~~ In accordance with Arkansas law, the District ~~provides alternative meals at no cost to~~ allows students whose accounts do not have enough funds to purchase a meal to receive an unpaid reimbursable meal at no charge. ~~Alternative meals are available during \_\_\_\_\_<sup>7</sup>. A student may select an alternative meal up to \_\_\_\_\_<sup>8</sup> times in a school year. The District will notify a student's parents when the student has:<sup>7</sup>~~

- o ~~\_\_\_\_\_<sup>9</sup> alternative meal options remaining in the school year~~ When the student's prepaid account balance has dropped to the point that the student will begin receiving unpaid meals; and
- o Each time the student receives the first unpaid meal after money has been deposited into the student's prepaid account; and
- o No more alternative meals available for the school year After the student has received five (5) unpaid meals.

~~The alternative meals provided to students are available as \_\_\_\_\_<sup>10</sup>~~ Students who have submitted proper documentation to receive a meal modification in accordance with Policy 4.50—SCHOOL MEAL MODIFICATIONS shall receive the same type of modification for an alternative unpaid meal.

Notes: This policy is similar to policy 7.17. If you change this policy, please review 7.17 at the same time to ensure applicable consistency between the two.

While districts have the option to allow students to charge for meals, and a la carte items, ~~and alternative meals~~, we have not provided any options that would allow students to do so because Chapter 3 of the federal Fair and Accurate Credit Transaction Act of 2007 (15 U.S.C. § 1681 *et seq.*), along with its accompanying regulations (16 C.F.R. part 681), requires "creditors" to implement an Identity Theft Protection Program. We see the establishment and maintenance of an identity theft protection program to be a financial and potentially time-consuming burden. Districts can avoid this burden by not having practices deemed to make them "creditors", such as through the language in this policy.

A copy of this policy must be communicated in writing at least once to all households at the start of each school year and to households of students who transfer to the school during the school year. Some suggestions on communication methods are to include a copy of the policy in:

- Student enrollment materials;
- Print versions of student handbooks; or
- Notification methods on applying for free or reduced price meals.

The United States Department of Agriculture (USDA) does not consider providing a copy of this policy only in electronic format to satisfy the communication requirement.

A written copy of this policy must be provided to all staff responsible for policy enforcement. This includes:

- A. School food service professionals;
- B. Staff involved in notifying families of low prepaid account balances;
- C. School social workers;
- D. School nurses; and
- E. The LEA homeless student liaison.

<sup>1</sup> While the options provided in this section are written as though they will apply to the district as a whole and that you will only need to select one option, the circumstances at your district may require you to select an option at the individual school level. As an example: if your elementary and middle school both participate in the USDA's Community Eligibility Provision (CEP) while the high school is a traditional school, then you would need to adopt Option 2 for both the elementary and middle school and Option 1 for the high school.

<sup>2</sup> Insert the methods here that parents and students may use to put money into the student's account. If you do not have an online method for parents to place money in a student's account, then remove it from this list. If you have an online prepayment system, the USDA requires that an option for the parent or student to provide funds through a cash or check system continue to be provided as not all families may have easy access to the internet. In addition, if there are any fees associated with your online prepayment system, or any other prepayment system, which are not covered by the district, you are required to inform district parents of the fees.

<sup>3</sup> Insert the place where parents and students may go to submit money for the student's account. Examples include, but are not limited to: the district's central office, the school's central office, or the food service office.

<sup>4</sup> Insert the times and method an authorized person will attempt to contact a student's parents to inform them the student's account is low. As an example, you may choose to have the parents be contacted by phone when the student's account has five dollars (\$5) left and to send a letter along with a copy of the policy if the student's account becomes empty. The goal is to try and prevent a student from showing up with too few funds to purchase a meal.

<sup>5</sup> Insert the applicable USDA Special Assistance Provision. Examples include, but are not limited to, the USDA's CEP or Provision 2.

<sup>6</sup> While the options language provided in this section are is written as though they will apply it applies to the district as a whole and that you will only need to select one option, the circumstances at your district may require you to select an option include or not include the language at the individual school level. As an example: if your elementary and middle school both participate in USDA's CEP while the high school is a traditional school, then you should adopt Option A for both the elementary and middle school would not need the language to be included in the handbooks for the elementary and middle schools and could select either Option but would need to include the language for the high school. You are not required to offer alternative meals to students but need to indicate in this policy whether or not you will. We included the option for alternative meals to provide a method to attempt to prevent a student from going hungry due to lack of funds because we did not include a method for students to charge for meals. The Hunger-Free Students Bill of Rights (A.C.A. § 6-18-715) requires that a student be allowed to receive the same reimbursable meal as other students even if the student has no funds in the student's prepaid account or is unable to pay at the time of service.

<sup>7</sup> Insert the meal(s) where alternative meals will be provided.

<sup>8</sup> Insert the number of times a student may receive an alternative meal in a school year due to the student not having payment in hand or enough funds in the prepaid account to purchase a reimbursable meal.

<sup>9</sup> Insert a number of alternative unpaid meals remaining when a student may receive before you will contact a student's parents to inform them of the number of alternative meals the student is still eligible to receive during the school year. We recommend informing Law requires that you inform the parents when that the student has received unpaid meals half of the total number of alternative meals the student is eligible to receive during the school year no later than when the student has received the fifth(5<sup>th</sup>) unpaid meal. While the only times we have only included in the policy one time for a student's parents will to be notified as to how many alternative meals their student may receive before the student has used all of the student's alternative meals that their student has received an unpaid meal to each time the student's prepaid account is low enough that a student ends up receiving an unpaid meal and after a student receives five (5) unpaid meals, you may add additional times the student's parents will be notified.

<sup>10</sup> Insert the type of alternative meal(s) that will be available to students. While the traditional alternative meal is a sack lunch, our understanding is that districts may provide a traditional or low cost reimbursable meal at no cost to the student instead; providing the reimbursable meal a limited number of times per year to students who are otherwise unable to pay has the benefits of ensuring the student receives a healthy meal while removing any possible stigma from not being able to pay and receiving a noticeable sack lunch. For districts who provide the alternative meal as a sack lunch at no charge, the alternative meal provided is not required to meet the Federal Smart Snacks requirements or the Arkansas Nutrition Standards.

Legal References: Commissioner's Memo CNU-17-003  
Commissioner's Memo CNU-17-024  
[A.C.A. § 6-18-715](#)

Date Adopted: April 10, 2017  
Last Revised:

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

The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational liaison for foster children and youth whose responsibilities shall include ensuring the timely school enrollment of each foster child and assisting foster children who transfer between schools by expediting the transfer of relevant educational records.<sup>1</sup>

The District, working with other individuals and agencies shall, unless the presiding court rules otherwise or DHS grants a request to transfer under Foster Child School Choice, ensure that the foster child remains in his/her school of origin, even if a change in the foster child’s placement results in a residency that is outside the district. In such a situation, the District will work with DHS to arrange for transportation to and from school for the foster child to the extent it is reasonable and practical.<sup>2</sup>

Upon notification to the District’s foster care liaison by a foster child’s caseworker that a foster child’s school enrollment is being changed to one of the District’s schools, the school receiving the child must immediately enroll him/her. Immediate enrollment is required even if a child lacks the required clothing, academic or medical records, or proof of residency.<sup>3</sup>

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

Any course work completed by the foster child prior to a school enrollment change shall be accepted as academic credit so long as the child has satisfactorily completed the appropriate academic placement assessment.<sup>4</sup>

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

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

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

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

The District shall only reject a Foster Child School Choice application if:<sup>5</sup>

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

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

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

- ) Graduates from high school; or
- ) Transfers to another school or school district under:
  - o The Foster Child School Choice Act;
  - o Opportunity Public School Choice Act of 2004;
  - o The Public School Choice Act of 2015; or
  - o Any other law that allows a transfer.

The District shall accept credits toward graduation that were awarded by another public school district.

When a foster child transfers from the foster child’s school of origin to another school in the District or into the District, the foster child or the foster parent is responsible for the foster child’s transportation to and from the school the foster child transferred to. The District and the foster parent, or the foster child if the foster child is eighteen (18) years of age, may enter into a written agreement for the District to provide the transportation to and from the school the foster child transferred to.

Notes: <sup>1</sup> The name and contact information of the liaison must be sent to the Special Education Section of ADESE at the beginning of each school year. A.C.A. § 9-28-113 contains additional requirements/duties of the liaison.

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

<sup>3</sup> A.C.A. § 9-28-113 does not address a district’s right to refuse enrollment following a hearing before the board for a student that has been expelled from another school, but we believe that right is retained even in this circumstance.

<sup>4</sup> This language is from A.C.A. § 9-28-113(g). You may add a sentence defining how you interpret its meaning or you may make it a procedural issue which would leave you more latitude for case-by-case implementation.

<sup>5</sup> If the district is not under an enforceable desegregation court order or a court-approved desegregation plan, remove it as an option for denial of a Foster Child School Choice application.

If a foster child application is denied due to the district’s enforceable desegregation court order or court-approved desegregation plan, the law requires that the district immediately submit proof from a federal court to ADESE that the public school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan with the provisions of A.C.A. § 6-18-233.

Cross References: 4.1—RESIDENCE REQUIREMENTS  
4.2—ENTRANCE REQUIREMENTS  
4.5—SCHOOL CHOICE  
4.7—ABSENCES

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

Date Adopted: June 27, 2011  
Last Revised:

#### 4.55—STUDENT PROMOTION AND RETENTION

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

At least once each semester, the Parents, legal guardians, persons having lawful control of the student, or persons acting in loco parentis, and teacher(s) of a student in kindergarten through eighth (8<sup>th</sup>) grade shall be notified in writing of the student's independent grade-level-equivalency in reading.

Any grades, course credits, and/or promotions received by a student while enrolled in the Division of Youth Services system of education shall be considered transferable in the same manner as those grades, course credits, and promotions from other accredited Arkansas public educational entities.

Promotion or retention of students, or their required retaking of a course shall be primarily based on the written criteria that can be obtained from the school principal.<sup>1</sup> If there is doubt concerning the promotion or retention of a student or his/her required retaking of a course, a conference shall be held before a final decision is made that includes the following individuals:

- a. The building principal or designee;
- b. The student's teacher(s);
- c. School counselor;
- d. A 504/special education representative (if applicable); and
- e. The student's parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis.

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

Each student<sup>2</sup> shall have a student success plan (SSP) developed by school personnel in collaboration with the student's parents and the student that is reviewed and updated annually. A student's SSP shall use multiple academic measures to personalize learning in order for students to achieve their grade-level expectations and individual growth. The SSP will identify if the student is in need of additional support or acceleration. Academic measures to be used in creating and updating a student's SSP shall include, but are not limited to:

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

By the end of grade eight (8), the student's SSP shall:<sup>3</sup>

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

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

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

An SSP shall be created:

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

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

Students who either refuse to sit for a Statewide assessment or attempt to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are originally administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity, including school dances, prom, homecoming, senior events, and may be prevented from walking or participating in graduation exercises. The student shall remain ineligible to participate until the student takes the same or a following Statewide assessment, as applicable. The Superintendent or designee may waive this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.<sup>4</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.<sup>5</sup>



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

<sup>2</sup> The Arkansas Department of [Division of Elementary and Secondary](#) Education (ADESE) Rules Governing the Arkansas Educational Support and Accountability Act only requires that an SSP be created for students in eighth (8<sup>th</sup>) grade and beyond and ADESE will only cite a district if a student does not have an SSP by the end of eighth (8<sup>th</sup>) grade and beyond. We have opted to have the default language in the policy be for an SSP to be created for every student, with additional information reviewed and added starting in eighth (8<sup>th</sup>) grade, for a couple of reasons:

First, we believe requiring an SSP for all grades allows for improved communication between parents, teachers, and students. The creation and existence of an SSP at all levels allows for the use of common terminology (such as a parent who has more than one student simultaneously enrolled at a district would not have to know to ask to review and discuss the SSP for the student in eighth (8<sup>th</sup>) grade or above and also have to know to ask for the Response to Intervention plan for the student who is below the eighth (8<sup>th</sup>) grade.) In addition, requiring teachers, parents, and the student (when appropriate) to meet to create an SSP at all grades will help to foster channels of communications between parents and teachers, increase parental engagement, and help prepare parents for the more formal planning process when the student is in eighth (8<sup>th</sup>) grade and beyond.

Second, the creation, evaluation, and updating of the SSP at the lower levels should help to establish a student focused learning system by helping to insure each student is receiving the educational support(s) necessary for his/her individual educational development, whether the supports are through a Response to Intervention system, the Gifted and Talented program, or anywhere in between.

<sup>3</sup> Subsections 6.05.1 through 6.05.4 of the Arkansas Educational Support and Accountability Act rules include additional recommendations for consideration when creating and updating a student's SSP on each of the items in this list.

<sup>4</sup> This paragraph is optional. The paragraph originated with the movement for students to opt out of state assessments. A.C.A. § 6-15-2907(e) requires all students participate in the statewide assessments and this paragraph is intended to add local incentive for students to participate. While the entire paragraph is optional, the last sentence is important as it would keep the policy from having "zero tolerance" (which we do not support) and give you latitude to accommodate instances beyond the student's control such as a car accident, serious illness, or other acts of God. If you choose to include the sentence, you may change "Superintendent" to "Principal" if that would work better for your district. Keep in mind that the decision on who is responsible for deciding whether or not to grant an exception for extraordinary circumstances is a different and separate issue than deciding whether or not to promote or retain a student, which is left in the hands of the school principal earlier in the policy. Be sure to align your decision for this footnote with the decision you made concerning footnote #5.

<sup>5</sup> This paragraph is optional. Participation in graduation or extracurricular activities is not a right, and districts may legally place conditions on a public school student's eligibility for participation (such as testing compliance), but districts cannot deny a diploma to an otherwise qualified student or deny a student the ability to attend school. If you choose to include the paragraph, the third to the last sentence may be amended to apply to a timeline of your choice. Be sure to align the staff position responsible for deciding whether or not to grant an exception with the decision you made for footnote #4.

Cross References:           3.30—PARENT-TEACHER COMMUNICATION  
                                  4.56—EXTRACURRICULAR ACTIVITIES - SECONDARY SCHOOLS  
                                  4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY

Legal References:   A.C.A. § 6-15-2001  
                                  A.C.A. § 6-15-2005  
                                  A.C.A. § 6-15-2006  
                                  A.C.A. § 6-15-2907  
                                  A.C.A. § 6-15-2911  
                                  A.C.A. § 9-28-205  
                                  ADESE Rules Governing the Arkansas Educational Support and Accountability Act  
                                  Murphy v. State of Ark., 852 F.2d 1039 (8<sup>th</sup> Cir. 1988)

Date Adopted: April 28, 2014  
Last Revised:

#### 4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY

##### Definitions

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

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

“Interscholastic Activities” means athletic or non-athletic/academic activities where students compete on a school vs. school basis.

“Intrascholastic Activities” means athletic or non-athletic/academic activities where students compete with students from within the same school.

##### Extracurricular Eligibility

The Board believes in providing opportunities for students to participate in extracurricular activities that can help enrich the student’s educational experience. At the same time, the Board believes that a student’s participation in extracurricular activities cannot come at the expense of his/her classroom academic achievement. Interruptions of instructional time in the classroom are to be minimal and absences from class to participate in extracurricular activities shall not exceed one per week per extracurricular activity<sup>1</sup> (tournaments or other similar events excepted with approval of the principal<sup>2</sup>). All students are eligible for extracurricular activities unless specifically denied eligibility on the basis of criteria outlined in this policy.

A student may lose his/her eligibility to participate in extracurricular activities when, in the opinion of the school’s administration, the student’s participation in such an activity may adversely jeopardize his/her academic achievement. Students may also be denied permission to participate in extracurricular activities as a consequence of disciplinary action taken by the administration for inappropriate behavior.<sup>3</sup>

Any student who refuses to sit for a Statewide assessment or attempts to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity. The student shall remain ineligible to participate until the student takes the same or a following statewide assessment, as applicable. The superintendent or designee may waive this paragraph’s provisions when the student’s failure was due to exceptional or extraordinary circumstances.<sup>4</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.<sup>5</sup>

A student who enrolls in the district and meets the definition of “eligible child” in Policy 4.2—ENTRANCE REQUIREMENTS shall be eligible to try out for an extracurricular activity regardless of the date the student enrolls in the District so long as the student meets all other eligibility requirements and the extracurricular activity is still ongoing.

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

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

Notes: <sup>1</sup> While the Standards for Accreditation no longer expressly requires a policy that “shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities”, we believe that restrictions on the interruption of instructional time to be a best practice. You could replace “one per week per extracurricular activity” with a specific number of days per semester that could also allow the student to “bank” or accumulate days in anticipation of a major event.

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

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

<sup>4</sup> This sentence is optional but it would keep the policy from having “zero tolerance” (which we do not support) and give you latitude to accommodate instances beyond the student’s or parent’s control such as a car accident, serious illness, or other acts of God. If you choose to include the sentence, you may change “Superintendent” to “Principal” if that would work better in your district. Be sure to align your decision for this footnote with the decision you have made on the same issue that exists in policies 4.55 and 4.56.

<sup>5</sup> This paragraph is entirely optional. Participation in extracurricular activities is not a right, and districts may legally place conditions on a public school student’s eligibility for participation (such as testing compliance), but districts cannot deny a diploma to an otherwise qualified student or deny a student the ability to attend school. If you choose to include the paragraph, the third to the last sentence may be amended to apply to a timeline of your choice.

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

Legal References: A.C.A. § 6-4-302  
A.C.A. § 6-15-2907  
[A.C.A. § 6-16-151](#)  
A.C.A. § 6-18-713  
Commissioner's Memo LS-18-015

Date Adopted: June 26, 2017  
Last Revised:

#### 4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS

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

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

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

Home-schooled students whose parents or guardians are legal residents of the school district will be permitted to pursue participation in an interscholastic activity in the student's resident school zone<sup>2</sup> as permitted by this policy.

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

Although not guaranteed participation in an interscholastic activity, home-school students who meet the provisions of this policy, AAA Rules, and applicable Arkansas statutes shall have an equal opportunity to try out and participate in an interscholastic activities without discrimination. The District shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.

[No student shall be required to pay for individual or group instruction in order to participate in an interscholastic activity.](#)

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

A student who meets the requirements for eligibility to participate in an interscholastic activity is required to register for no more than one course<sup>3</sup> in the District's school where the student is intending to participate in an interscholastic activity.

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

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

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

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

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

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

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

Students who participate in extracurricular or athletic activities under this policy will be transported to and from the interscholastic activities on the same basis as other students are transported.

A student who withdraws from an Arkansas Activities Association member school to be home-schooled shall not participate in an interscholastic activity in the resident school district for a minimum of three hundred sixty-five days after the student withdraws from the member school.

Notes: <sup>1</sup> This paragraph is not statutorily required, but without advance determination of the timelines, there will be no way for a parent to know when, or even for what semester, they will have to make their application to the district. Such information will benefit all students.

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

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

<sup>4</sup> Include "drug testing" only if your district conducts such tests.

Cross Reference: 4.59—ACCADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOL STUDENTS

Legal References:

A.C.A. § 6-15-509

[A.C.A. § 6-16-151](#)

A.C.A. § 6-18-232

A.C.A. § 6-18-713

Arkansas Activities Association Handbook

Commissioner's Memo COM-18-009

Commissioner's Memo LS-18-015

[Arkansas Department of](#) [Division of Elementary and Secondary](#) Education Rules Governing Home Schools

Date Adopted: April 28, 2014

Last Revised:

#### 4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS

##### Definitions:

“Academic Courses” are those courses for which class time is scheduled, which can be credited to meet the minimum requirements for graduation, which is taught by a teacher required to have State licensure in the course or is otherwise qualified under Arkansas statute, and has a course content guide which has been approved by the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#). Any of the courses for which concurrent high school credit is earned may be from an institution of higher education recognized by ADESE. If a student passes an academic course offered on a block schedule, the course can be counted twice toward meeting the requirement for students to pass four (4) academic courses per semester as required by this policy.

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

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

“Interscholastic Activities” means athletic or non-athletic/academic activities where students compete on a school vs. school basis.<sup>1</sup>

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

“Supplemental Improvement Program (SIP)” is an additional instructional opportunity for identified students outside of their regular classroom and meets the criteria outlined in the current Arkansas Activities Association (AAA) Handbook.

##### Extracurricular Eligibility

The Board believes in providing opportunities for students to participate in extracurricular activities that can help enrich the student’s educational experience. At the same time, the Board believes that a student’s participation in extracurricular activities cannot come at the expense of his/her classroom academic achievement. Interruptions of instructional time in the classroom are to be minimal and absences from class to participate in extracurricular activities shall not exceed one per week per extracurricular activity (tournaments excepted)<sup>2</sup>. Additionally, a student’s participation in, and the District’s operation of, extracurricular activities shall be subject to the following policy. All students are eligible for extracurricular activities unless specifically denied eligibility on the basis of criteria outlined in this policy.

Any student who refuses to sit for a Statewide assessment or attempts to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity. The student shall remain ineligible to participate until the student takes the same or a following statewide assessment, as applicable. The superintendent or designee may waive this paragraph’s provisions when the student’s failure was due to exceptional or extraordinary circumstances.<sup>3</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.<sup>4</sup>

A student who enrolls in the district and meets the definition of “eligible child” in Policy 4.2—ENTRANCE REQUIREMENTS shall be eligible to try out for an extracurricular activity regardless of the date the student enrolls in the District so long as the student meets all other eligibility requirements and the extracurricular activity is still ongoing.

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

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

##### Interscholastic Activities

Each school in the District shall post on its website its schedule of interscholastic activities, including sign-up, tryout, and participation deadlines, at least one semester in advance of those activities. A hard copy of the schedule shall be available upon request.<sup>5</sup>

##### ACADEMIC REQUIREMENTS: Junior High

A student promoted from the sixth to the seventh grade automatically meets scholarship requirements. A student promoted from the seventh to the eighth grade automatically meets scholarship requirements for the first semester. The second semester eighth-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester.

The first semester ninth-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester.

The second semester ninth-grade student meets the scholarship requirements for junior high if he/she has successfully passed (4) academic courses the previous semester which count toward his/her high school graduation requirements.

Ninth-grade students must meet the requirements of the senior high scholarship rule by the end of the second semester in the ninth grade in order to be eligible to participate the fall semester of their tenth-grade year.

### **ACADEMIC REQUIREMENTS: Senior High**

In order to remain eligible for competitive interscholastic activity, a student must have passed (4) academic courses the previous semester and either:

1. Have earned a minimum Grade Point Average (GPA) of 2.0 from all academic courses the previous semester; or
2. If the student has passed four (4) academic courses the previous semester but does not have a 2.0 GPA the student must be enrolled and successfully participating in an SIP to maintain their competitive interscholastic extracurricular eligibility.

### **STUDENTS WITH AN INDIVIDUAL EDUCATION PROGRAM**

In order to be considered eligible to participate in competitive interscholastic activities, students with disabilities must pass at least four (4) courses per semester as required by their individual education program (IEP).

### **ARKANSAS ACTIVITIES ASSOCIATION**

In addition to the foregoing rules, the district shall abide by the rules [and regulations](#) of AAA governing interscholastic activities. AAA provides catastrophic insurance coverage for students participating in AAA governed extracurricular activities who are enrolled in school. As a matter of District policy, no student may participate in a AAA governed extracurricular activity unless he or she is enrolled in a district school, to ensure all students are eligible for AAA catastrophic insurance.<sup>6</sup>

#### **Intrascholastic Activities**

#### **AAA Governed Activities**

Students participating in intrascholastic extracurricular activities that would be governed by AAA if they were to occur between students of different schools shall meet all interscholastic activity eligibility requirements to be eligible to participate in the comparable intrascholastic activity. The District will abide by the AAA Handbook for such activities to ensure District students are not disqualified from participating in interscholastic activities.<sup>7</sup>

#### **Non-AAA Governed Activities**

Unless made ineligible by District policies, all students shall be eligible to participate in non-AAA governed intrascholastic extracurricular activities. Intrascholastic activities designed for a particular grade(s) or course(s) shall require the student to be enrolled in the grade(s) or course(s).

**NOTES:** The standards as outlined above are minimum standards and can be raised locally if desired. If your district does not offer a SIP, delete the references to it in your policy.

AAA standards allow a student to participate in an SIP for a maximum of two consecutive semesters and require the student to improve his/her GPA by at least 10% by the end of the first semester to remain eligible for the second semester. By the end of the second semester, the student must have attained a 2.0 GPA to be eligible for competitive interscholastic activities. Following one or more semesters where the student has attained a 2.0 GPA, this cycle may be repeated.

<sup>1</sup> The definition for **interscholastic** activities is effectively taken from the AAA Handbook and is the origin for the extrapolated definition of **intrascholastic** activities. When it comes to implementing this policy, it may be important/helpful to keep in mind that the Handbook also points out the following: Performance activities such as band, speech, drama, etc. may be viewed as competitive arenas both internally (ratings by individual schools) and externally (comparisons of individual or school ratings with a view toward determining an ultimate winner). Additionally, both inter and intra scholastic activities may be curricular if the activity is required as part of the course.

<sup>2</sup> While the Standards for Accreditation no longer expressly requires a policy that "shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities", we believe that restrictions on the interruption of instructional time to be a best practice. You could replace "one per week per extracurricular activity" with a specific number of days per semester that could also allow the student to "bank" or accumulate days in anticipation of a major event.

<sup>3</sup> This sentence is optional but it would keep the policy from having "zero tolerance" (which we do not support) and give you latitude to accommodate instances beyond the student's control such as a car accident, serious illness, or other acts of God. If you choose to include the sentence, you may change "Superintendent" to "Principal" if that would work better in your district. Be

sure to align your decision for this footnote with the decision you have made on the same issue that exists in policies 4.55 and 4.56.1.

<sup>4</sup> This paragraph is entirely optional. Participation in extracurricular activities is not a right, and districts may legally place conditions on a public school student's eligibility for participation (such as testing compliance), but districts cannot deny a diploma to an otherwise qualified student or deny a student the ability to attend school. If you choose to include the paragraph, the third to the last sentence may be amended to apply to a timeline of your choice.

<sup>5</sup> This paragraph is not statutorily required, but has been added to align with policy 4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS with the belief that such information will benefit all students.

<sup>6</sup> This also applies to home schooled students and is cleverly accommodated by an adjustment to APSCN reporting outlined in Commissioner's Memo FIN-14-11 or Commissioner's Memo COM-18-009 if the student is also taking courses in accordance with Policy 4.59.

<sup>7</sup> Districts should be aware that the AAA handbook contains rules prohibiting students who participate on school sponsored teams of the various interscholastic activities from being permitted to participate in practices and competitions for the same sport during the same season of the interscholastic activity.

Cross References:           4.55—STUDENT PROMOTION AND RETENTION  
                                  4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY

Legal References:   Arkansas Activities Association Handbook  
                                  A.C.A. § 6-4-302  
                                  A.C.A. § 6-15-2907  
                                  [A.C.A. § 6-16-151](#)  
                                  A.C.A. § 6-18-713  
                                  Commissioner's Memo COM-18-009  
                                  Commissioner's Memo LS-18-015

Date Adopted: April 28, 2014

Last Revised:



## 4.57—IMMUNIZATIONS

### Definitions

“In process” means the student has received at least one dose of the required immunizations and is waiting the minimum time interval to receive the additional dose(s).

“Serologic testing” refers to a medical procedure used to determine an individual's immunity to Hepatitis B, Measles, Mumps, Rubella and Varicella.

### General Requirements

Unless otherwise provided by law or this policy, no student shall be admitted to attend classes in the District who has not been age appropriately immunized against<sup>1</sup>:

- ) Poliomyelitis;
- ) Diphtheria;
- ) Tetanus;
- ) Pertussis;
- ) Red (rubeola) measles;
- ) Rubella;
- ) Mumps;
- ) Hepatitis A;
- ) Hepatitis B;
- ) Meningococcal disease;
- ) Varicella (chickenpox); and
- ) Any other immunization required by the Arkansas Department of Health (ADH).

The District administration has the responsibility to evaluate the immunization status of District students. The District shall maintain a list of all students who are not fully age appropriately immunized or who have an exemption provided by ADH to the immunization requirements based on medical, religious, or philosophical grounds. Students who are not fully age appropriately immunized when seeking admittance shall be referred to a medical authority for consultation.

The only types of proof of immunization the District will accept are immunization records provided by a:

- A. Licensed physician;
- B. Health department;
- C. Military service; or
- D. Official record from another educational institution in Arkansas.

The proof of immunization must include the vaccine type and dates of vaccine administration. Documents stating “up-to-date”, “complete”, “adequate”, and the like will not be accepted as proof of immunization. No self or parental history of varicella disease will be accepted. Valid proof of immunization and of immunity based on serological testing shall be entered into the student's record.

In order to continue attending classes in the District, the student must have submitted:

- 1) Proof of immunization showing the student to be fully age appropriately vaccinated;
- 2) Written documentation by a public health nurse or private physician of proof the student is in process of being age appropriately immunized, which includes a schedule of the student's next immunization;
- 3) A copy of a letter from ADH indicating immunity based on serologic testing; and/or
- 4) A copy of the letter from ADH exempting the student from the immunization requirements for the current school year, or a copy of the application for an exemption for the current school year if the exemption letter has not yet arrived.

Students whose immunization records or serology results are lost or unavailable are required to receive all age appropriate vaccinations or submit number 4 above.

### Temporary Admittance

While students who are not fully age appropriately immunized or have not yet submitted an immunization waiver may be enrolled to attend school, such students shall be allowed to attend school on a temporary basis only. Students admitted on a temporary basis may be admitted for a maximum of thirty (30) days (or until October 1st of the current school year for the tetanus, diphtheria, pertussis, and meningococcal vaccinations required at ages eleven (11) and sixteen (16) respectively if October 1<sup>st</sup> is later in the current school year than the thirty (30) days following the student's admittance). No student shall be withdrawn and readmitted in order to extend the thirty (30) day period. Students may be allowed to continue attending beyond the thirty (30) day period if the student submits a copy of either number 2 or number 4 above.

Students who are in process shall be required to adhere to the submitted schedule. Failure of the student to submit written documentation from a public health nurse or private physician demonstrating the student received the vaccinations set forth in the schedule may lead to the revocation of the student's temporary admittance; such students shall be excluded from school until the documentation is provided.

The District will not accept copies of applications requesting an exemption for the current school year that are older than two (2) weeks based on the date on the application. Students who submit a copy of an application to receive an exemption from the immunization requirements for the

current year to gain temporary admittance have thirty (30) days from the admission date to submit either a letter from ADH granting the exemption or documentation demonstrating the student is in process and a copy of the immunization schedule. Failure to submit the necessary documentation by the close of the thirty (30) days will result in the student being excluded until the documentation is submitted.

### Exclusion From School

In the event of an outbreak, students who are not fully age appropriately immunized, are in process, or are exempt from the immunization requirements may be required to be excluded from school in order to protect the student. ADH shall determine if it is necessary for students to be excluded in the event of an outbreak. Students may be excluded for twenty-one (21) days or longer depending on the outbreak. No student excluded due to an outbreak shall be allowed to return to school until the District receives approval from ADH.

Students who are excluded from school are not eligible to receive homebound instruction unless the excluded student had a pre-existing IEP or 504 Plan and the IEP/504 team determines homebound instruction to be in the best interest of the student. To the extent possible, the student's teacher(s) shall place in the principal's office a copy of the student's assignments:

- ) for the remainder of the week by the end of the initial school day of the student's exclusion; and
- ) by the end of each school's calendar week for the upcoming week until the student returns to school.<sup>2</sup>

It is the responsibility of the student or the student's parent/legal guardian to make sure that the student's assignments are collected.

Students excluded from school shall have five (5) school days from the day the student returns to school to submit any homework and to make up any examinations. State mandated assessments are not included in "examinations" and the District has no control over administering state mandated make-up assessments outside of the state's schedule. Students shall receive a grade of zero for any assignment or examination not completed or submitted on time.<sup>3</sup>

Annually by December 1, the District shall create, maintain, and post to the District's website a report that includes the following for each disease requiring an immunization under this policy:

The number of students in the District that were granted an exemption by the Department of Health from an immunization;

The percentage of students in the District that were granted an exemption by the Department of Health from an immunization; and

The percentage of a population that must receive an immunization for herd immunity to exist.

Notes: <sup>1</sup> The table showing the age appropriate immunizations is referred to as "Table I" in the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#) rules and as "Table II" in ADH regulations [rules](#).

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

<sup>3</sup> Your district may choose to adopt a different schedule such as docking the work a certain percentage for each day it is late.

Cross References: 4.2—ENTRANCE REQUIREMENTS  
4.7—ABSENCES  
4.8—MAKE-UP WORK  
[4.34—COMMUNICABLE DISEASES AND PARASITES](#)

Legal References: A.C.A. § 6-18-702  
[ADESE](#) Rules Governing Kindergarten Through 12<sup>th</sup> Grade Immunization Requirements in Arkansas Public Schools  
[ADH Rules and Regulations](#) Pertaining to Immunization Requirements

Date Adopted: April 10, 2017

Last Revised:

#### 4.59—ACADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOLE<sup>ED</sup> STUDENTS

The District allows private school and home schooled students whose parents, legal guardians, or other responsible adult with whom the student resides are residents of the District to attend academic courses offered ~~in grades 7-12<sup>1</sup>~~ By the District. The District will place a list of courses that a private school or home schooled student may request to attend on its website by:<sup>21</sup>

1. June 1 for courses to be offered during the Fall semester; and
2. November 1 for courses to be offered during the Spring semester.

A private school or home schooled student who desires to attend one or more of the available academic courses shall submit a written request to attend the academic course(s) to the superintendent, or designee, no later than:<sup>21</sup>

- a. August 1 for Fall semester courses; or
- b. December 1 for Spring semester courses.

The superintendent, or designee, is authorized to waive the application deadline on a case by case basis.

The District permits a private school or home schooled student to attend a maximum of six (6) courses per semester.

The District may reject a private school or home schooled student's request for attendance if the District's acceptance would:<sup>32</sup>

- ) Require the addition of staff or classrooms;
- ) Exceed the capacity of a program, class, grade level, or school building;
- ) Cost the District more for the student to attend the academic course than the District receives for the student's attendance;
- ) Cause the District to provide educational services the District does not currently provide at a financial burden to the District; or
- ) Cause the District to be out of compliance with applicable laws and regulations regarding desegregation.

Requests to attend an academic course will be granted in the order the requests are received. Upon the receipt of a private or home schooled student's request to attend academic course(s), the District will date and time stamp the request for attendance. If a private school or home schooled student is denied attendance based on a lack of capacity and an opening in the requested course occurs prior to the start of the course, the District will use the date and time stamp on the request for attendance to determine the private school or home schooled student who will be notified of an opening in the requested course.

As part of the request to attend academic courses in the District, a private school or home schooled student shall:

- o Indicate the course(s) the private school or home schooled student is interested in attending;
- o If the course(s) the private school or home schooled student is interested in attending is being offered by the District in both a physical and a digital format, whether the private school or home schooled student intends to attend the physical course or the digital course;
  - o Submit, along with the student's application, a copy of the student's transcript indicating that the student has received credit for the course(s), or equivalent course(s), that are a prerequisite to the course(s) the student desires to attend at the District;
- o Agree to follow the District's discipline policies; and
- o ~~Submit immunization documentation required by Policy 4.57—IMMUNIZATIONS. In addition to the documentation methods provided in Policy 4.57, a home school student may submit a letter to the superintendent, or designee, stating an objection to immunizations and listing the immunizations the student has received, if any.~~

A private school or home schooled student who fails to attend an academic course by the eleventh (11) day of class or who is absent without excuse for eleven (11) consecutive days during the semester shall be dropped from the course; however, a private school or home schooled student shall not be considered truant for unexcused absences from the course(s) the student is attending at the District.

Private school or home schooled students shall receive a final grade and transcript for each academic course the student completes.

The responsibility for transportation of any private school or home schooled student attending academic courses in the District shall be borne by the student or the student's parents.

The opportunity provided to home schooled students under this policy is in addition to the opportunity provided in Policy 4.56.2—  
EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLE<sup>ED</sup> STUDENTS.

Notes: This is **NOT** an optional policy. Districts who do not wish to open academic course attendance to private school or home schooled students are required to receive a waiver from the provisions of A.C.A. § 6-18-232 from the Division of Elementary and Secondary Education.

<sup>1</sup> ~~Allowing private school and home school students to attend classes starting in 7<sup>th</sup> grade is intended to match what is allowed for permitting home school students to participate in extracurricular activities. Districts have the option to allow private and home school students to begin attending courses in earlier grades or may restrict attendance to later grades.~~

<sup>2</sup> The dates provided here are only suggestions and are not set by statute. You may advertise available courses your course offerings for a shorter or longer period of time; or set the deadline for applications to match the traditional student enrollment deadlines.

<sup>32</sup> Your application of "capacity" should be consistent in order to avoid potential exposure to liability for unlawful discrimination against individuals with disabilities. For example, you should not choose to accept a student who requires no special services, but would require you to add an additional elementary teacher, but refuse to accept a student with a disability because it would require you to add an

additional special education teacher. You may refuse to accept the attendance of a student with a disability whose acceptance would necessitate the hiring of an aide, interpreter, or other additional staff member.

Cross References: 4.6—HOMESCHOOLING  
4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS  
4.57— IMMUNIZATIONS

Legal References: A.C.A. § 6-15-509  
A.C.A. § 6-18-232  
A.C.A. § 6-18-702  
A.C.A. § 6-47-401 et seq.  
[ADESE Rules Governing Distance and Digital Learning](#)  
[ADESE Rules Governing Kindergarten Through 12<sup>th</sup> Grade Immunization Requirements in Arkansas Public Schools](#)  
[Commissioner's Memo COM-19-021](#)

Date Adopted:  
Last Revised:

## 5.2—PLANNING FOR EDUCATIONAL IMPROVEMENT

Each school in the district, in collaboration with administrators, teachers, other school staff, parents, the community, and students, shall develop a school-level improvement plan (SLIP) to:

- ) Establish goals or anticipated outcomes based on an analysis of students' needs;
- ) Identify student supports and evidence-based interventions and practices to be implemented;
- ) Describe the professional learning necessary for adults to deliver the supports or interventions;
- ) Describe the implementation timeline for monitoring of the interventions and practices for effectiveness;
- ) Describe the timeline and procedures for evaluation of the interventions and practices for effectiveness; and
- ) Evaluate and modify a parent, family, and community engagement plan.<sup>1</sup>

Each SLIP shall include a literacy plan that includes a curriculum program and a professional development program that is aligned with the District's literacy needs and is based on the science of reading.

Some of the data that shall be considered when developing the SLIP includes, but is not limited to:<sup>2</sup>

- o Statewide assessment results;
- o Interim assessment results;
- o Similarly situated school's SLIPs; and
- o Evaluation(s), including staff, student, and community feedback, of the existing SLIP.

The SLIP is to be reviewed on an ongoing basis with reports to the board on the implementation progress of the SLIP throughout the year of implementation. By May 1 of each year, the SLIP to be implemented in the upcoming school year shall be presented to the District Board of Directors for review and approval.<sup>3</sup> The District will post the District's SLIP(s) to the District's website under State-Required Information by August 1 of each year.

The district shall develop, with appropriate staff; school board members; and community input, a school district support plan (SDSP).<sup>4</sup> The SDSP, in coordination with the District's SLIPs, shall:

- Specify the support the District will provide to the District's schools;
- Collaboratively establish priorities regarding goals or anticipated outcomes with the District's schools, including feeder schools;
- Identify resources to support the established priorities;
- Describe the time and pace of providing support and monitoring for the established priorities;
- Describe the measures for analyzing and evaluating that the District support was effective in improving the school performance; and
- Establish, evaluate, and update a parent, family, and community engagement plan.<sup>1</sup>

If the District's data reflects a disproportionality in equitable access to qualified and effective teachers and administrators, the District shall develop and implement strategies to provide equitable access as part of the SDSP.

The District shall post the District's SDSP to the District's website under State-Required Information, including any updates to the District's SDSP.<sup>5</sup>

The District's Board of Directors shall hold a meeting by October 15 of each year to provide a report that systematically explains the District's policies, programs, and goals to the community. The District's report shall detail the progress of the District and the District's schools toward accomplishing program goals, accreditation standards, and proposals to correct any deficiencies. The report shall be made available to the public, including by posting a copy on the District's website under State-Required Information no later than ten (10) days following the meeting. The meeting shall provide parents and other members of the community the opportunity to ask questions and make suggestions concerning the District's program.

Notes: <sup>1</sup> See A.C.A. § 6-15-1702 for a detailed listing of required components of the parental involvement plan. The Model Policy Service has also provided a guide (See Supporting Information for Policies 6.11 and 6.12) for easier understanding of the language in the code.

<sup>2</sup> This is not intended to be an all-inclusive list. The only item specifically required to be included is the evaluation of the existing SLIP, which must be done at least annually.

<sup>3</sup> The [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#) Rules Governing the Arkansas Educational Support and Accountability Act requires the board to approve the SLIP(s) and SDSP annually, which should be specifically noted in the board's minutes.

<sup>4</sup> For districts classified in Level 3, Level 4, or Level 5 levels of support, the SDSP must be submitted to [ADESE](#) by September 1 and [ADESE](#) must approve the SDSP. Districts whose SDSP must be approved by [ADESE](#) must also post to the website the date the SDSP is approved by [ADESE](#), including the date(s) any revisions are approved by [ADESE](#).

<sup>5</sup> For districts classified in Level 1 or Level 2 support, the SDSP must be posted to the website by no later than September 11. For districts classified in Level 3, Level 4, or Level 5 support, the SDSP must be posted to the website by the earlier of ten (10) days after the SDSP is submitted to [ADESE](#) or by September 11.

Legal References: A.C.A. § 6-15-2914

[ADESE](#) Rules Governing the Arkansas Educational Support and Accountability Act

[ADESE](#) Rules Governing Parental Involvement Plans and Family and Community Engagement  
Standards for Accreditation 1-B.4, 3-B.1, 3-B.2, 3-B.2.1, 5-A.1

Date Adopted: April 11, 2016

Last Revised:

### 5.3—CURRICULUM DEVELOPMENT

Sequential curricula should be developed for each subject area. Curricula are to be aligned with the curriculum frameworks and used to plan instruction leading to student proficiency on the Arkansas Academic Standards. Curricula should be in alignment with the District's vision, mission, goals, and educational philosophy. Student achievement is increased through an integrated curriculum that promotes continuity and a growth in skills and knowledge from grade to grade and from school to school. Therefore, the Board desires that unnecessary duplication of work among the various grades and schools be eliminated and that courses of study and their corresponding content guides be coordinated effectively.

The Board of Education is responsible for reviewing and approving all instructional programs offered by the District as well as approving significant changes to courses or course materials before they are implemented. The Superintendent is responsible for making curriculum recommendations.

Each school shall review each curriculum area annually to address the continued relevancy, adequacy, and cost effectiveness of individual courses and instructional programs and to ensure each area is aligned with the current curriculum frameworks and course content standards approved by the State Board of Education.<sup>1</sup> Each school's administration shall implement a monitoring process to ensure that the instructional content of each course offered is consistent with the content standards and curriculum frameworks approved by the State Board of Education.<sup>2</sup>

Starting with the 2020-2021 school year, the District shall not purchase curriculum for the District's reading program that is not from the list of curricula approved by the Division of Elementary and Secondary Education.<sup>3</sup>

Notes: <sup>1</sup> A.C.A. § 6-15-101 requires school boards to adopt and implement the academic standards and expected outcomes that have been defined by the State Board, which should be indicated by the adoption being noted in the district's board minutes.

<sup>2</sup> A.C.A. § 6-15-1505(b) requires each district's superintendent to submit a letter of assurance to [ADESE](#) by October 1 of each year that the content of each class and subject area is aligned to the academic standards and curriculum frameworks developed by the State Board under its plan developed pursuant to A.C.A. § 6-15-1502(a).

<sup>3</sup> While districts have the option to use a curriculum that is not on the list of curriculum approved by DESE for the District's reading program, Districts who choose to do so are required to receive prior approval of the curriculum from DESE. In order to receive approval of the curriculum from DESE, the District must submit to DESE the District's rationale for choosing the alternative curriculum program and evidence-based research regarding the alternative curriculum program.

Legal References: Standards for Accreditation 1-A.1, 1-A.4  
A.C.A. § 6-15-101  
A.C.A. § 6-15-1505(a)  
A.C.A. § 6-15-2906  
A.C.A. § 6-17-429

Date Adopted: July 27, 2011

Last Revised:

## 5.11—DIGITAL LEARNING COURSES

### Definitions

For the purposes of this policy:

“Blended Learning” is education in which instruction and content are delivered through supervised instruction in a classroom and online delivery of instruction with some element of student control over time, place, path, or pace.

“Digital Learning” means a digital technology or internet-based educational delivery model that does not rely exclusively on compressed interactive video (CIV). Digital learning includes online and blended learning.

“Instructional Materials” means:

1. Traditional books, textbooks, and trade books in printed and bound form;
2. Activity-oriented programs that may include:
  - a. Manipulatives;
  - b. Hand-held calculators;
  - c. Other hands-on materials; and
3. Technology-based materials that require the use of electronic equipment in order to be used in the learning process.

“Online Learning” is education in which instruction and content are delivered primarily over the Internet. The term does not include print-based correspondence education, broadcast television or radio, videocassettes, compact disks and stand-alone educational software programs that do not have a significant Internet-based instructional component.

“Public School Student Accessing Courses at a Distance” means a student who is scheduled for a full course load through the District and attends all classes virtually.

### Digital Course Offerings

The District shall offer one or more digital learning course(s) through one or more District approved provider(s) as either a primary or supplementary method of instruction. The courses may be in a blended learning, online-based, or other technology-based format and shall be tailored to meet the needs of each student.

All digitally offered courses shall meet or exceed the State Board of Education’s curriculum standards and requirements and be capable of being assessed and measured through standardized or local assessments. Additionally, the District shall ensure there is sufficient infrastructure to handle and facilitate a quality digital learning environment.

As an approved digital learning provider, the District shall annually determine what District created digital learning courses it will provide to our students.<sup>1</sup> The District may also choose to provide digital learning courses by contracting with outside providers of such courses, who have been pre-approved by the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#). The School Board shall determine the provider method or combination of methods for the District. The Superintendent shall ensure that all digital learning courses provided to District students, regardless of the source of the course, have been approved by [ADESE](#).

District created digital courses and any digital courses the district purchases from outside providers shall adhere to the guidelines for the use of digitally transmitted copyrighted materials set forth in Policy 5.8—USE OF COPYRIGHTED MATERIALS as well as applicable statutory requirements.

The District shall require all outside providers to incorporate Policy 5.8 as a condition of the service contract. Failure of the outside provider to abide by Policy 5.8 shall constitute a breach of contract and the outside provider shall be responsible for any costs resulting from such breach.

A student may elect to take any or all of his/her scheduled courses digitally. The student’s attendance in his/her digital course(s) shall be determined by the online attendance and time the student is working on the course rather than the student’s physical presence at school.<sup>2</sup>

The District is responsible for providing all instructional materials for each student who enrolls in a District approved digital learning course.<sup>3</sup>

Regardless of any other provisions of this policy, the District may restrict a student’s access to digital courses when the student’s building principal determines the student’s participation in such a course would not be academically appropriate based on the student’s past performance in digital courses. Furthermore, the student’s building principal may revoke a student’s eligibility to continue taking a digital learning course if the student’s performance during the semester indicates the student is not succeeding in the course.<sup>4</sup>

Notes: <sup>1</sup> The district is NOT required to provide its own digital learning courses, but doing so affords the most oversight of what content such courses contain and how the courses are taught. Note that should the district choose to offer digital courses to non-district students, the district will have to go through the same provider approval process as is required for all “outside” providers.

<sup>2</sup> 8.04 of [ADESE Rules Governing Distance and Digital Learning](#) allows a student to take all courses virtually. In addition, 7.08 and 7.09 of the rules requires the student’s attendance in a digital course be tracked by time spent and coursework completed rather than simply by the student’s physical presence (or lack thereof) at school. There are times when a student’s schedule may require that the student be assigned a period during the day for the student to work on a digital course; such a student would not be treated as being absent for



that period if the student was not there to be physically counted so long as the student logged the appropriate amount of time and completed all assignments but the student may be in trouble for truancy depending on the circumstances.

Example: A ninth (9<sup>th</sup>) grade student elects to take one (1) course digitally. The other courses the student takes are scheduled for first (1<sup>st</sup>), second (2<sup>nd</sup>), fourth (4<sup>th</sup>), fifth (5<sup>th</sup>), and sixth (6<sup>th</sup>) periods and the student has a study hall during seventh (7<sup>th</sup>) period. Because the student is too young to check out for third (3<sup>rd</sup>) period, the student is assigned third (3<sup>rd</sup>) period to work on the digital course. If the student goes to the gym one day during third (3<sup>rd</sup>) period instead of the classroom where the student is supposed to be, the student would be truant but would not be absent so long as the student logged the appropriate amount of time and turned in any necessary assignments.

<sup>3</sup> This sentence is based on the statutory definition of "instructional materials". The statute further provides that the instructional materials shall be provided at no cost to students for all subjects taught.

<sup>4</sup> While digital learning offers great promise for engaging students, it also requires maturity and study skills that will not work for some students. The intention of the paragraph is to leave the initial digital enrollment open to previously poor and/or disengaged students who might thrive in a digital format, and yet still give the principal the authority to intervene when it's in the student's best interest.

Cross References:

4.7—ABSENCES

4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2018, 2019, AND 2020

4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2021 AND THEREAFTER

5.8—USE OF COPYRIGHTED MATERIALS

Legal References:

A.C.A. § 6-16-1401 et seq.

AD~~ES~~E RULES GOVERNING DISTANCE AND DIGITAL LEARNING

Date Adopted: April 28, 2014

Last Revised:

## 5.20m—DISTRICT WEBSITE

The Gosnell School District shall maintain a web page to provide information about its schools, students, and activities to the community. This policy is adopted to promote continuity between the different pages on the district website by establishing guidelines for their construction and operation.

The Gosnell School District website shall be used for educational purposes only. It shall not create either a public or a limited public forum. Any link from any page on the District's site may only be to another educational site.<sup>1</sup> The website shall not use "cookies" to collect or retain identifying information about visitors to its website nor shall any such information be given to "third parties." Any data collected shall be used solely for the purpose of monitoring site activity to help the district improve the usefulness of the site to its visitors.<sup>2</sup>

Each school's web page shall be under the supervision of the school's Web Master and the District's website shall be under the supervision of the District's Web Master. They shall have the responsibility for ensuring that web pages meet appropriate levels of academic standards and are in compliance with these guidelines and any additional administrative regulations. To this end, the District and School Web Masters shall have the authority to review and edit any proposed changes to web pages to ensure their compliance with this policy. All such editing shall be viewpoint neutral.

District and school web pages shall also conform to the following guidelines:

1. All pages on the District's website may contain advertising and links only to educational sources.
2. The District's home page shall contain links to existing individual school's web pages and the school home pages shall link back to the District's home page. The District's home page may also include links to educational extracurricular organization's web pages, which shall also link back to the District's home page.
3. Photos along with the student's name shall only be posted on web pages after receiving written permission from the student's parents or the student if the student is over the age of eighteen (18).<sup>3</sup>
4. No web page on the District website may contain public message boards or chat rooms.
5. All web pages on the District website shall be constructed to download in a reasonable length of time.
6. The District's home page shall contain a link to a privacy policy notice, which must be placed in a clear and prominent place and manner.<sup>5</sup>
7. With the exception of students who may retain the copyright of material they have created that is displayed on a District web page, all materials displayed on the District web site are owned by School District.
8. Included on the District's web site shall be:<sup>6</sup>
  - a. Local and state revenue sources;
  - b. Administrator and teacher salary and benefit expenditure data;
  - c. District balances, including legal balances and building fund balances;
  - d. Minutes of regular and special meetings of the school board;
  - e. The district's budget for the ensuing year;
  - f. A financial breakdown of monthly expenditures of the district;
  - g. The salary schedule for all employees including extended contract and supplementary pay amounts;
  - h. Current contract information (not including social security numbers, telephone numbers, personal addresses or signatures) for all district employees;
  - i. The district's annual budget;
  - j. The annual statistical report of the district;
  - k. The district's personnel policies;
  - l. The annual School Performance Report;<sup>7</sup>
  - m. School-Level Improvement Plans;<sup>8</sup>
  - n. The School District Support Plan;<sup>8</sup>
  - o. Student discipline policies;
  - p. Student services plan;
  - q. The District financial policies;
  - r. Student handbooks;
  - s. The Annual Report to the Public; and
  - t. The parent, family, and community engagement plan;
  - u. [The Immunization waiver report from Policy 4.57—IMMUNIZATIONS;](#)

The information and data required for items A through K in 9 above shall be the actual data for the previous two (2) school-years and the projected data for the current school-year.

Before July 15 of each year, the District shall post on its website the following information:<sup>9</sup>

- ) The dyslexia intervention programs used during the previous school year that were specifically responsive to assisting students with dyslexia;
- ) The number of students during the previous school year who received dyslexia intervention; and
- ) The total number of students identified with dyslexia during the previous school year.

The District and school webmasters are responsible for ensuring all District webpages meet required standards to be accessible to individuals with disabilities.

Notes: <sup>1</sup> A link to either a non-educational website or advertising from non-educational sources establishes your web site as a limited open forum, which would require you to allow links and advertising to other non-educational sources unless you could demonstrate that they could be disruptive to your educational environment.

<sup>2</sup> Collection of data from individuals under the age of thirteen (13) makes compliance with the Children's Online Privacy Protection Act (COPPA) more difficult and cumbersome. It's simply easier to have your policy state that you will collect no data on site visitors.

<sup>3</sup> This relates to the Family Educational Rights and Privacy Act (FERPA). Directory Information as defined by FERPA (see policy 4.13) allows for the release of a student's name, address, and phone number, but because of the potential for significantly greater exposure of the Internet than exists in print media, ASBA recommends limiting the release of Directory Information on the Internet to a student's photo along with their name only **after** receiving written parental permission, or the student's permission if the student is over the age of eighteen (18). Although it has not been definitively established by the U.S. Supreme Court, the vast increase in exposure offered by the Internet appears to dictate a more restrictive policy regarding the release of Directory Information as it relates to the Internet.

<sup>5</sup> See policy 5.20.1

<sup>6</sup> "A" through "k" are required by A.C.A. § 6-11-129.

<sup>7</sup> The annual school performance report here refers to the reports required under both A.C.A. § 6-15-1402 and A.C.A. § 6-15-2101. Districts are required to provide a printed copy of the school performance report to an individual upon request; however, districts are no longer required to have the school performance report under § 6-15-1402 printed in the newspaper but must still have the school performance report under § 6-15-2101, which also contains information required by § 6-15-2006, printed in the newspaper.

<sup>8</sup> The school-level improvement plans are required to be posted to the website by August 1 of each year. The school district support plans must be posted by the earlier of September 1 or within ten (10) days of the plan being submitted to [ADESE](#). If the district's school district support plan must be approved by [ADESE](#), then the posting to the website must include the date the plan was approved by [ADESE](#). Any amendments to the school district support plan must be posted to the website in addition to the original plan.

<sup>9</sup> A.C.A. § 6-41-611 states that a district who fails to meet the dyslexia screening and intervention requirements may be placed in probationary status. If the district is placed in probationary status, the district is required to post to the district website that the district was placed in probationary status and why.

Cross References: [4.57—IMMUNIZATIONS](#)  
5.2—PLANNING FOR EDUCATIONAL IMPROVEMENT

Legal References: A.C.A. § 6-11-129  
A.C.A. § 6-15-1402  
A.C.A. § 6-15-2006  
A.C.A. § 6-15-2101  
A.C.A. § 6-15-2914  
A.C.A. § 6-41-606  
A.C.A. § 6-41-611  
[ADESE](#) Rules Governing How to Meet the Needs of Children With Dyslexia  
[ADESE](#) Rules Governing the Arkansas Educational Support and Accountability Act  
Standards For Accreditation 12.02.1, 1-B.2, 2-B.1, 2-H.2, 3-A.1, 3-A.2, 3-A.9, 3-B.1, 3.B.2.1, 5-A.1  
20 U.S.C. § 1232 g  
15 U.S.C. § 6501 (COPPA)

Date Adopted: July 27, 2011  
Last Revised:

## 5.21—ADVANCED PLACEMENT, INTERNATIONAL BACCALAUREATE, and HONORS COURSES

Students in grades 7-12 who take advanced placement (AP) courses;<sup>4</sup> International Baccalaureate (IB) courses;<sup>4</sup> or honors or concurrent credit college courses;<sup>1</sup> or other courses approved for weighted credit by the Arkansas Department of Division of Elementary and Secondary Education (DESE) shall be graded according to the following schedule:

A = 100 – 90  
B = 89 – 80  
C = 79 – 70  
D = 69 – 60  
F = 59 and below

For the purpose of determining grade point averages, the numeric value of each letter grade shall be:

A = 5 points  
B = 4 points  
C = 3 points  
D = 2 point  
F = 0 points

For a student to be eligible to receive weighted credit for an AP, or IB course, ~~the student's course must have been taught by an Arkansas licensed teacher who has received the appropriate training required by Arkansas statute and ADE Rule or, for an AP teacher, is in the process of completing an Additional Training Plan.~~

- J) ~~The course must be taught by an Arkansas licensed teacher who has received the appropriate training required by Arkansas statute and DESE Rule or, for an AP teacher, is in the process of completing an Additional Training Plan; and~~
- J) ~~The student takes the applicable AP or IB examination after completing the entire course. Credit shall be given for each grading period during the course of the year, but shall be retroactively removed from a student's grade for any course in which the student fails to take the applicable exam. Students who do not take the applicable exam shall receive the same numeric value for the grade he/she receives in the course as if it were a non-AP or IB course.<sup>2</sup>~~

~~Additionally, for students taking AP or International Baccalaureate courses to receive weighted credit they must take the applicable AP or IB examination after completing the entire course. Credit shall be given for each grading period during the course of the year, but shall be retroactively removed from a student's grade for any course in which the student fails to take the applicable AP exam. Students who do not take the AP exam shall receive the same numeric value for the grade he/she receives in the course as if it were a non-AP course.<sup>2</sup>~~

"Honors Courses" are those courses that have been approved by a ~~Department of Education Committee~~ DESE as honors courses. Honors courses must stress higher order learning and be offered in addition to curriculum offerings required by the Standards for Accreditation, ~~Arkansas Public Schools.~~

Students who transfer into the district will be given weighted credit for the ~~Advanced Placement AP~~ AP courses;<sup>4</sup> ~~International Baccalaureate IB~~ IB courses;<sup>4</sup> ~~honors courses approved by the Arkansas Department of Education, and or concurrent credit college courses;<sup>1</sup> and other courses approved by DESE for weighted credit that were~~ taken for weighted credit at his/her previous school(s) according to the preceding scale.

Notes: <sup>1</sup> If your board ~~chooses~~ has not chosen to adopt a policy allowing high school students to take college courses for weighted credit (as provided by A.C.A. § 6-15-902(c)(3)(5)(A) ~~insert~~ remove "and concurrent credit college courses ~~for weighted credit.~~"

<sup>2</sup> A.C.A. § 6-15-902(c)(2)(B) and the ~~The Advanced Placement AP~~ Rules (3.11) stipulate that students must take the applicable AP exam to receive weighted credit for the course. Because the state now pays the total cost of the AP exams and the student's score on the exam does not affect the student's grade for the course, students can reasonably be expected to take the test. By standardizing the timing of awarding weighted credit across Arkansas, all students will be on a level playing field regarding their GPA for college applications.

Legal References: Arkansas Department of Education DESE Rules and Regulations Governing Uniform Grading Scales for Public Secondary Schools  
ADESE Rules for Advanced Placement and International Baccalaureate Diploma Incentive Program  
A.C.A. § 6-15-902(e)(4)  
A.C.A. § 6-16-806

Date Adopted: April 26, 2010  
Last Revised:

## 5.22—CONCURRENT CREDIT

A ninth (9<sup>th</sup>) through twelfth (12<sup>th</sup>) grade student who successfully completes a college course(s) from an institution approved by the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#) shall be given credit toward high school grades and graduation at the rate of one (1) high school credit for each three (3) semester hours of college credit. Unless approved by the school's principal, **prior to enrolling for the course**, the concurrent credit shall be applied toward the student's graduation requirements as an elective.

As permitted by the [ADESE Rules Governing Concurrent College and High School Credit](#), a student who takes a three (3) semester hour remedial/developmental education course shall receive a half (1/2) credit for a high school career focus elective. The remedial/developmental education course cannot be used to meet the core subject area/unit requirements in English and mathematics.

Participation in the concurrent high school and college credit program must be documented by a written agreement between:

- ) The student;
- ) The student's parent(s) or legal guardian(s) if the student is under the age of eighteen (18);
- ) The District; and
- ) The publicly supported community college, technical college, four-year college or university, or private institution the student attends to take the concurrent credit course.

Students are responsible for having the transcript for the concurrent credit course(s) they've taken sent to their school in order to receive credit for the course(s). Credit for concurrent credit courses will not be given until a transcript is received. Students may not receive credit for the course(s) they took or the credit may be delayed if the transcripts are not received at all or in a timely manner; this may jeopardize students' eligibility for extracurricular activities, graduation.<sup>1</sup>

Students will retain credit earned through the concurrent credit program that was applied toward a course required for high school graduation from a previously attended, accredited, public school.

A student eligible to receive free or reduced price meals shall not be responsible for any of the costs for the student's first six (6) concurrent credit hours so long as the concurrent credit courses are taught on the District grounds and by a teacher employed by the District.<sup>2</sup> Any and all costs of concurrent credit courses beyond the six (6) hours permitted, that are not taught on the District's campus, or are not taught by a teacher employed by the District are the responsibility of the student. Students who are not eligible to receive free or reduced price meals are responsible for any and all costs associated with concurrent credit courses.

Notes: [A.C.A. § 6-18-232 prohibits a private school or home schooled student who is attending a concurrent credit course through the district under Policy 4.59 from being charged for the concurrent course unless the district also charges the district's students for concurrent credit courses.](#)

<sup>1</sup> If your district has other repercussions that would apply for failure to receive credit for a course, enter them here.

This paragraph is not mandatory, but would put the responsibility on the student for getting his/her transcripts to you.

<sup>2</sup> The cost of the six (6) concurrent credit hours may be paid by the District, the institution of higher education, or through a cost sharing agreement between the District and the institution of higher education.

[Cross Reference: 4.59—ACADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOLED STUDENTS](#)

Legal References:           A.C.A. § 6-15-902(c)(2)  
                                  A.C.A. § 6-16-1201 et seq.  
                                  [A.C.A. § 6-18-232](#)  
                                  ADESE Rules and Regulations: [Governing](#) Concurrent College and High School Credit for Students Who Have Completed the Eighth Grade

Date Adopted: April 29, 2013

Last Revised:

## 5.26—ALTERNATIVE LEARNING ENVIRONMENTS

The District shall provide an eligible alternative learning environment (ALE) for each eligible ALE student enrolled in a District school. The ALE shall be part of an intervention program designed to provide guidance, counseling, and academic support to students who are experiencing emotional, social, or academic problems. Placement of a student in an ALE shall not be punitive in nature.

The superintendent or designee shall appoint an Alternative Education Placement Team which shall have the responsibility of determining student placement in the ALE. A student may be enrolled in an ALE only on the referral of the Alternative Education Placement Team. The team's placement decision is final and may not be appealed.<sup>1</sup>

The team is to be comprised of the following:

- ) a school counselor from the referring school;
- ) the ALE administrator and/or ALE teacher;
- ) the building principal or assistant principal from the referring school;
- ) a parent, ~~or~~ legal guardian, person having lawful control of the student, or person standing in loco parentis (if they choose to participate);
  - o The District shall document its efforts to contact the student's parent, ~~or~~ legal guardian, person having lawful control of the student, or person standing in loco parentis to schedule a meeting or a phone call for a placement meeting at the convenience of the parent, ~~or~~ legal guardian's, person having lawful control of the student, or person standing in loco parentis convenience, and maintain such documentation in the student's Student Action Plan (SAP).
- ) LEA special education/504 representative (if applicable);
- ) at least one (1) of the student's regular classroom teacher(s); and
- ) if the District so chooses, the student.

Students who are placed in the ALE shall exhibit at least two (2) of the following characteristics from items a through l below:

- a. Disruptive behavior;
- b. Dropping out from school;
- c. Personal or family problems or situations;
- d. Recurring absenteeism;

For the purposes of the ALE, personal or family problems or situations are conditions that negatively affect the student's academic and social progress. These may include, but are not limited to:

- e. Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics
- f. Abuse: physical, mental, or sexual;
- g. Frequent relocation of residency;
- h. Homelessness;
- i. Inadequate emotional support;
- j. Mental/physical health problems;
- k. Pregnancy; or
- l. Single parenting.

No later than five (5) school days after a student begins alternative education interventions, the Alternative Education Placement Team shall develop a signed agreement between the ALE, the parent, ~~or~~ legal guardian, person having lawful control of the student, or person standing in loco parentis (if they choose to participate), and the student, outlining the responsibility of the ALE, parent, ~~or~~ legal guardian, person having lawful control of the student, or person standing in loco parentis, and the student to provide assurance that the plan for each student is successful.

No later than one (1) week after a student begins alternative education interventions, the Alternative Education Placement Team shall assess the student's current functioning abilities and all relevant social, emotional, academic, career, and behavioral information and develop an SAP outlining the intervention services to be provided to the student that is in compliance with the Arkansas Department of Division of Elementary and Secondary Education (ADESE) Rules. The SAP may be revised from time to time by the ALE placement team and a positive behavior or transitional plan shall be developed and added to the SAP prior to a student's return to the regular educational environment.

The district's ALE program shall follow class size, staffing, curriculum, and expenditure requirements identified in the ADESE Rules.

Note: <sup>1</sup> The Rules are silent on appeals, but we believe the policy should have language in this regard. You may choose to leave the language as is or change it to have the decision able to be appealed to the Superintendent or the superintendent's designee. Even if you allow for an appeal, board involvement in student assignment issues is outside of the scope of their authority.

Legal References: A.C.A. § 6-20-2305(b)(2)

A.C.A. § 6-48-101 et seq.

ADESE Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditure of These Funds – 3.01, 4.00, and 8.0

Date Adopted: April 28, 2014

Last Revised:

## 5.27—ENGLISH LANGUAGE LEARNERS

The district shall utilize the special needs funding it receives for identified English Language Learners (ELL) on activities, and materials listed in the ADESE Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditure of These Funds.

The expenditures of ELL supplemental funding shall be evaluated at least annually to determine their overall effectiveness. The evaluation shall specifically address how the use of ELL funds is in alignment with the district's school district support plan in addressing identified achievement gaps and student performance deficiencies.

Legal References: A.C.A. § 6-15-2914

A.C.A. § 6-20-2305(b)(3)

ADESE Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditure of These Funds – 3.09, 5.00, 8.00

Standards For Accreditation 2-J.2

Date Adopted: April 28, 2014

Last Revised:

**5.28—NATIONAL SCHOOL LUNCH ACT ENHANCED STUDENT ACHIEVEMENT FUNDING EXPENDITURES**

Funding received from the state based on the number of students eligible for free and reduced-priced meals under the National Student Lunch Act shall be expended in accordance with guidelines outlined in the ADE Division of Elementary and Secondary Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditure of These Funds.

The district shall at least annually evaluate programs supported by NSLA Enhanced Student Achievement funds to determine the effectiveness of the programs and to ensure they are providing intervention/prevention services designed to increase student achievement that are in alignment with the district's school district support plan.

Legal References: A.C.A. § 6-15-2914

A.C.A. § 6-20-2305(b)(4)

ADESE Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditure of These Funds 3.12, 3.17, 3.18, 6.00, and 8.00

Date Adopted: April 28, 2014

Last Revised:



## 5.29—WELLNESS POLICY

The health and physical well-being of students directly affects their ability to learn. Childhood obesity increases the incidence of adult diseases occurring in children and adolescents such as heart disease, high blood pressure and diabetes. The increased risk carries forward into their adulthood. Research indicates that a healthy diet and regular physical activity can help prevent obesity and the diseases resulting from it. It is understood that the eating habits and exercise patterns of students cannot be magically changed overnight, but at the same time, the Board of Directors believes it is necessary to strive to create a culture in our schools that consistently promotes good nutrition and physical activity.

The problem of obesity and inactivity is a public health issue. The Board of Directors is keenly aware that it has taken years for this problem to reach its present level and will similarly take years to correct. The responsibility for addressing the problem lies not only with the schools and the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#), but with the community and its residents, organizations and agencies. Therefore, the District shall enlist the support of the larger community to find solutions that improve the health and physical activity of our students.

### Wellness Committee

To enhance the district's efforts to improve the health of our students, a School Nutrition and Physical Activity Advisory Committee (SNPAAC) shall be formed. It shall be structured in a way to ensure age-appropriate recommendations are made that correlate to the District's grade configurations.<sup>1</sup> The SNPAAC shall have the powers and responsibilities delegated to it by statute and Rule and are incorporated into this policy by reference.<sup>2</sup> 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 SNPAAC shall use modules 1, 2, 3, 4, [10](#), and [8 11](#) of the Centers For Disease Control' (CDC) School Health Index as a basis for annually assessing each school's progress toward meeting the requirements of this policy. The results of the annual assessment shall be included in ~~each school's ACSIP~~ [the school district's support plan \(SDSP\)](#), 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 SDSP](#).

The SNPAAC shall be made up of Individuals from the following groups to the extent interested persons from each group desire to be included in the development, implementation, and periodic review of the District's wellness policy:<sup>3</sup>

- ) Members of the District's Board of Directors;
- ) 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 shall 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 on a quarterly basis.<sup>4</sup>

The SNPAAC will meet at least quarterly. Meeting dates for the SNPAAC will be placed on the District's calendar.

### School Health Coordinator

To assist the SNPAAC in ensuring that the District fulfills the requirements of this policy, a District level School Health Coordinator (Designated District Official) shall be appointed. In addition, a school level School Health Coordinator shall be appointed who shall be responsible for assisting the District level School Health Coordinator in ensuring that each school fulfills the requirements of this policy.<sup>5</sup>

### Goals

In its efforts to improve the school nutrition environment, promote student health, and reduce childhood obesity, the District will adhere to the [ADESE 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:<sup>6</sup>

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;<sup>7</sup>

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;<sup>8</sup>
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 to students on school campus during the school day by school administrators or school non-licensed or licensed staff (principals, coaches, teachers, club sponsors, etc.); students or student groups; parents or 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.<sup>9</sup> 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.

All food and beverages provided, but not sold, to students on the school campus during the school day by school administrators or school non-licensed or licensed staff (principals, coaches, teachers, club sponsors, etc.); students or student groups; parents or 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.<sup>9</sup> These restrictions include, but are not limited to, food and beverages provided in vending venues (machines, ice chests, cabinets) in school stores or as part of school fundraisers.

Up to a maximum of nine (9)<sup>10</sup> 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.<sup>9</sup>

#### **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.<sup>11</sup> This restriction does not apply to:

- Materials used for educational purposes in the classroom, including, but not limited to:
  - The use of advertisements as a media education tool; or
  - 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.

#### **Community Engagement**

The District will work with the SNPAAC to:

- a. Encourage participation in extracurricular programs that support physical activity, such as walk-to-school programs, biking clubs, after-school walking etc.;
- b. Encourage the implementation of developmentally appropriate physical activity in after-school childcare programs for participating children;
- c. Promote the reduction of time youth spend engaged in sedentary activities such as watching television and playing video games; and
- d. Encourage the development of and participation in family-oriented community-based physical activity programs.

The District will annually inform the public:

- Of the web address where the policy is located;
- Of any changes made to this policy since the previous year;
- Of the health and wellness priority goals in the District's [ACSIIP SDSP](#);
- That a printed copy of the policy may be picked up at the District's central office; and
- The amounts and specific sources of funds received and expenditures made from competitive food and beverage contracts.

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

At least once every three years,<sup>12</sup> 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 [ACSIIP](#) [SDSP](#). 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, [10](#), and [8 11](#) of the CDC's School Health Index; and
- ) A description of the progress made in attaining the goals of this policy.

On the years the assessment occurs, the assessment results shall be reported to the public, including parents, students, and other members of the community as part of the District's annual report to the public.

The District will update the wellness policy based on the results from the three (3) year<sup>12</sup> assessment.

#### **District Website**

The District will place on its website:

- The name, District phone number, and District email address for the District Level School Health Coordinator;
- The names, district phone numbers, and district email addresses for the School Level School Health Coordinators;<sup>5</sup>
- The names of the members of the SNPACC;
- Meeting dates for the SNPACC;
- Information on how community members may get involved with the SNPACC;
- A copy of this policy;
- A copy of the annual review of this policy based on modules 1, 2, 3, 4, [10](#), and [8 11](#) of the CDC's School Health Index; and
- A copy of the most recent three (3) year<sup>12</sup> assessment of this policy.

Notes: First and foremost, remember that this policy is to be developed with input from the Wellness Committee (SNPAAC). There are very specific powers, duties, and responsibilities given to the committee.

Additional information on requirements and suggestions for local wellness policies are available from the USDA at <http://healthymeals.nal.usda.gov/school-wellness-resources>. Commissioner's Memos CNU-17-010, CNU-17-013, and CNU-17-016 have several additional resources.

8.01.2 of the [ADESE](#) Rules Governing Nutrition and Physical Activity Standards And Body Mass Index allows a school to serve or provide to students during the school day, outside of the meal period, a serving of food and beverages that complies with the Federal Smart Snacks requirements as demonstrated by using the Alliance for a Healthier Generation Smart Snacks Calculator, including a copy of the Smart Snacks Calculator product compliance screen and a copy of the nutrition fact label of the product. This is a local control issue and does not have to be included in the policy, but you should be aware that it is an option and is on the [ADESE](#) Wellness Policy Review Checklist.

As part of the Federal review, districts will be required to provide records demonstrating compliance with the regulations that include, but are not limited to:

- o A copy of the wellness policy;
- o Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public, which may include, but are not limited to: a copy of the district/school Web page where the local school wellness policy has been posted or a copy of the school newsletter/local newspaper;
- o Documentation of the three (3) year assessment for each school; and
- o Documentation to demonstrate compliance with the public notification requirements.

<sup>1</sup> The Rules Governing Nutrition and Physical Activity allow three options for accomplishing this requirement:

1. Establish a School Nutrition and Physical Activity Advisory Committee at each school in addition to the district committee;
2. Establish subcommittees of the district Committee, representing the appropriate age and grade configurations for your district;  
or
3. Include representatives from each appropriate grade level group (elementary, middle, junior and senior high) on the membership of the district committee.

Select the option you will use and rewrite the sentence to reflect your choice.

<sup>2</sup> The statutory powers are codified at A.C.A. § 20-17-135(e)(1) and repeated in the Rules starting at 6.01. The powers delegated solely through the Rules can be found starting at 6.06.

<sup>3</sup> The Healthy, Hunger-Free Kids Act of 2010 requires the groups listed in this paragraph to be permitted to participate (rather than "must"). There is no mention in the Act of limitations to the numbers of individuals included in each category for the policy's oversight, but some limitation to the overall size of this review team may be necessary for efficiency purposes. As part of the review process, districts will be required to demonstrate attempts were made to recruit individuals even if no one in that particular group agrees to participate.

<sup>4</sup> This paragraph is intended to meet the requirements of A.C.A. § 6-20-709 and the [ADESE](#) advises that WRITTEN documentation that this requirement has been met will be required during the administrative review of the child nutrition program.

<sup>5</sup> While the new Federal terminology is "designated district official", the responsibilities remain the same; i.e. ensuring compliance with the Wellness Policy. Indistar refers to this position as "Wellness Chair"; we choose not to make the title of this individual the "Wellness Chair" because we believe that it should be up to the SNPAAC to select the member to be its chair rather than having it set in policy.

You are not required to appoint school level School Health Coordinators. If you choose not to appoint the school level school health coordinators, remove the sentence appointing them.

<sup>6</sup> The goals included in this policy are those specifically required by rule. Additional goals should be listed upon the advice of the SNPAAC and the consent of the Board. The USDA requires that the final policy include specific measurable goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. When setting the goals, districts are required to review and consider evidence-based strategies. At a minimum, districts are expected to review the "Smarter Lunchroom" tools and strategies; a copy may be found at <http://www.fns.usda.gov/healthierschoolday/tools-schools> under the "School Nutrition Improvement" heading.

<sup>7</sup> The ADESE uses Commissioner's Memos to inform districts of many wellness policy issues concerning nutrition in general, serving portion sizes, drinking water availability, etc. The SNPAAC should be kept abreast of such applicable Memos. You have the choice to exceed the state or federal requirements. If you choose to meet and not exceed those mandated by government, you should delete "or exceed" at the start of the sentence. Currently, some of the state's requirements are more stringent than the federal requirements, but this could change. By mentioning both governments in the policy, you'll still be covered. If you do choose to exceed existing requirements you will need to specify what they are in this policy.

<sup>8</sup> The Rules require all staff to receive professional development, but, at this time, there is no provision for how much or what it is to consist of. ADESE is currently in the process of creating professional development covering several nutrition and physical education areas that will be accessible through Arkansas IDEAS.

<sup>9</sup> Foods and beverages sold or provided outside of the food service areas being required to meet the Federal Smart Snacks Standards is the minimum required by law. If you choose to exceed the minimum, you will need to include the standards that must be met in the policy.

<sup>10</sup> Nine (9) is simply the maximum allowed by rule. You may insert a lower number if you choose.

<sup>11</sup> This language is the minimum required by law. You have the option to be more restrictive on what level of nutritional value food and beverage advertisements must meet to be on school property. If you choose to be more restrictive, keep in mind that the First Amendment requires that the exceptions for educational uses; clothing, apparel, and other personal items; and packaging brought from home still be included.

<sup>12</sup> The USDA refers to this as the "Triennial Assessment" and requires that the district's wellness policy be assessed in depth at least once every three (3) years to determine the district's progress on reaching the goals set in the policy. If you wish to assess the policy more regularly, replace this language with your desired timeline. ~~The first of the in-depth three (3) year assessments must be completed by no later than the end of the 2017-2018 school year.~~

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, and 135  
ADESE 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

Date Adopted: April 10, 2017

Last Revised:

## 6.1—COMMUNICATION GOALS

The single most significant factor in student achievement is the teacher. The teacher's effectiveness is greatly enhanced when supported by the school community as a whole, the student's home, and the community at large. The Arkansas General Assembly and the [Department of Division of Elementary and Secondary](#) Education have demonstrated their understanding of the importance of involving such groups by repeatedly mandating their inclusion in the educational system and process. Communication with staff, parents, grandparents, legal guardians, business, and community members is fundamental to increasing their concern for, and involvement in, raising student achievement.

Communication should be two-way between the District and the public. The communications program shall strive to:

1. Increase mutual understanding, trust, and support between the District and parents, business, and the community as a whole;
2. Keep District staff regularly informed of upcoming District programs and events as well as noteworthy staff and student accomplishments to enable all the staff to help promote positive public relations;
3. Create and disseminate brochures, flyers, and fact sheets that will help parents and community members better understand school policies and procedures and acquaint them with areas where their volunteer services are most needed;
4. Inform legislators of the accomplishments of the District's students and staff, as well as how proposed legislation could affect the district;
5. Maintain good relations with the news media and provide the media with pertinent news releases; and
6. Increase the participation of parents, grandparents, legal guardians, business, and community members in school activities and programs.

The Board will appoint committees, when appropriate, to help the District examine issues facing it. Such committees may include members of the public, students, parents, and school employees, as well as members of the Board. Members may serve until the committee makes its non-binding recommendations to the Board.

Any committee, which includes among its members a member of the School Board, shall operate according to the requirements of the Arkansas Freedom of Information Act.\*<sup>1</sup>

The District's Board of Directors shall hold a meeting by October 15 of each year to provide a report that systematically explains the District's policies, programs, and goals to the community. The District's report shall detail the progress of the District and the District's schools toward accomplishing program goals, accreditation standards, and proposals to correct any deficiencies. The report shall be made available to the public, including by posting a copy on the District's website under State-Required Information no later than ten (10) days following the meeting. The meeting shall provide parents and other members of the community the opportunity to ask questions and make suggestions concerning the District's program.

Note: <sup>1</sup> These requirements include having to notify the press of the time and place of the meetings; allow the meetings to be open to the attendance of the general public; record the meetings; and retain the recordings of the meetings for a year.

Legal References: A.C.A. § 6-15-1005(c), (f)(1)(2)

A.C.A. § 6-16-603 (a) (3)

[A.C.A. § 6-18-1003\(2\)](#)

[A.C.A. § 6-18-1005\(a\)\(1\)](#)

[A.C.A. § 6-18-2003](#)

\*A.C.A. § 25-19-106

Standards for Accreditation 3-B.1, 3-B.2, 3-B.2.1, 5-A.1

[Arkansas Department of Division of Elementary and Secondary](#) Education [Regulations](#) [Rules](#) Governing Gifted and Talented Program Approval Standards 4.0; 10.03

Date Adopted: April 10, 2017

Last Revised:

## 6.7—COMPLAINTS

It is a goal of the Board and the District to be responsive to the community it serves and to continuously improve the educational program offered in its schools. The Board or the District welcomes constructive criticism when it is offered with the intent of improving the quality of the system's educational program or the delivery of the District's services.

The Board formulates and adopts policies to achieve the District's vision and elects a Superintendent to implement its policies. The administrative functions of the District are delegated to the Superintendent, who is responsible for the effective administration and supervision of the District. Individuals with complaints concerning personnel, curriculum, discipline (including specific discipline policies), coaching, or the day to day management of the schools need to address those complaints according to the following sequence:

1. Teacher, coach, or other staff member against whom the complaint is directed
2. Principal
3. Superintendent

Other than in the few instances where statutorily allowed or required, student discipline and personnel matters may not be discussed in Board meetings. Individuals with complaints regarding such matters need to follow the sequence outlined above.

Unless authorized by the Board as a whole for a specific purpose, no individual Board member has any authority when acting alone. District constituents are reminded that the Board serves as a finder of fact, not unlike a jury, in matters such as student suspensions initiated by the Superintendent, expulsions, and personnel discipline. For this reason, the board may not be involved or informed prior to a board hearing on particular disciplinary matters.

Complaints that are related to district use or administration of federal funds generated through specific programs identified by the [Arkansas Department of Division of Elementary and Secondary Education \(ADESE\)](#) and authorized in the Elementary and Secondary Education Act<sup>1</sup> may be taken directly from a patron or by referral from [ADESE](#). If taken directly from a patron, the complaint may be submitted by either a signed statement or by a certified, recorded deposition or statement in which the complainant is identified. The complaints shall be addressed in the following manner:

1. The complaint shall be referred to the federal programs director,<sup>2</sup> who shall assemble a team of at least two (2) people to investigate the complaint.
2. Throughout the investigation, sufficient notes and records will be taken and maintained to substantiate the position of the findings of the investigation.
3. The team will interview the complainant and others as necessary to enable the team to make a determination of the validity of the complaint. The team may consult with individuals with knowledge or expertise in the matter which is the subject of the complaint, including legal counsel.
4. The investigation of complaints referred by the [ADESE](#) shall be completed within thirty (30) calendar days of receipt of the complaint, unless a longer time period has been approved by the [ADESE](#).<sup>3</sup>
5. The investigation of complaints made directly to the district shall be completed within forty (40) calendar days unless there are extenuating circumstances; in such a case, a preliminary report shall be made within forty (40) calendar days of receipt of the complaint, which shall include an explanation of the unusual circumstances requiring additional time to complete the investigation.<sup>4</sup>
6. The report of the conclusions of the investigation shall be given to the complainant. It shall contain:
  - a. A summary of the allegations of the complaint;
  - b. A summary of the investigative actions taken by the team;
  - c. A summary of the findings concerning each alleged violation or implied violation; and
  - d. A statement of corrective actions needed to resolve the issues involved in each allegation and finding of the complaint.

Notes: <sup>1</sup> The [ADESE Rules Governing Federal Program Complaint Resolution 1.03](#) specifies the specific federal programs that are covered by this policy. Be sure the necessary staff are aware of the possible triggers for a complaint and of the existence of the documents offered by the [ADESE](#) to deal with the resolution of the complaints.

<sup>2</sup> You may change this to reflect the title of the person you wish to be responsible for conducting the investigation.

<sup>3</sup> The [ADESE's Rules Governing Federal Program Complaint Resolution](#) establishes the 30 day limit for complaints that are referred to the district by [ADESE](#)

<sup>4</sup> The forty (40) day time limit is equivalent to the thirty (30) days allowed for complaints referred by the [ADESE](#) because the [ADESE](#) has up to ten (10) days to make the referral.

Legal Reference: [ADESE Rules Governing Federal Program Complaint Resolution](#)

Date Adopted: June 29, 2009

Last Revised:

## 6.10—SEX OFFENDERS ON CAMPUS (MEGAN'S LAW)

The Gosnell School District shall work with area law enforcement in a manner consistent with applicable state law and [Arkansas Department of Division of Elementary and Secondary Education Regulations Rules](#) to communicate the presence of a sexual offender. When necessary, law enforcement may contact building principals to provide information concerning registered sex offenders. The decision regarding the school principals to be notified rests solely with law enforcement officials; law enforcement officials use a rating system to determine who needs to be notified, which is according to the sex offender's dangerousness to the community.

In turn, building principals should notify any employee who is regularly in a position to observe unauthorized persons on or near the school's property in the ordinary course of their employment. Employees notified could include any of the following: aides, bus drivers, coaches, maintenance staff, professional support staff, school level administrative staff, security personnel, teachers' assistants, and teachers.

It is important that school personnel who receive sex offender notifications understand that they are receiving the sex offender notifications in their official capacity and are **not** to disseminate information about an offender to anyone outside the school. If school personnel are asked about notification information by an organization using school facilities, the organization should be referred to the area law enforcement agency that issued the notice.

Persons **not** to be notified, except at the specific discretion of area law enforcement officials, include: members of parent-teacher organizations, other schools, organizations using school facilities, students, parents or guardians of students, and the press. District personnel may inform the press about procedures that have been put in place and other general topics, but may not reveal the name or any other specifics regarding an offender.

A parent or guardian who is a Level 1 or Level 2 sex offender shall be allowed to enter the school campus to attend parent-teacher conferences or any other activity that is appropriate for a parent, guardian, or community member.

Level 3 and Level 4 sex offenders may only enter the school campus in the following instances:

1. The offender is a student attending school in the district;
2. To attend a graduation or baccalaureate ceremony;
3. It is a non-student contact day according to the school calendar or no school-sponsored event is taking place on campus;
4. The offender is a parent or guardian of a student enrolled in the district and goes directly to the school office to have school personnel deliver medicine, food, or personal items for the student;
5. The offender is a parent or guardian of a student and enters the school campus where the student is enrolled to attend a scheduled parent-teacher conference **and** the offender is escorted to and from the conference by a designated school official or employee.

A Level 3, but not a Level 4, sex offender may attend a school sponsored event for which an admission fee is charged or tickets are sold or distributed if the sex offender:

1. Is the parent, ~~or~~ guardian, great-grandparent, or is related by blood or marriage within the ~~fourth (4th)~~ second (2nd) degree of consanguinity<sup>1</sup> to a student enrolled in the public school;<sup>2</sup> and
2. Notifies the administration of the school in writing at least twenty-four (24) hours before the start of the event that he or she will be attending the event.

A Level 3 and Level 4 sex offender who is the parent or guardian of a child enrolled in the district and who wishes to enter the school campus in which the student is enrolled for any other purpose than those listed above, must give reasonable notice to the school principal or his/her designee. The principal or designee may allow the sex offender to enter upon the campus provided there is a designated school official or employee to escort and supervise the sex offender while they remain on campus. The sex offender shall not enter upon the school campus until such time as a designated school official or employee is available.

Copies of the notification from law enforcement should be kept in a secure place accessible to teachers and staff, but should not be posted on school bulletin boards or made available to students or members of the community at large.

Notes: <sup>1</sup> The method to determine the degree of consanguinity may be found in A.C.A. § 28-9-212 and a consanguinity diagram has been posted at <http://arsba.org/policy-resources>.

<sup>2</sup> Our interpretation is that for a Level 3 sex offender to be admitted to a ticketed event that the Level 3 sex offender must be related to a student enrolled in the public school where the event is being hosted rather than related to a student enrolled in the visiting school.

Legal References: [Arkansas Department of Division of Elementary and Secondary Education](#) Guidelines for "Megan's Law"  
A.C.A. § 5-14-132  
A.C.A. § 12-12-913 (g)(3)  
A.C.A. § 28-9-212

Date Adopted: June 25, 2007  
Last Revised: