

FLIPPIN SCHOOL DISTRICT

POLICY MANUAL

SECTION 4

STUDENTS

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SECTION 4—STUDENTS

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4.1—RESIDENCE REQUIREMENTS

Definitions:

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

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

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

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

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

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

Under instances prescribed in A.C.A. § 6-1-203, 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.

Note: ¹ Residency requirements of homeless students is governed by policy 4.40—HOMELESS STUDENTS. Residency requirements governing foster children are governed by policy 4.52—STUDENTS WHO ARE FOSTER CHILDREN

4.1-- RESIDENCE REQUIREMENTS (cont.)

² The Military Compact is the source for this sentence. It is codified at A.C.A. § 6-4-302.

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

⁴ Act 1368 of 2009 significantly altered the eligibility requirements for children of employees who reside out of the district. Rather than duplicate the law into the policy which would make for a long policy affecting a relatively small number of students, we suggest you consult the statute, A.C.A. § 6-18-203, and have a copy handy for affected employees or potential employees.

Legal References: A.C.A. § 6-18-202
 A.C.A. § 6-18-203
 A.C.A. § 6-27-102,112
 This is a provision of A.C.A. § 9-28-113(a) and (b).

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

Date Adopted: 07/25/2005

Last Revised: 10/27/2008; 11/23/2009; 06/27/2011; 6/17/2013

4.2—ENTRANCE REQUIREMENTS

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

Students may enter kindergarten if they will attain the age of five (5) on or before **August 15** of the year in which they are seeking initial enrollment. Any student who has been enrolled in a state-accredited or state-approved kindergarten program in another state for at least sixty (60) days, who will become five (5) years old during the year in which he/she is enrolled in kindergarten, and who meets the basic residency requirement for school attendance may be enrolled in kindergarten upon written request to the District.

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

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

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

Students who move into the District from an accredited school shall be assigned to the same grade as they were attending in their previous school (mid-year transfers) or as they would have been assigned in their previous school. Home-schooled students shall be evaluated by the District to determine their appropriate grade placement.

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

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

1. The parent, guardian, or other responsible person shall furnish the child's social security number, or if they request, the district will assign the child a nine (9) digit number designated by the department of education.

4.2—ENTRANCE REQUIREMENTS (cont.)

2. The parent, guardian, or other responsible person shall provide the district with one (1) of the following documents indicating the child's age:
 - a. A birth certificate;
 - b. A statement by the local registrar or a county recorder certifying the child's date of birth;
 - c. An attested baptismal certificate;
 - d. A passport;
 - e. An affidavit of the date and place of birth by the child's parent or guardian;
 - f. United States military identification; or
 - g. Previous school records.
3. The parent, guardian, or other responsible person shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. The Board of Education reserves the right, after a hearing before the Board, not to allow any person who has been expelled from another school district to enroll as a student until the time of the person's expulsion has expired.³
4. The child shall be age appropriately immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, and other diseases as designated by the State Board of Health, or have an exemption issued by the Arkansas Department of Health. Proof of immunization shall be by a certificate of a licensed physician or a public health department acknowledging the immunization. Exemptions are also possible on an annual basis of religious reasons from the Arkansas Department of Health.⁴ To continue such exemptions, they must be renewed at the beginning of each school year. A child enrolling in a district school and living in the household. A child enrolling in a district school and living in the household of a person on active military duty has 30 days to receive his/her initial required immunizations and 12 months to be up to date on the required immunizations for the student's age

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

Uniformed Services Member's Children

For the purposes of this policy, "active duty members of the uniformed services" includes members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211; "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services; "veteran" means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

4.2—ENTRANCE REQUIREMENTS (cont.)

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

An eligible child as defined in this policy shall:

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 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.

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

² Act 1255 of 2005 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.

4.2—ENTRANCE REQUIREMENTS (cont.)

³The 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.

⁴ Requests should be sent to the Director, Division of CD/Immunization, Arkansas Department of Health, 4815 W. Markham, Slot 48, Little Rock, Arkansas, 72205. Letters of exemption or denial will be issued to the school.

⁵ A.C.A. § 6-4-302 defines both "uniformed services" and "active duty." Consult the statute to determine if the student wishing to enroll in your district qualifies under the act's definitions.

Cross References: 4.1 – RESIENCE REQUIREMENTS
 4.4– STUDENT TRANSFERS
 4.5 – SCHOOL CHOICE
 4.34—COMMUNICABLE DISEASES AND PARASITES
 .40 – HOMELESS STUDENTS

Legal References: A.C.A. § 6-4-302
 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. § 6-15-504 (f);
 Plyler v Doe 457US 202,221 (1982);
 A.C.A. § 9-28-113;

Date Adopted: 07/25/2005

Last Revised: 10/27/2008; 11/23/2009; 4/26/2010; 2/25/2011;
 06/27/2011; 07/27/2012; 6/17/2013; 3/20/2014; 7/28/2014

4.3—COMPULSORY ATTENDANCE REQUIREMENTS

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

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

Legal Reference: A.C.A. § 6-18-201

Date Adopted: 07/25/2005

Last Revised: 11/23/2009; 06/27/2011

4.4—STUDENT TRANSFERS

The Flippin School District shall review and accept or reject requests for transfers, both into and out of the district, on a case by case basis at the July and December regularly scheduled board meetings.

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

Any student transferring from a school accredited by the Department of Education to a school in this district shall be placed into the same grade the student would have been in had the student remained at the former school.

Any student transferring from home school or a school that is not accredited by the Department of Education to a District school shall be evaluated by District staff to determine the student's appropriate grade placement.

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

Except as otherwise required or permitted by law,³ 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: ³A.C.A. § 9-28-113(b)(4) encourages districts to arrange for transportation for Notes: 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 new policy language would allow the district to arrange for the transportation at district expense.

Legal References: A.C.A. § 6-18-316, A.C.A. § 6-18-510, A.C.A. § 6-15-504 (f)
State Board of Education Standards of Accreditation 12.05
A.C.A. § 9-28-113(b)(4)

Date Adopted: 07/25/2005

Last Revised: 04/07/2008; 6/27/2011; 7/28/2014

4.5—SCHOOL CHOICE

Standard School Choice

Exemption

By March 31 of each year, the Board shall determine if the District is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. A District that determines it is subject to such an order or mandate may declare an exemption from the provisions of the School Choice Act of 2013 (the Act) codified at A.C.A. § 6-18-1901 et seq. If the District determines it is eligible for an exemption, it will notify the Arkansas Department of Education (ADE) by April 1 whether or not it will declare an exemption from the Act. If the District has previously declared an exemption from the Act and chooses to no longer exercise its exemption option, it shall notify the ADE by April 1 of the District's decision to participate in the school choice provisions of the Act. If the District chooses to exercise its exemption option, it should notify the superintendents of each of its geographically contiguous school districts of its decision. Each decision regarding exemption is binding for one-year from the date the District notifies the ADE of the declaration of exemption.¹

Definition:

For the purpose of this policy, "sibling" means each of two (2) or more children having a common parent in common by blood, adoption, marriage, or foster care.

School Choice Transfers Out of the District

The District shall date and time stamp all applications for school choice to transfer out of the District as they are received in the District's central office. By August 1, the District shall approve all such applications unless the approval would cause the District to have a net enrollment loss (students transferring out minus those transferring in) of more than three percent (3%) of the previous year's student enrollment. By June 1 of each year, the ADE shall determine and notify the District of the net number of allowable choice transfers. For the purpose of determining the three percent (3%) cap, siblings are counted as one student.

If, prior to August 1, the District receives sufficient copies of requests from its students to transfer to other districts to trigger the three percent (3%) cap, it shall notify each parent from which it has received a school choice application and the district the student applied to transfer to that it has tentatively reached the limitation cap. The District will use confirmations of approved choice applications from receiving districts to make a final determination of which applications it received that exceeded the limitation cap and notify each district that was the recipient of an application to that effect.²

Any applications for transfer out of the District that are denied due to the three percent (3%) limitation cap shall be given priority for a choice transfer the following year in the order in which the District received the original application.

4.5—SCHOOL CHOICE (Cont.)

School Choice Transfers Into the District

Capacity Determination and Public Pronouncement

The Board of Directors will adopt a resolution containing the capacity standards the District will use in determining whether to accept or deny a school choice application from another district's resident student. The resolution will contain the acceptance determination criteria identified by academic program, class, grade level, and individual school. The school is not obligated to add any teachers, other staff, or classrooms to accommodate choice applications. In determining the capacity of the District to accept choice applications, the Board of Directors shall consider the probable, locally generated growth in student enrollment based on recent District enrollment history.³

The District shall advertise in appropriate broadcast media and either print media or on the Internet to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline and the requirements and procedures for participation in the program. Such pronouncements shall be made in the spring, but in no case later than April 1.⁴

Application Process

The student's parent shall submit a school choice application on a form approved by the ADE to both the student's resident district and to this district which must be postmarked or hand delivered on or before the June 1 preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications as they are received in the District's central office. Applications postmarked or hand delivered on or after June 2 will not be accepted. Statutorily, preference is required to be given to siblings (as defined in this policy) of students who are already enrolled in the District. Therefore, siblings whose applications fit the capacity standards approved by the Board of Directors may be approved ahead of an otherwise qualified non-sibling applicant who submitted an earlier application as identified by the application's date and time stamp.

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

4.5—SCHOOL CHOICE (Cont.)

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

Accepted Applications

Applications which fit within the District's stated capacity standards shall be provisionally accepted, in writing, with the notification letter stating:

- A reasonable timeline by which the student shall enroll in the District by taking the steps detailed in the letter, including submission of all required documents. If the student fails to enroll within the stated timeline, or if all necessary steps to complete the enrollment are not taken, or examination of the documentation indicates the applicant does not meet the District's stated capacity standards, the acceptance shall be null and void.⁵
- Instructions for the renewal procedure for succeeding school years.⁶

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

A present or future sibling, as defined in this policy, of a student who continues enrollment in this District may enroll in the District until the sibling of the transfer student completes his/her secondary education. Applications of siblings of presently enrolled choice students are subject to the provisions of this policy including the capacity standards applicable to the year in which the sibling's application is considered by the District.

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

4.5—SCHOOL CHOICE (Cont.)

Rejected Applications

The District may reject an application for a transfer into the District under school choice if its acceptance would exceed the capacity standards specified by the Board of Director's resolution. However, the decision to accept or reject an application may not be based on the student's previous academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings other than a current expulsion.⁷

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

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

Facilities Distress Choice Applications

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

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

Students admitted under this policy shall be entitled to continued enrollment until they graduate or are no longer eligible for enrollment in the District's schools.⁶ Any student admitted to this district under the provisions of this policy who chooses to return to his/her resident district during the school year voids the transfer and must reapply for a school choice admission if desiring to return to this district in the future.

4.5—SCHOOL CHOICE (cont.)

Opportunity School Choice

Transfers Into or Within the District⁸

For the purposes of this section of the policy, a “lack of capacity”⁹ is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the ADE Rules for the Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for Opportunity School Choice, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

Unless there is a lack of capacity⁹ at the District’s school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student who is enrolled in or assigned to a school classified by the ADE to be in academic distress I is eligible to transfer to the school closest to the student’s legal residence that is not in academic distress. The student’s parent or guardian, or the student if over the age of eighteen (18), must successfully completed the necessary application process by July 30 preceding the initial year of desired enrollment.

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

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

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

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

4.5—SCHOOL CHOICE (cont.)

The District may provide transportation to and from the transferring district.¹¹

Transfers out of, or within, the District⁸

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

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.¹²

Notes: ¹ 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. If the district is subject to a desegregation order and chooses to exercise its exemption option, leave the paragraph in the policy, but delete the next to the last two sentences and add, "The district chooses to exercise its exemption option and it shall notify the superintendents of each of its geographically contiguous school districts of its decision. The exemption prohibits the District from accepting any Standard school choice applications from students wishing to transfer into the District as well as all applications from students wishing to transfer out of the District through Standard school choice " You will also need to delete all of the remaining portions of the policy except for those specific to Opportunity Choice (If your desegregation order prohibits transfers as governed by Opportunity choice, delete the suggested language in this regard).

This issue of exemption is complicated. The exemption language in Opportunity Choice (A.C.A. § 6-18-227(e)(2)) is different than that in A.C.A. § 6-18-1906(a) so that it is possible for your district to be exempt under 1906 and not under 227 or exempt under both. We advise districts claiming the exemption under 1906 to consult with their attorney about the applicability of 227 and its possible effects on the need to include its policy provisions in your final version of this policy.

4.5—SCHOOL CHOICE (cont.)

Note that the policy requires the resident district declaring itself exempt to notify its contiguous districts to that effect. This is not statutorily required, but 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.

If your district meets the provisions of this paragraph and chooses to participate in the choice program, leave the paragraph in the policy, but delete the next to the last two sentences and add, "The district chooses to participate in the Act and it shall notify the ADE of the District's decision to participate in the school choice provisions of the Act."

²The "shalls" used in this paragraph are not statutorily required (Act 1227 simply doesn't address the issue), but without notification to both the parent and the potential receiving district, there is no way for either one to know when the cap has been reached.

³For the Resolution, see Form 4.5F. As stated in the paragraph, the determination of capacity can be very specific. Districts that are really wanting choice students can choose to hold back no spots for growth even if the additional choice students requires adding staff. Once it's established, your application 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.

Districts that can hardly keep up with their locally generated growth can choose to strictly limit their choice slots. It should be helpful to districts that the timeline for determining acceptance is now August first rather than 30 days after the application is filed as was the case in the previous choice law. Board members note that 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.

⁴The 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.

⁵Consider 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 July 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.

4.5—SCHOOL CHOICE (cont.)

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 August 1 deadline.

⁶ Simply stating that the student will complete the renewal application, available at the student's administration office by XXX date is the cleanest way to meet the statute's requirement and allows the form to be amended as necessary without having to amend the policy. The renewal instructions are included in form 4.5F3.

⁷ You are required to hold a hearing 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. The student or his/her parents may appeal to the State Board a decision to deny admission

⁸ Only include "or within" if your district has more than one school with the same grade(s).

⁹ The capacity standards under "Opportunity Choice" are much stricter 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.

¹⁰ The student or his/her parents may appeal to the State Board a decision to deny admission.

¹¹ 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. At that time the statute states that the receiving district may choose to pay for the transportation.

¹² Opportunity Choice does not give you the option contained in Standard Choice of advertising on the Internet in place of print media.

4.5—SCHOOL CHOICE (cont.)

Legal References: A.C.A. § 6-1-106
A.C.A. § 6-15-430(b)
A.C.A. § 6-15-2103
A.C.A. § 6-18-227
A.C.A. § 6-18-510
A.C.A. § 6-18-1901 et seq.
A.C.A. § 6-21-812
A.C.A. § 6-18-20
A.C.A. § 6-18-51
ADE Rules Governing the Guidelines, Procedures and
Enforcement of the Arkansas Opportunity Public School
Choice
Act

Date Adopted: 07/25/2005

Last Revised: 07/24/2006; 04/07/2008; 10/27/2008; 06/12/2011; 07/27/2012;
01/24/2013; 05/20/13; 06/17/2013; 03/20/2014; 07/28/2014

Disclaimers and Clarifications

Acts 1227, 1334, and 1508 present quite a policy writing challenge and implementation of the laws and the policy present districts with similar challenges. There are many contradictory and unsettled issues contained in the acts that will need to be dealt with in the 2015 legislative session. The model policy has attempted to resolve, through policy, some of the problematic issues and we have used footnotes to try to better explain district options and requirements. While a lot of time and effort has gone into researching and writing the policy, it is always a possibility that as the realities of implementation occur, changes to the policy will need to be made. In addition to the policy, the following paragraphs discuss some of the issues involved and why we have, or have not, included policy language on them.

Act 1334 of 2013 (page 1, lines 33-35) seems, at least to ASBA, to provide that the choice applications for new student transfers out of the student's resident district which had been submitted and approved by the receiving district prior to April 16 (the date Act 1227 was signed into law) do NOT apply in the 3% cap determination. We have no authority to "authorize" our interpretation and barring ADE clarification of the issue through their emergency rules, we strongly suggest you consult your district's attorney on how to proceed with applications that could fall under the provisions of Act 1334.

There is the question of how comprehensive is a district's declaration of an exemption. Based on the exemption language contained in Act 1227 (Section 6-18-1906), we believe, and have included this position in the language in footnote #1 of the policy, that a district that declares it is exempt and won't participate in school choice cannot lose a students who are siblings of previously choiced students. The previously choiced students, however, get to continue their education in the non-resident district they have been attending.

There is the question of who has responsibility for student transportation depending on the trigger for the choice transfer. Page 10, lines 13-15 of Act 1227 put the responsibility on the student's parents. The academic and facilities distress triggers put the responsibility for the cost of the transportation on the resident district. (See A.C.A. 6-15-430(b)(2) and A.C.A. 6-21-812(b) respectively.) The question is whether the language in Act 1227 trumps the language in the distress statutes. We contend, and the policy reflects, that the distress statutes' language is not superseded by Act 1227.

While the resident district is required to approve all applications out of the district until such time as it has reached the 3% cap, the transfer isn't final until the receiving district approves the transfer. Consequently, the resident district's determination can't be "final" until August 1 which is the deadline for receiving districts to approve all applications. To help "firm up" the resident district's cap declaration, we strongly recommend, and have included this position in the policy's fifth footnote, that districts "provisionally" approve by July 1 transfer applications that meet the districts stated capacity standards. This gives the receiving district time to verify through the applicant's acceptance letter if the applicant truly meets the district's capacity standards.

There is no prohibition against a student applying to transfer to more than one district even though the student can only accept one transfer. There is also no prohibition against the student returning more than one acceptance letter. This complicates the receiving district's ability to determine its evolving capacity and the resident district's ability to know if, or when, it gets to the 3% cap. This is yet another reason for districts to provisionally accept or deny transfer applications.

4.5F--SCHOOL CHOICE CAPACITY RESOLUTION

Whereas:

- The Board of Directors of the **Flippin** School District has approved by a vote of the Board, the following capacity resolution for school choice applicants for the ____ school-year under the provisions of policy 4.5—SCHOOL CHOICE and applicable Arkansas law.
- Applicants, whose applications meet the provisions of policy 4.5—SCHOOL CHOICE, will be sent a provisional acceptance notification letter which will give instructions on the necessary steps and timelines to enroll in the District. Provisional acceptance shall be determined prior to July 1 with a final decision to be made by August 1 based on the district's available capacity for each academic program, class, grade level, and individual school.
- Applications that are not received on or before June 1, are to a student's resident district that has declared itself exempt due to an existing desegregation order, or, the acceptance of which would exceed the applicant's resident district's statutory limitation on student transfers out of its district will not be accepted.
- The district reserves to itself the ability to determine, based on an examination of student records obtained from the prior district, and other information, whether any student would require a different class, course or courses, program of instruction, or special services than originally applied for. If such an examination determines that capacity has been reached in the appropriate class, course or program of instruction, or that additional staff would have to be hired for the applicant, the District shall rescind the original provisional acceptance letter and deny the Choice transfer for that student.
- The district reserves to itself the ability to decline to accept under school choice any student, whose acceptance would require the district to add additional staff, for any reason.

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

Board President

Board Secretary

Date

Date

4.5F2--SCHOOL CHOICE PROVISIONAL ACCEPTANCE LETTER

Dear Parent's name,

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

1. For students applying to enroll in first grade or higher: a copy of the student's transcript from the school where the student is currently enrolled. The student's permanent record, including the original transcript, will be requested from the school immediately following the student's actual enrollment in our district.
2. Proof of the student's age; This can be a 1) birth certificate; 2) A statement by the local registrar or a county recorder certifying the child's date of birth; 3) An attested baptismal certificate; 4) A passport; 5) An affidavit of the date and place of birth by the child's parent or guardian; 6) United States military identification; or 7) Previous school records.
3. The student's health care needs at school.
4. Student's name age appropriate immunization record or an exemption granted for the previous school-year and a statement of whether or not the parent is intending to continue the exemption for the upcoming school year.

After reviewing the submitted documentation the District will determine if the applicant meets the District's capacity standards and notify you of its decision by insert date. Please note that the acceptance of an application can be reversed if it is determined that the application is in violation of student's name's resident district's limitation cap for available school choice transfers or if the resident district has reached its statutory cap for transfers out of its district.

Respectfully,

Insert name

Insert position/title

4.5F3--SCHOOL CHOICE ACCEPTANCE LETTER

Dear Parent's name,

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

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

Once your child has enrolled in school with us this coming school-year, student's name will be eligible to continue enrollment in the district until completing high school or is beyond the legal age of enrollment provided the student meets the applicable statutory and District policy requirements all other District students must meet (with the exception of residency in the District) to continue District enrollment. This information is contained in the student handbook. You will be required to fill out a choice renewal form each year by insert date which can be picked up in our district's central office located at insert address.

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

Respectfully,

Insert name

Insert position/title

4.5F4--SCHOOL CHOICE REJECTION LETTER

Dear Parent's name,

I am sorry, but the application you submitted for student's name has been rejected for the following reason(s).

____ Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under an enforceable desegregation order.

____ Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

____ Your child does not meet the openings identified for the coming school-year identified in the Board of Directors Resolution adopted on insert date.

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

____ Staff

____ Teachers

____ classroom(s)

____ the insert the name of the program, class, grade level, or school building's capacity

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

Respectfully,

Insert name

Insert position/title

4.6—HOME SCHOOLING

Parents or legal guardians desiring to provide a home school for their children must give written notice to the Superintendent of their intent to do so and sign a waiver acknowledging that the State of Arkansas is not liable for the education of their children during the time the parents choose to home school.

Notice shall be given:

1. At the beginning of each school year, but no later than August 15;
2. By December 15 for parents who decide to start home schooling at the beginning of the spring semester; or
3. Fourteen (14) calendar days prior to withdrawing the child (provided the student is not currently under disciplinary action for violation of any written school policy, including, but not limited to, excessive absences) and at the beginning of each school year thereafter.

The parents or legal guardians shall deliver written notice in person to the Superintendent the first time such notice is given and the notice must include:

1. The name, date of birth, grade level, and the name and address of the school last attended, if any;
2. The location of the home school;
3. The basic core curriculum to be offered;
4. The proposed schedule of instruction; and
5. The qualifications of the parent-teacher.

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

Legal References: A.C.A. § 6-15-503
 A.C.A. § 6-41-206

Date Adopted: 07/25/2005
Last Revised: 07/12/2011; 07/27/2012

4.7—ABSENCES

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

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

Excused Absences

Excused absences are those where the student was on official school business or when the absence was due to one of the following reasons and the student brings a written statement to the principal or designee upon his/her return to school from the parent or legal guardian stating such reason.

1. The student's illness or when attendance could jeopardize the health of other students. A maximum of six (6) such days are allowed per semester unless the condition(s) causing such absences is of a chronic or recurring nature, is medically documented, and approved by the principal. ¹
2. Death or serious illness in their immediate family; ²
3. Observance of recognized holidays observed by their faith;
4. Attendance at an appointment with a government agency;
5. Attendance at a medical appointment;
6. Exceptional circumstances with prior approval of the principal; or
7. Participation in an FFA, FCCLA, or 4-H sanctioned activity.
8. Participation in the election poll workers program for high school students.
9. Absences granted to allow a student to visit his/her parent or legal guardian who is a member of the military and been called to active duty, is on leave from active duty, or has returned from deployment to a combat zone or combat support posting. The number of additional excused absences shall be at the discretion of the superintendent or designee.

4.7—ABSENCES (cont.)

10. Absences granted, at the Superintendent's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in eleventh grade to complete basic combat training between grades eleven (11) and (12).

Students who serve as pages for a member of the General Assembly shall be considered on instructional assignment and shall not be considered absent from school for the day the student is serving as a page.³

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

Unexcused Absences

Absences not defined above or not having an accompanying note from the parent or legal guardian, presented in the timeline required by this policy, shall be considered as unexcused absences. Students with thirteen (13)⁴ unexcused absences in a course in a semester shall not receive credit for that course. At the discretion of the principal after consultation with persons having knowledge of the circumstances of the unexcused absences, the student may be denied promotion or graduation. Excessive absences shall not be a reason for expulsion or dismissal of a student.

When a student has six (6)⁴ unexcused absences, his/her parents, guardians, or persons in loco parentis shall be notified.⁵ 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 twelve (12)⁴ unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, guardian, or persons in loco parentis shall be subject to a civil penalty as prescribed by law.³

At any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or his/her parent, guardian, or person in loco parentis may petition the school or district's administration for special arrangements to address the student's unexcused absences. If formal arrangements are granted, they shall be formalized into a written agreement which will include the conditions of the agreement and the consequences for failing to fulfill the agreement's requirements. The agreement shall be signed by the student, the student's parent, guardian, or person in loco parentis, and the school or district administrator or designee.⁶

Students who attend in-school suspension shall not be counted absent for those days.⁷ Days missed due to expulsion or out-of-school suspension shall be unexcused absences.⁷

4.7—ABSENCES (cont.)

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 code.

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.

Commissioner's Memo 12-013 concludes with, "...a district may distinguish between excused and unexcused absences in its policy for all other purposes. These could include, without limitation, discipline, homework or test makeup, extracurricular participation, etc." While we don't advise incorporating separate "absence" language for these considerations due to the potential for confusing students, parents, teachers, and bookkeepers, it is certainly true that language could be added to the policy to address discipline, homework or test makeup. Make sure to align any language you add to this policy with Policy 4.8—MAKE-UP WORK. The first sentence in "Additional Absences" covers extra-curricular participation so unless you choose to make eligibility for such participation contingent upon "absences" in general, we don't think it applies to this policy. If you do choose to tie extracurricular eligibility to absences, be sure to align policies 5.19 and 5.19.1 to the language you insert in this policy.

A.C.A. § 6-18-222(a)(1)(i) **requires** you choose a number, but states that the number **may** be used to determine denial of course credit, promotion, or graduation. This is a fine line within the statute that gives you the option to personalize. Since absences are often not for an entire day, we chose to make it apply to individual courses and then use multiple denials as a possible denial of promotion or graduation. Any changes you choose to make to this paragraph should align with the first sentence of the policy's following paragraph which is specific statutory language.

You can choose to amend #5 or #6 and/or you can add additional entries that could serve to expand the school administration's powers to deal with individual absences. For example, the principal or designee could have the power to determine whether an absence counts as an "additional" absence or toward the permitted number of absences.

Cross References:

- 4.8—MAKE-UP WORK
- 4.30—SUSPENSION FROM SCHOOL
- 5.19—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS
- 5.19.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY

4.7—ABSENCES (cont.)

Legal References: A.C.A. § 6-18-209;
 A.C.A. § 6-18-220;
 A.C.A. § 6-18-222
 A.C.A. § 6-18-229;
 A.C.A. § 6-27-113;
 A.C.A. § 27-16-701

Date Adopted: 07/25/2005

Last Revised: 10/27/2008; 11/23/2009; 4/26/2010; 2/25/2011; 06/27/2011; 07/27/2012; 6/17/2013;
6/24/2013

4.8—MAKE-UP WORK

Students who miss school due to an absence shall be allowed to make up the work they missed during their absence under the following rules.

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

4.8—MAKE-UP WORK (cont.)

Work may not be made up for credit for absences in excess of the number of allowable absences in a semester **unless** the absences are part of a signed agreement as permitted by policy 4.7—ABSENCES.⁴

Cross Reference: 4.7—ABSENCES

Date Adopted: 07/25/2005

Last Revised: 06/27/2011

4.9—TARDIES

Promptness is an important character trait that District staff is to encouraged to model and help develop in our schools' students. At the same time, promptness is the responsibility of each student. Students who are late to class show a disregard for both the teacher and their classmates which compromises potential student achievement.

Refer to student handbook for each respective school.

Date Adopted: 07/25/2005

4.10—CLOSED CAMPUS

All schools in the District shall operate closed campuses with the exception of students participating in the Arkansas Department of Education School of Innovation. Students are required to stay on campus from their arrival until dismissal at the end of the regular school day unless given permission to leave the campus by a school official. Students must sign out in the office upon their departure.

Date Adopted: 07/25/2005

Last Revised: 07/27/2012; 6/28/2014

4.11—EQUAL EDUCATIONAL OPPORTUNITY

No student in the Flippin School District shall, on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participation in, or denied the benefits of, or subjected to discrimination under any educational program or activity sponsored by the District.

Date Adopted: 07/25/2005

4.12—STUDENT ORGANIZATIONS/EQUAL ACCESS

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

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

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

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

4.12—STUDENT ORGANIZATIONS/EQUAL ACCESS (CONT.)

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

Date Adopted:

Last Revised: 4/26/2010; 6/27/2011

4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION

Except when a court order regarding a student has been presented to the district to the contrary, all students' education records are available for inspection and copying by the parents of any student who is under the age of eighteen (18). At the age of eighteen (18), the right to inspect and copy a student's records transfers to the student. A student's parent or the student, if over the age of 18, requesting to review the student's education records will be allowed to do so within no more than forty five (45) days¹ of the request. The district forwards education records, including disciplinary records, to schools that have requested them and in which the student seeks or intends to enroll , or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

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

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

4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION (cont.)

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

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

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

When deciding whether to release PII in a health or safety emergency, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.²

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

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

4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION (cont.)

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

Unless the parent or guardian of a student (or student, if above the age of eighteen [18]) objects, directory information about a student may be made available to the public, military recruiters, post secondary educational institutions, prospective employers of those students, as well as school publications such as annual yearbooks and graduation announcements.

"Directory information" includes, but is not limited to, a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, dates of attendance, his/her placement on the honor role (or the receipt of other types of honors), as well as his/her participation in school clubs and extracurricular activities, among others.

If the student participates in inherently public activities (for example, basketball, football, or other interscholastic activities), the publication of such information will be beyond the control of the District. A student's name and photograph will only be displayed on the district or school's web page(s) after receiving written permission from the student's parent or student if over the age of 18. "Directory information" also includes a student identification (ID) number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems and a student ID number or other unique personal identifier that is displayed on a student's ID badge, provided the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user,

The right to opt out of the disclosure of directory information under FERPA does not prevent the District from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled.⁶

4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION (cont.)

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

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

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

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

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

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

Legal Reference: A.C.A. § 9-29-113(b)(6)
20 U.S.C. § 1232g
20 U.S.C. § 7908 (NCLB Section 9528)

4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION (cont.)

34 CFR 99.3, 99.7, 99.31, 99.21, 99.22, 99.30, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37, 99.63, 99.64

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

Date Adopted: 07/25/5005

Last Revised: 07/24/2006; 11/23/2009; 6/27/2011; 07/27/2012

4.13F—OBJECTION TO PUBLICATION OF DIRECTORY INFORMATION (Not to be filed if the parent/student has no objection)

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

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

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

**4.13F—OBJECTION TO PUBLICATION OF DIRECTORY
INFORMATION (Not to be filed if the parent/student has no
objection)**

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

Deny disclosure to military recruiters _____

Deny disclosure to Institutions of postsecondary education _____

Deny disclosure to Potential employers _____

Deny disclosure to all public and school sources _____

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

Deny disclosure to all public sources _____

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

Name of student (Printed)

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

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

Revised: 07/24/2006; 6/27/2011; 07/27/2012

4.14—STUDENT PUBLICATIONS AND THE DISTRIBUTION OF LITERATURE

Student Publications

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

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

Student Publications on School Web Pages

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

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

4.14—STUDENT PUBLICATIONS AND THE DISTRIBUTION OF LITERATURE (cont.)

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

Non-school Publications

School authorities* shall review nonschool publications prior to their distribution and will bar from distribution those 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 disruption will likely result from the distribution.

Distribution of Literature

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

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 literature;
3. Allow no interference with classes or school activities;
4. Specify times and places where distribution may and may not occur; and
5. Not inhibit a person's right to accept or reject any literature distributed in accordance with the regulations.

The Superintendent, along with the student publications advisors, shall develop administrative regulations for the implementation of this policy. The regulations shall include definitions of terms and timelines for the review of materials.

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: 07/25/2005
Last Revised: 10/27/2008

4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL

CONTACT BY PARENTS

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

CONTACT BY NON-CUSTODIAL PARENTS

If there is any question concerning the legal custody of the student, the custodial parent shall present documentation to the principal or his/her designee establishing the parent's custody of the student. It shall be the responsibility of the custodial parent to make any court ordered "no contact" or other restrictions regarding the non-custodial parent known to the principal by presenting a copy of a file-marked court order. Without such a court order on file, the school will release the child to either of his/her parents. Non-custodial parents who file with the principal a date-stamped copy of current court orders granting visitation may eat lunch, volunteer in their child's classroom, or otherwise have contact with their child during school hours and the prior approval of the school's principal. Such contact is subject to the limitations outlined in Policy 4.16, Policy 6.5, and any other policies that may apply.

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

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

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

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

4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL (cont.)

an investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or an investigator or employee of the Department of Human Services.

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

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

Date Adopted: 07/25/2005

Last Revised: 06/27/2011

4.16—STUDENT VISITORS

The board strongly believes that the purpose of school is for learning. Social visitors, generally, disrupt the classroom and interfere with learning that should be taking place. Student visitation is not allowed at the high school level.

Cross References: For adult visits see Policies 4.15 & 6.5

Date Adopted: 07/25/2005

4.17—STUDENT DISCIPLINE

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

The Flippin School Board has adopted as policy the Assertive Discipline Program. The Assertive Discipline program promotes informing students and parents of rules and regulations in general and the consequences if they choose to disregard the rules. The contention being, the student has the choice of abiding and conforming to the rules. If they do not follow the rules, then they will suffer the consequences. See individual school sections as to consequences per grade level. Students will be encouraged to display appropriate behavior through praise, individual recognition, and small rewards. The Assertive Discipline Program encourages staff members to concentrate on positive behavior in all aspects of the educational process.

The main idea of the Assertive Discipline Program is to give the teacher more time to teach without the interruption for discipline and to place the burden of correction on the student. The parents will also play a large role in the discipline of the student, since one of the consequences includes parent contact at a certain point in each teacher's discipline plan. See respective handbooks pertaining to individual school procedures. Disciplinary consequences range from a minimum of student conference to a maximum of expulsion from School for students enrolled in Flippin Elementary School. Disciplinary consequences for students enrolled in Flippin Middle School and Flippin High School range from a minimum of a student conference to the maximum of expulsion from school.

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

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

4.17—STUDENT DISCIPLINE (cont.)

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

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

REMOVAL BY A TEACHER

A teacher may remove a student from class and send that student to the principal. If a teacher removes a student from class twice in any nine week grading period, the principal may not return the student to the teacher's class until a parent conference has been held. (Act 1281 of 1999, 6-18-511).

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

Date Adopted: 07/25/2005;
Last Revised: 07/27/2012; 1/24/2013; 7/28/2014

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. Any misuse of an electronic device will result in disciplinary actions;
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student;
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, "throwing signs" or other gestures associated with gangs are prohibited;
21. Sexual harassment; and
22. Bullying.

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

4.18—PROHIBITED CONDUCT (cont.)

DRUG SCREENING *(For students who participate in affected interscholastic activities)*

PURPOSE

- a. Emphasize concerns for the health of students in areas of safety while participating in activities and the long-term physical and emotional effects of chemical use on their health.
- b. Work with the parents to assist in keeping their children free of mood-altering chemicals.
- c. Promote a sense of order and discipline among students.
- d. Confirm and support existing state laws which restrain the use of such mood-altering chemicals.
- e. Establish standards of conduct for those students who are leaders and standard-bearers among their peers.
- f. Assist students who desire to resist peer pressure that directs them toward the use of mood-altering chemicals.
- g. Assist students who should be referred for assistance or evaluation regarding their use of mood-altering chemicals.

CONSEQUENCES FOR A POSITIVE TEST

1. Results will be sent to the school principal. The principal will share the results with the superintendent and appropriate sponsors. The parent and student will be notified of a positive test by the principal and sponsor.
2. The sponsor and principal will communicate with the parents and counsel with the student.
3. Recommended drug counseling.
4. A 20 day probationary period, no participation in any co-curricular activity.
5. Re-test at the end of 20 days at the student's expense.
6. Notification of local police authorities of a positive drug test
7. At the end of the 20 day probation if the re-test is positive or if a second positive test occurs during the school year:
 - a. Three (3) day out of school suspension.
 - b. Possible recommendation for an alternative setting.
 - c. Elimination from all co-curricular activities for the remainder of the school year.

Exception: Steroids or similar chemicals could take more than twenty days to leave a student's system. In this case a doctor's written opinion is requested and is at the student's expense.

SUBSTANCES SCREENED

1. Amphetamines
2. Barbiturates
3. Benzodiazepines
4. Cocaine
5. Methaqualone
6. Opiates
7. PCP
8. THC (Cannabinoids)
9. Ethyl Alcohol

4.18—PROHIBITED CONDUCT (cont.)

SELECTION METHOD

1. At the beginning of the school year and to be completed prior to the end of the first quarter, twenty percent of the affected students will be randomly chosen for drug screening. Sampling will be done each quarter of the school year. Twenty percent of the affected students will be tested each quarter unless there are no positive tests the prior quarter and the percentage will be reduced by five percent for the next quarter. Each school year this procedure will begin at the twenty percent level.
2. The random selection process is done by the drug testing company.
3. Exception: A single test can be requested by a group sponsor for reasonable suspicion.

PROCESSING TESTS

1. Random sampling of urine will be taken and tested by a contracted company.
2. Exception: A collection of urine will be taken by the school nurse and tested by a contracted company.

GROUPS TO BE TESTED GRADES 7-12

1. Basketball players
2. Baseball players
3. Softball players
4. Golf team players
5. Band members
6. Cheerleaders
7. Volleyball players
8. Track team members
9. Soccer players
10. Bowling team members

Legal References: A.C.A. § 6-18-502
 A.C.A. § 6-18-707
 A.C.A. § 6-15-1005
 A.C.A. § 6-21-609
 A.C.A. § 6-18-506
 A.C.A. § 6-18-222
 A.C.A. § 6-5-201
 A.C.A. § 6-18-514

4.18—PROHIBITED CONDUCT (cont.)

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 #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 #19— Policy # 4.12
 Prohibited Conduct #20— Policy # 4.26
 Prohibited Conduct # 21—Policy # 4.27
 Prohibited Conduct # 22— Policy # 4.43

Date Adopted: 07/25/05

Date Revised: 07/24/06; 11/23/09; 04-26-2010; 07/27/12; 7/28/2014

4.19—CONDUCT TO AND FROM SCHOOL AND TRANSPORTATION ELIGIBILITY

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

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

Students are eligible to receive district bus transportation if they live too great a distance to walk.

Legal Reference: 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: 07/25/2005

Date Revised: 07/24/2006

4.20—DISRUPTION OF SCHOOL

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

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

Legal Reference: A.C.A. § 6-18-511

Date Adopted: 07/25/2005

Last Revised: 07/24/2006

4.19 & 4.20

4.21—STUDENT ASSAULT OR BATTERY

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

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

- a) cause a breach of the peace;
- b) materially and substantially interfere with the operation of the school;
- c) arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation. Students guilty of such an offense may be subject to legal proceedings in addition to student disciplinary measures.

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

Date Adopted: 07/25/2005

4.22—WEAPONS AND DANGEROUS INSTRUMENTS

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

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

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

Except as permitted in this policy, students found to be in possession on the school campus of a firearm¹ shall be recommended for expulsion for a period of not less than one year. The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis.¹ Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property.² Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by the district that include the use of firearms. Such activities may include ROTC programs, hunting safety or military education, or before or after-school hunting or rifle clubs.

4.22—WEAPONS AND DANGEROUS INSTRUMENTS (cont.)

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: The changes made to this policy were triggered by the research resulting from the passage of Act 7446 of 2013. One of the results is an awareness that A.C.A. § 5-73-119 trumps the more lenient US DOE Guidelines. The net result is that the leniency provisions of the policy for students who inadvertently bring a firearm to school has been deleted.

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

- (1) is in compliance with the State law requiring the one-year expulsion; and
- (2) a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:

- (A) the name of the school concerned;
- (B) the number of students expelled from the school; and
- (C) the type of firearms concerned.

This requirement applies even in the instances where the district exercised its option to modify the expulsion requirement on a case-by-case basis. The DOE Guidance on the Gun Free Schools Act prohibits the use of the case-by-case option to avoid “over-all compliance with the one-year expulsion requirement.”

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

Cross Reference: Policy 4.31—EXPULSION

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

Date Adopted: 7/25/2005

Last Revised: 4/26/2010; 1/24/2013; 6/17/2013

5-27-210. Parental responsibility for student's firearm possession.

(a) As used in this section:

(1) "Firearm" means:

(A) Any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable; or

(B) Components that can readily be assembled into a device described in subdivision (a)(1)(A) of this section; and

(2) "Parent" means a parent, stepparent, legal guardian, or person in loco parentis or who has legal custody of a student pursuant to a court order and with whom the student resides.

(b) A parent of a minor is guilty of a Class B misdemeanor if:

(1) The parent knows that the minor is in illegal possession of a firearm in or upon:

(A) The premises of a public or private school;

(B) A public or private school's athletic stadium or other facility or building in which school-sponsored events are conducted; or

(C) A public park, playground, or civic center; and

(2) The parent fails to:

(A) Prevent the illegal possession; or

(B) Report the illegal possession to an appropriate school or law enforcement official.

History. Acts 1999, No. 1149, §§ 1, 2.

4.23—TOBACCO AND TOBACCO PRODUCTS

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by a District school, including school buses owned or leased by the District, is prohibited. Students who violate this policy may be subject to legal proceedings in addition to student disciplinary measures.

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

Note: The statute requires the statute's posting "...in a conspicuous location at every entrance to each building owned or leased by a public school district and every school bus used to transport students"

Legal Reference: A.C.A. § 6-21-609

Date Adopted: 07/25/2005; 2/25/2011; 06/27/2011; 6/17/2013

4.23

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

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

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

Date Adopted: 07/25/2005; 07/27/2012

4.25—STUDENT DRESS AND GROOMING

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

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

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

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

Date Adopted: 07/25/2005; 06/27/2011

4.24 & 4.25

4.26—GANGS AND GANG ACTIVITY

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

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

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

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

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

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

Date Adopted: 07/25/2005; 4/26/2010; 6/27/2011
Last Revised: 2/25/2011

4.27—STUDENT SEXUAL HARASSMENT

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

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

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

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

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

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

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

4.27—STUDENT SEXUAL HARASSMENT (cont.)

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

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

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

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

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

Date Adopted: 07/25/2005
Date Revised: 05/13/2011; 6/27/2011

4.28—LASER POINTERS

Students shall not possess any hand held laser pointer while in school; on or about school property, before or after school; in attendance at school or any school-sponsored activity; en route to or from school or any school-sponsored activity; off the school grounds at any school bus stop or at any school-sponsored activity or event. School personnel shall seize any laser pointer from the student possessing it and the student may reclaim it at the close of the school year, or when the student is no longer enrolled in the District.

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

Date Adopted: 07/25/2005

4.29—INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY

Definition

For the purposes of this policy, "electronic device" means anything that can be used to transmit or capture images, sound, or data.

The District makes electronic device(s) and/or electronic device Internet access available to students, to permit students to perform research and to allow students to learn how to use electronic device technology. Use of district electronic devices is for educational and/or instructional purposes only. Student use of electronic device(s) shall only be as directed or assigned by staff or teachers; students are advised that they enjoy no expectation of privacy in any aspect of their electronic device use, including email, and that monitoring of student electronic device use is continuous.

No student will be granted Internet access until and unless an Internet and electronic device use agreement, signed by both the student and the parent or legal guardian (if the student is under the age of eighteen [18]) is on file. The current version of the Internet and electronic device use agreement is incorporated by reference into board policy and is considered part of the student handbook.

Technology Protection Measures

The District is dedicated to protecting students from materials on the Internet or world wide web that are inappropriate, obscene, or otherwise harmful to minors; therefore, it is the policy of the District to protect each electronic device with Internet filtering software that is designed to prevent students from accessing such materials. For purposes of this policy, "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

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

Internet Use and Safety

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

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

4.29— INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY (cont.)

Misuse of Internet

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

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

Notes: ¹The FCC's Rules have been amended to align with the statute's provision which allow local determination of what material is harmful to minors. 47 CFR 54.520(c)(4) states: "Local determination of content. A determination regarding matter inappropriate for minors shall be made by the school board, local educational agency, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may establish criteria for making such determination; review the determination made by the certifying school, school board, school district, local educational agency, library, or other authority; or consider the criteria employed by the certifying school, school board, school district, local educational agency, library, or other authority in the administration of the schools and libraries universal service support mechanism." Therefore, districts must decide on their definition of "harmful to minors." The definition included in the policy is that which is used in the law and Code of Regulations. You may, but you do not have to, change it.

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

4.29— INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY (cont.)

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

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

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

Date Adopted: 07/25/2005

Last Revised: 11/23/2009; 07/27/2012; 7/28/2014

FLIPPIN SCHOOL DISTRICT iPad USER ACCEPTANCE POLICY

Requirements

Required Personal Email and Apple ID

In order to use the iPad to its full potential, students will need to create a personal email account, if they do not already have an existing email account, such as gmail, yahoo, and/or hotmail. Once the personal e-mail is set up, it must be binded with an Apple ID. The Apple ID can be setup without a credit card. Once the email is established, students can begin to download free applications, personal paid applications, and school provided applications.

Setting up a personal email account and Apple ID prior to the new school year will allow students to begin using their device on the first day of the new school year.

Receiving the Device

Devices will be distributed once the parent and student have both reviewed and signed the Flippin School District iPad Acceptance Use Policy and Optional Insurance Coverage Form.

Returning the Device

Devices will be returned during the final week of school. Seniors will return their device the week prior to graduation. In the event a student graduates early, withdraws, or is expelled from Flippin School District before the end of the school year, the device will be returned at that time.

Failing to Return Device

Devices and accessories must be returned at the end of each school year. A student failing to return the device and accessories at the end of the year, or prior to his/her departure from Flippin School District, may be subjected to criminal prosecution or civil liability. A theft report will be filed with the local authorities if a school owned device is not returned.

Device Identification

Devices provided by Flippin School District are uniquely identified, labeled, and case protected. Devices issued to each student will be assigned a unique identification for administrative purposes.

Device Inspection

Flippin School District will respect the privacy of the student's use of the device and will not track daily use at school or home unless deemed necessary. Students will make the device and device accessories available to Flippin School District faculty for necessary inspection, physical maintenance, and software maintenance.

Device Care and Responsibilities

- Do not remove the school provided case
- Handle the device with care while using the device in the classroom and transporting device between the school and home
- Insert charging cables carefully to avoid damage
- Clean device with a soft cloth to prevent scratches and damages
- Do not clean the device with cleansing liquids
- Do not leave the device in any unsupervised area
- Fully charge the device before arriving to Flippin School District each school day
- Students who fail to bring device to school will be required to complete class assignments without the device

General Precautions

- To avoid pressure damaging, do not lean on device
- Do not place heavy objects on the device
- Do not leave your device in a dirty area. Dirt and dust can accumulate on and underneath the device, causing damage.
-

School Provided Software and Content

Flippin School District will provide the necessary applications for students to create, edit, and publish content for course materials and assignments.

Personal Software and Content

Flippin School District allows students to download personal software and content via the portal provided on the device. Flippin School District does not allow students to Alter the integrity of the school provided device with illegal software. Downloading Illegal software to the device, also referred to as "Jailbreaking" or hacking, will result in disciplinary action.

Repairs

Students and parents are responsible for any damages incurred on the school provided device. Flippin School District's Technology Department will perform repairs on the school provided device.

Loss/Theft/Criminal Acts

Parents and students are required to file a police report in the event that a school provided device is stolen or vandalized. Copies of this report must also be provided to Flippin School District. Once a copy of the report has been given to Flippin School District, a student may be issued another device.

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. 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;

4.29F—STUDENT ELECTRONIC DEVICE and INTERNET USE AGREEMENT (cont.)

- 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. 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.
- 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.

4.29F—STUDENT ELECTRONIC DEVICE and INTERNET USE AGREEMENT (cont.)

The Student and the parent/guardian agree that the district may monitor the Student's use of the District's Internet Access and may also examine all system activities the Student participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system. The District may share such transmissions with the Student's parents/guardians.

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

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

Student's Signature: _____ Date _____

Parent/Legal Guardian
Signature: _____ Date _____

4.30—SUSPENSION FROM SCHOOL

Students 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,^{*1} including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs: at any time on the school grounds; off school grounds at a school-sponsored function, activity, or event; going to and from school or a school activity. A student may be suspended for behavior including, but not limited to that which:

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

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

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

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

4.30—SUSPENSION FROM SCHOOL (cont.)

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

It is the parents' or legal guardians' responsibility to provide current contact information to the district which the school shall use to immediately notify the parent or legal guardian upon the suspension of a student.

The notification shall be by one of the following means, listed in order of priority:²

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

The district shall keep a log of contacts attempted and made to the parent or legal guardian.

During the period of their suspension, students serving out -of-school suspensions shall not be permitted on campus except to attend a student/parent/administrator conference.

During the period of their suspension, students serving in -school suspension shall be treated as if the student was present at school. The student shall not attend any school-sponsored activities during the imposed suspension nor shall the student participate in any school-sponsored activities.

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: ² Act 159 of 2007 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.

Cross Reference: 4.7—ABSENCES

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

Date Adopted: 07/25/2005

Last Revised: 04/07/2008

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, or 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.

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

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

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

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

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of not less than one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis.

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

4.31—EXPULSION (cont.)

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.

Legal Reference: A.C.A. § 6-18-507
 The current law governing parental responsibility is A.C.A. § 5-27-210

Cross Reference: Policy 4.22 – WEAPONS AND DANGEROUS INSTRUMENTS

Date Adopted: 07/25/2005

Last Revised: 10/27/2008

4.32—SEARCH, SEIZURE, AND INTERROGATIONS

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

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

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

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

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

If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to contact the student's parent, legal guardian, or other person having lawful control by court order, or person acting in loco parentis on student enrollment forms.

4.32—SEARCH, SEIZURE, AND INTERROGATIONS (cont.)

The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or an investigator or employee of the Department of Human Services.

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

Legal Reference: 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: 9/6/2006

Last Revised: 7/24/2006; 06/27/2011

4.33—STUDENTS' VEHICLES

A student who has presented a valid driver's license and proof of insurance to the appropriate office personnel, may drive his/her vehicle to school. Vehicles driven to school shall be parked in the area designated for student parking. . Parking on school property is a privilege which may be denied to a student for any disciplinary violation, at the discretion of the student's building principal.

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

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

Date Adopted: 07/25/2005

Last Revised: 10/27/2008; 07/27/2012

4.34—COMMUNICABLE DISEASES AND PARASITES

Students with communicable diseases or with human host parasites that are transmittable in a school environment shall demonstrate respect for other students by not attending school while they are capable of transmitting their condition to others. Students whom the school nurse determines are unwell or unfit for school attendance or who are believed to have a communicable disease or condition will be required to be picked up by their parent or guardian. Specific examples include, but are not limited to: chicken pox, measles, scabies, conjunctivitis (Pink Eye), impetigo/MRSA (Methicillin-resistant *Staphylococcus aureus*), streptococcal and staphylococcal infections, ringworm, mononucleosis, Hepatitis B or C, mumps, vomiting, diarrhea, and fever (100.4 F when taken orally). A student who has been sent home by the school nurse will be subsequently readmitted, at the discretion of the school nurse, when the student is no longer a transmission risk. In some instances, a letter from a health care provider may be required prior to the student being readmitted to the school.

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

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

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

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

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

4.34—COMMUNICABLE DISEASES AND PARASITES (cont.)

Cross References: 4.2—ENTRANCE REQUIREMENTS
4.13—PRIVACY OF STUDENTS' RECORDS/
DIRECTORY INFORMATION

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

Date Adopted: 07/25/2005; 07/27/2012; 1/24/2013

4.35—STUDENT MEDICATIONS

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

Unless authorized to self-administer, students are not allowed to carry any medications including over-the-counter medications or any perceived health remedy not regulated by the US Food and Drug Administration while at school. The parent or legal guardian shall bring the student's medication to the school nurse. The student may bring the medication if accompanied by a written authorization from the parent or legal guardian. When medications are brought to the school nurse, the nurse shall document, in the presence of the parent, the quantity and type 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 and type of the medication(s).

Medications, including those for self-medication, must be in the original container and be properly labeled with the student's name, the ordering health care 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 with an individualized health plan (IHP) may be given over-the-counter medications to the extent giving such medications are included in the student's IHP.

The only Schedule II medications that shall be allowed to be brought to the school are methylphenidate (Ritalin) and amphetamine sulfate (Adderall).¹ To help ensure their safe keeping, any such medications brought to the school nurse shall be stored in a double locked cabinet.

For the student's safety, no student will be allowed to attend school if the student is currently taking any other Schedule II medication than permitted by this policy. Students who are taking Schedule II medications which are not allowed to be brought to school shall be eligible for homebound instruction if provided for in their IEP and 504 plans.²

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

Students who have written permission from their parent or guardian and a licensed health care provider to self-administer either an rescue inhaler or auto-injectable epinephrine, or both and who have a current consent form on file shall be allowed to carry and self-administer such medication while in school, at

4.35—STUDENT MEDICATIONS (cont.)

an on-site school sponsored activity, while traveling to or from school, or at an off-site school sponsored activity. Students are prohibited from sharing, transferring, or in any way diverting his/her medications to any other person. The fact that a student with a completed consent form on file is allowed to carry an rescue inhaler or auto-injectable epinephrine, or both does not require him/her to have such on his/her person.

The parent or guardian of a student who qualifies under this policy to self-carry a rescue inhaler or auto-injectable epinephrine, or both on his/her person shall provide the school with the appropriate medication which shall be immediately available to the student in an emergency.

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

1. an IHP developed under Section 504 of the Rehabilitation Act of 1973 which provides for the administration of Glucagon in emergency situations; and
2. a current, valid consent form on file from their parent or guardian.

Emergency Administration of Epinephrine

The school nurse or other school employees designated by the school nurse as a care provider who have been trained¹ and certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP developed under Section 504 of the Rehabilitation Act of 1973 which provides for the administration of an epinephrine auto-injector in emergency situations.

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

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

4.35—STUDENT MEDICATIONS (cont.)

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 trained¹ and certified by a licensed physician may administer auto-injector epinephrine to those students who the school nurse, or other school employee certified to administer auto-injector epinephrine, in good faith professionally believes is having a life-threatening anaphylactic reaction.

The school shall not keep outdated medications or any medications past the end of the school year. By this policy, parents are notified that ten (10) days after the last day of school, all medications will be disposed of that are left at the school. 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 ²

Note: A.C.A. § 17-87-103 (11) as amended by Act 1232 of 2013 provides for Glucagon administration to students suffering from diabetes. It deals solely with the administration of Glucagon by school nurses, the training requirements for “volunteer school personnel,” and the exemption from liability of the nurses or trained volunteer school personnel resulting from his or her actions or inactions. Districts are not under any obligation to “recruit” volunteers and 4.06 of the Rules explicitly states that no employee shall be pressured into volunteering.

¹ Arkansas Children's Hospital, The University of Arkansas Medical System, the Department of Health, and ADE are currently developing a training that would meet the statute's and this policy's certification requirements.

² 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.

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" in the final version. The footnote numbers relate to the language contained within the specific option.

Option One

¹ 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, dextroamphetamine (Dexedrine), dronabinol, secobarbital, and fentanyl.

4.35—STUDENT MEDICATIONS (cont.)

² If a student has surgery or is in an accident resulting in the student needing to take Schedule II medication, a 504 plan can be developed to last for the duration of the student's recovery. The plan could include homebound instruction.

Option Two

¹ 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.

² The specific authorization should be provided on the doctor's letterhead along with the completed Medication Administration Consent Form (4.35F) .

³ 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.

Legal References: Ark. State Board of Nursing: School Nurse Roles and Responsibilities
Arkansas Department of Education and Arkansas State Board of Nursing Rules Governing the Administration of Glucagon to Arkansas Public School Students Suffering from Type I Diabetes
A.C.A. § 6-18-707
A.C.A. § 6-18-1005(a)(6)
A.C.A. § 17-87-103 (11)

Date Adopted: 07/25/2005

Date Revised: 07/24/2006; 6/27/2011; 07/27/2012; 1/24/2013; 6/24/2013

4.35 F—MEDICATION ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

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

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

I hereby authorize the school nurse or his/her designee to administer the following medications to my child.

Name(s) of medication(s):

Name of physician or dentist (if applicable): _____

Dosage: _____

Instructions for administering the medication: _____

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 medications in accordance with this consent form.

Parent or legal guardian signature: _____

Date _____

Date Adopted: 07/25/2005

Last Revised: 6/17/2013

4.35F3—GLUCAGON ADMINISTRATION AND CARRY CONSENT FORM

Student's Name (Please Print)

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

The school has developed a Section 504 plan acknowledging that my child has been diagnosed as suffering from Type I diabetes. The 504 plan authorizes the school nurse or, in the absence of the nurse, trained volunteer district personnel, to administer Glucagon in an emergency situation to my child.

I hereby authorize the school nurse or, in the absence of the nurse, trained volunteer district personnel designated as care providers, to administer Glucagon to my child in an emergency situation. Glucagon shall be supplied to the school nurse 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.

I acknowledge that the District, its Board of Directors, its employees, or an agent of the District, including a healthcare professional who trained volunteer school personnel designated as care providers shall not be liable for any damages resulting from his/her actions or inactions in the administration of Glucagon in accordance with this consent form and the 504 plan.

Parent or legal guardian signature _____

Date _____

Date Adopted:

Last Revised: 07/27/2012; 6/17/2013

4.35F4—EPINEPHRINE EMERGENCY ADMINISTRATION CONSENT FORM

Student's Name (Please Print) _____

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

My child has an IHP developed under Section 504 of the Rehabilitation Act of 1973 which 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 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: 6/24/2013

Last Revised

4.36—STUDENT ILLNESS/ACCIDENT

If a student becomes too ill to remain in class and/or could be contagious to other students, the principal or designee will attempt to notify the student's parent or legal guardian. The student will remain in the school's health room or a place where he/she can be supervised until the end of the school day or until the parent/legal guardian can check the student out of school.¹

If a student becomes seriously ill or is injured while at school and the parent/legal guardian cannot be contacted, the failure to make such contact shall not unreasonably delay the school's expeditious transport of the student to an appropriate medical care facility. The school assumes no responsibility for treatment of the student. When available, current, and applicable, the student's emergency contact numbers and medical information will be utilized. Parents are strongly encouraged to keep this information up to date.

Note: ¹ Students who are eighteen (18) years of age or older are considered to be legal adults, and as such have the right to check themselves out of school.

Date Adopted: 07/25/2005

4.37—EMERGENCY DRILLS

All schools in the District shall conduct fire drills at least monthly. Tornado drills shall also be conducted not fewer than three (3) times per year with at least one each in the months of September, January, and February. Students, who ride school buses,¹ shall also participate in emergency evacuation drills at least twice each school year.

Flippin School District shall annually conduct an active shooter drill and school safety assessment for all District schools in collaboration with local law enforcement and emergency management personnel. Students will be included in the drills to the extent that is appropriate to the age of the student and grade configuration of the school and the drills may be conducted during the instructional day or during non-instructional time periods.

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

Other types of emergency drills may also be conducted to test the implementation of the District's emergency plans in the event of an earthquake or terrorist attack that might include the use of biological or chemical agents. Students shall be included in the drills to the extent practicable.²

Note: ¹ Students who only ride buses occasionally, such as to go to and/or from a field trip will also have to participate in the evacuation drills.

² Student involvement will need to be worked out school by school and determined relative to grade and age considerations in conjunction with the actual content of the drill. There may be a drill conducted that don't include any students due to the explicit nature of the drill and the age of the students while a drill in another school would include students.

Legal Reference: A.C.A. § 12-13-109
 A.C.A. § 6-10-110
 A.C.A. § 6-10-121
 A.C.A. § 6-15-1302
 A.C.A. § 6-15-1303

Ark. Division of Academic Facilitates and Transportation Rules Governing
Maintenance and Operations of Ark Public School Buses and Physical
Examination of School Bus Drivers 4.03.1

Date Adopted: 07/25/2005

Date Revised: 07/24/2006; 04/07/2008; 1/24/2013; 6/17/2013; 5/16/2014; 7/28/2014

4.38—PERMANENT RECORDS

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

*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
 ADE Rule Student Permanent Records

Date Adopted: 07/25/2005
Last Revised: 10/27/2008

4.39—CORPORAL PUNISHMENT

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

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

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

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

Date Adopted: 07/25/2005

4.40—HOMELESS STUDENTS

The Flippin School District will afford the same services and educational opportunities to homeless children as are afforded to non-homeless children. The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational liaison for homeless children and youth whose responsibilities shall include coordinating with the state educational liaison for homeless children and youth to ensure that homeless children are not stigmatized or segregated on the basis of their status as homeless and such other duties as are prescribed by law and this policy.

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

To the extent feasible, the District shall do one of the following according to what is in the best interests of a homeless child. (For the purposes of this policy "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled.)

1. continue educating the child who become homeless between academic years or during an academic year in their school of origin for the duration of their homelessness;
2. continue educating the child in his/her school of origin who become permanently housed during an academic year for the remainder of the academic year; or
3. enroll the homeless child in the school appropriate for the attendance zone where the child lives.

If the District elects to enroll a homeless child in a school other than their school of origin and such action is against the wishes of the child's parent or guardian, the District shall provide the parent or guardian with a written explanation of their reason for so doing which shall include a statement of the parent/guardian's right to appeal.

In any instance where the child is unaccompanied by a parent or guardian, the District's local educational liaison for homeless children and youth shall assist the child in determining his/her place of enrollment. The Liaison shall provide the child with a notice of his/her right to appeal the enrollment decision. The District shall be responsible for providing transportation for a homeless child, at the request of the parent or guardian (or in the case of an unaccompanied youth, the Liaison), to and from the child's school of origin.*

4.40—HOMELESS STUDENTS (cont.)

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

(a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(b) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(c) are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and includes

(d) are migratory children who are living in circumstances described in clauses (a) through (c).

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

Date Adopted: 07/25/2005

Date Last Revised: 07/27/2012

4.41—PHYSICAL EXAMINATIONS OR SCREENINGS

The Flippin School District may provide from time to time for the administration of physical exams or screenings of its students. The intent of the exams or screenings shall be to detect contagious or infectious diseases or defects in hearing, vision, or other elements of health that would adversely affect the student's ability to achieve to their full potential.

The district shall notify parents, at least annually, of the specific or approximate dates of any non-emergency, invasive physical examination or screening that is:

1. required as a condition of attendance;
2. administered by the school and scheduled by the school in advance; and
3. not necessary to protect the immediate health and safety of the student, or of other students.

For the purposes of this policy, "Invasive Physical Examination" is defined as any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Except in instances where a student is suspected of having a contagious or infectious disease, parents shall have the right to opt their student out of the exams or screenings by using form 4.41F or by providing certification from a physician that he/she has recently examined the student.

A student may be required to pass a physical exam before being allowed to participate in certain extracurricular activities to help ensure they are physically capable of withstanding the rigors of the activity. It is understood that students who refuse to take such an exam will not be allowed to participate in the desired activity.

The rights provided to parents under this policy transfer to the student when he/she turns 18 years old.

Note: If your district conducts physical exams beyond the scope of this policy and those exams could be construed to be "Invasive Physical Examinations" ASBA has a substitute policy available to cover such circumstances. "Invasive Physical Examinations" is defined in federal law as any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body.

Legal Reference: A.C.A. § 6-18-701 (b), (c), (f)
20 USC § 1232h (c) [NCLB Act of 2001, Part F, Section 1061 (c) (1)(D), (2)(A)(i)(ii)(B)(C)(iii)(I)(II)(III), (4)(B)(ii), (5)(B), (6)(B)(C)]

Date Adopted: 07/25/2005

Last revised (rewritten): 11/23/2009

4.41F—OBJECTION TO PHYSICAL EXAMINATIONS OR SCREENINGS

I, the undersigned, being a parent or guardian of a student, or a student eighteen (18) years of age or older, hereby note my objection to the physical examination or screening of the student named below.

Physical examination or screening being objected to:

____ Vision test

____ Hearing test

____ Scoliosis test

____ Other, please specify _____

Comments:

Name of student (Printed)

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

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

Date Adopted: 07/25/2005
Last revised: 11/23/2009

4.42—STUDENT HANDBOOK

It shall be the policy of the Flippin School District that the most recently adopted version of the Student Handbook be incorporated by reference into the policies of this district. In the event that there is a conflict between the student handbook and a general board policy or policies, the more recently adopted language will be considered binding and controlling on the matter provided the parent(s) of the student, or the student if 18 years of age or older have acknowledged receipt of the controlling language.

Principals shall review all changes to student policies and ensure that such changes are provided to students and parents, either in the Handbook or, if changes are made after the handbook is printed, as an addendum to the handbook.

Principals and counselors shall also review Policies 4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS and the current ADE Standards for Accreditation Rules to ensure that there is no conflict. If a conflict exists, the Principal and/or Counselor shall notify the Superintendent and Curriculum Coordinator immediately, so that corrections may be made and notice of the requirements given to students and parents.

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

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

Date Adopted: 07/25/2005

Last Revised: 04/07/2008; 1/24/2013

4.43—BULLYING

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

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

Definitions:

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

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

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

Electronic act means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment. Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

4.43—BULLYING (cont.)

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

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

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

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

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

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

- 1 Sarcastic comments "compliments" about another student's personal appearance or actual or perceived attributes,
- 2 Pointed questions intended to embarrass or humiliate,

4.43—BULLYING (cont.)

- 3 Mocking, taunting or belittling,
- 4 Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
- 5 Demeaning humor relating to a student’s race, gender, ethnicity or actual or perceived attributes,
- 6 Blackmail, extortion, demands for protection money or other involuntary donations or loans,
- 7 Blocking access to school property or facilities,
- 8 Deliberate physical contact or injury to person or property,
- 9 Stealing or hiding books or belongings, and/or
- 10 Threats of harm to student(s), possessions, or others,
- 11 Sexual harassment, as governed by policy 4.27, is also a form of bullying,
- 12 Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: “Slut”) or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: “You are so gay.” “Fag” “Queer”).

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

- 1. Sarcastic comments about another student’s personal appearance or actual or perceived attributes,
- 2. Pointed questions intended to embarrass or humiliate,
- 3. Mocking, taunting or belittling,
- 4. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
- 5. Demeaning humor relating to a student’s race, gender, ethnicity or actual or perceived attributes,
- 6. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
- 7. Blocking access to school property or facilities,
- 8. Deliberate physical contact or injury to person or property,
- 9. Stealing or hiding books or belongings, and/or
- 10. Threats of harm to student(s), possessions, or others.
- 11. Sexual harassment, as governed by policy 4.27, is also a form of bullying.

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

4.43—BULLYING (cont.)

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

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

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

Copies of this policy shall be available upon request.²

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

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

² There should be a statement in the Student Handbook to this effect. 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.

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

Date Adopted: 07/25/2005

Last Revised: 07/24/2006; 04/07/2008; 2/25/2011; 06/27/2011; 6/17/2013;
7/28/2014

4.44— ATTENDANCE REQUIREMENTS FOR STUDENTS IN GRADES 9 - 12

Students in grades nine through twelve (9-12) are required to schedule and attend at least 350 minutes of regularly scheduled class time daily. Part of this requirement may be met by students taking post-secondary courses. Eligible students' enrollment and attendance at a post-secondary institution shall count toward the required weekly time of school attendance. Each credit hour shall count as three (3) hours of attendance time. This means a three (3) hour course shall count as nine (9) hours of the weekly required time of attendance.

Study Halls

Students may be assigned to no more than one (1) class period each day for a study hall that the student shall be required to attend and participate in for the full period. Such study halls are to be used for the purposes of self-study or for organized tutoring which is to take place in the school building.

Extracurricular Classes

Students may be assigned to no more than one (1) class period each day for organized and scheduled student extracurricular classes that the student shall be required to attend and participate in for the full class period. Extracurricular classes related to a seasonal activity shall meet for an entire semester whether or not the season ends prior to the end of the semester. Students must attend and participate in the class for the entire semester in order to receive credit for the course. For the purpose of this policy, extracurricular classes is defined as school sponsored activities which are not an Arkansas Department of Education approved course counting toward graduation requirements or classes that have not been approved by the Arkansas Department of Education for academic credit. Such classes may include special interest, fine arts, technical, scholastic, intramural, and interscholastic opportunities.

4.43 (p. 2) & 4.44 (p. 1)

4.44— ATTENDANCE REQUIREMENTS FOR STUDENTS IN GRADES 9 – 12 (cont.)

Course Enrollment Outside of District

Enrollment and attendance in vocational-educational training courses, college courses, school work programs, and other department-sanctioned educational programs may be used to satisfy the student attendance requirement even if the programs are not located at the public schools. Attendance in such alternative programs must be pre-approved

by the school's administration. The district shall strive to assign students who have been dropped from a course of study or removed from a school work program job during the semester into another placement or course of study. In the instances where a subsequent placement is unable to be made, the district may grant a wavier for the student for the duration of the semester in which the placement is unable to be made.

In rare instances, students may be granted waivers from the mandatory attendance requirement if they would experience proven financial hardships if required to attend a full day of school. For the purpose of this policy, proven financial hardships is defined as harm or suffering caused by a student's inability to obtain or provide basic life necessities of food, clothing, and shelter for the student or the student's family. The superintendent shall have the authority to grant such a waiver, on a case-by-case basis, only when convinced the student meets the definition of proven financial hardships.

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

Legal References: A.C.A. § 6-18-210, 211
Arkansas Department of Education Rules Governing the
Mandatory
Attendance Requirements for Students in Grades Nine through
Twelve

Date Adopted: 07/25/2005

4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2015, 2016, AND 2017

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are 18 years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* will be sent home with students prior to their enrolling in seventh grade, or when a 7-12 grade student enrolls in the district for the first time and there is not a signed form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the students' permanent records.¹ This policy is to be included in student handbooks for grades 6-12 and both students and parents must sign an acknowledgement they have received the policy. Those students not participating in the Smart Core curriculum will be required to fulfill the Core curriculum or the requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents at least every other year³ 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.⁴

- Inclusion in the student handbook of the Smart Core curriculum and graduation requirements;
- Discussion of the Smart Core curriculum and graduation requirements at the school's annual public meeting, PTA meetings, or a meeting held specifically for the purpose of informing the public on this matter;
- 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.

4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2015, 2016, AND 2017 (cont.)

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

GRADUATION REQUIREMENTS

The number of units students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of 22 units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the 22 units required for graduation by the Arkansas Department of Education, the district requires an additional units to graduate for a total of 25 units. The additional required units may be taken from any electives offered by the district.⁶ There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

SMART CORE: Sixteen (16) units

English: four (4) units – 9th, 10th, 11th, and 12th

Oral Communications: one-half (1/2) unit

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

- Algebra
- Geometry
- Algebra II
- Beyond Algebra II: this can include Advanced Placement math courses
(Comparable concurrent credit college courses may be substituted where applicable)

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

- One unit of Biology; and
- Two units chosen from the following three categories (there are acceptable options listed by the ADE for each)
- Physical Science
- Chemistry
- Physics

Social Studies: three (3) units

- Civics - one-half (½) unit
- World History - one unit
- American History- one unit

4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2015, 2016, AND 2017 (cont.)

Physical Education: one-half (1/2) unit

Note: While one-half (1/2) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (1/2) unit

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

Fine Arts: one-half (1/2) unit

CAREER FOCUS: - Six (6) units

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

CORE: Sixteen (16) units

English: four (4) units – 9, 10, 11, and 12

Oral Communications: one-half (1/2) unit

Mathematics: four (4) units

- Algebra or its equivalent - 1 unit
- Geometry or its equivalent - 1 unit
- All math units must build on the base of algebra and geometry knowledge and skills.³⁶
- (Comparable concurrent credit college courses may be substituted where applicable)

Science: three (3) units

- at least one (1) unit of biology or its equivalent
- one (1) unit of a physical science

Social Studies: three (3) units

- Civics - one-half (1/2) unit
- World history, one (1) unit
- American History, one (1) unit

4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2015, 2016, AND 2017 (cont.)

Physical Education: one-half (1/2) unit

Note: While one-half (1/2) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (1/2) unit

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

Fine Arts: one-half (1/2) unit

CAREER FOCUS: - Six (6) units

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

Notes: ¹ New Smart Core Consent and Smart Core Waiver Forms will become effective in July 2013. They are available on the ADE website and on the ASBA policy update website. While 9.03.1.8 of the Standards and the Smart Core Guidance both require parents to sign one of the forms, there's not much you can do if they don't. Either way, the default option is Smart Core.

² The Department's Guidelines stipulate completion by the end of the senior year. We believe this is not in agreement with Arkansas code 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 5 and 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 birthday. Acceptance of a diploma negates a student's right to switch programs.

³ The Standards require a review, but do not stipulate its frequency. Select an interval to insert here (never is not an option). Standards require the inclusion of students, parents, and staff in the formulation and review of this policy.

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

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

4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2015, 2016, AND 2017 (cont.)

⁶ The Standards of Accreditation Unit has objected to the policy's previous implication (if you substituted a number greater than 22) that the ADE was requiring more than 22 units to graduate. Therefore, this sentence is necessary if your district requires more than 22 units. If you have specific requirements for the additional units, change the new sentence's wording to reflect those requirements.

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

Cross References: 4.55—STUDENT PROMOTION AND RETENTION

Legal References: Standards of Accreditation 9.03 – 9.03.1.9, 14.02
ADE Guidelines for the Development of Smart Core Curriculum
Policy
Smart Core Informed Consent Form
Smart Core Waiver Form

Date Adopted: 3/20/2014
Last Revised: 6/24/2013; 6/28/2014

4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are 18 years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* will be sent home with students prior to their enrolling in seventh grade, or when a 7-12 grade student enrolls in the district for the first time and there is not a signed form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the students' permanent records.¹ This policy is to be included in student handbooks for grades 6-12 and both students and parents must sign an acknowledgement they have received the policy. Those students not participating in the Smart Core curriculum will be required to fulfill the Core curriculum or the requirements of their IEP (when applicable) to be eligible for graduation.

4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER

Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents at least every other year³ 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.⁴

- Inclusion in the student handbook of the Smart Core curriculum and graduation requirements;
- Discussion of the Smart Core curriculum and graduation requirements at the school's annual public meeting, PTA meetings, or a meeting held specifically for the purpose of informing the public on this matter;
- 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.⁵

GRADUATION REQUIREMENTS

The number of units students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of 22 units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the 22 units required for graduation by the Arkansas

4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER (cont.)

Department of Education, the district requires an additional ___ units to graduate for a total of ___ units. The additional required units may be taken from any electives offered by the district.⁶ There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

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.⁷ In addition to the other graduation requirements contained in this policy, students are required to take at least one (1) digital learning course for credit while in high school.

SMART CORE: Sixteen (16) units

English: four (4) units – 9th, 10th, 11th, and 12th

Oral Communications: one-half (1/2) unit

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

- Algebra I
- Geometry or Investigating Geometry 38
- Algebra II
- Beyond Algebra II: this can include Advanced Placement math courses
(Comparable concurrent credit college courses may be substituted where applicable)

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

One unit of Biology; and

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

- Physical Science
- Chemistry
- Physics

Social Studies: three (3) units

- Civics - one-half (½) unit
- World History - one unit
- American History - one unit

4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER (cont.)

Physical Education: one-half (1/2) unit

Note: While one-half (1/2) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (1/2) unit

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

Fine Arts: one-half (1/2) unit

CAREER FOCUS: - Six (6) units

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

CORE: Sixteen (16) units

English: four (4) units – 9, 10, 11, and 12

Oral Communications: one-half (1/2) unit

Mathematics: four (4) units

- Algebra or its equivalent* - 1 unit
- Geometry or its equivalent* - 1 unit
- All math units must build on the base of algebra and geometry knowledge and skills.
- (Comparable concurrent credit college courses may be substituted where applicable)
- Science:
 - three (3) units at least one (1) unit of biology or its equivalent
 - one (1) unit of a physical science

Social Studies: three (3) units

1. Civics one-half (1/2) unit
2. World history, one (1) unit
3. American History, one (1) unit

4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER (cont.)

Physical Education: one-half (1/2) unit³⁹

Note: While one-half (1/2) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (1/2) unit

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

Fine Arts: one-half (1/2) unit

CAREER FOCUS: - Six (6) units

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

Notes: ¹ New Smart Core Consent and Smart Core Waiver Forms will become effective in July 2013. They are available on the ADE website and on the ASBA policy update website. While 9.03.1.8 of the Standards and the Smart Core Guidance both require parents to sign one of the forms, there's not much you can do if they don't. Either way, the default option is Smart Core.

² The Department's Guidelines stipulate completion by the end of the senior year. We believe this is not in agreement with Arkansas code 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 5 and 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 birthday. Acceptance of a diploma negates a student's right to switch programs.

³ The Standards require a review, but do not stipulate its frequency. Select an interval to insert here (never is not an option). Standards require the inclusion of students, parents, and staff in the formulation and review of this policy.

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

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

⁶ The Standards of Accreditation Unit has objected to the policy's previous implication (if you substituted a number greater than 22) that the ADE was requiring more than 22 units to graduate.

4.45.1—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER (cont.)

Therefore, this sentence is necessary if your district requires more than 22 units. If you have specific requirements for the additional units, change the new sentence's wording to reflect those requirements.

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

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

Cross References: 4.55—STUDENT PROMOTION AND RETENTION
5.11—DIGITAL LEARNING COURSES

Legal References: Standards of Accreditation 9.03 – 9.03.1.9, 14.02
ADE Guidelines for the Development of Smart Core Curriculum Policy
ADE Rules Governing the Digital Learning Act of 2013
Smart Core Informed Consent Form 2014
Smart Core Waiver Form 2014
A.C.A. § 6-16-1406

Date Adopted: 7/28/2014
Last Revised:

4.46—PLEDGE OF ALLEGIANCE

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

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

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

Legal Reference: A.C.A. § 6-16-108
Date Adopted: 07/25/2005

4.45.1 (p. 6) & 4.46

4.47— POSSESSION AND USE OF CELL PHONES, BEEPERS, ETC.

Students are responsible for conducting themselves in a manner that respects the rights of others. Possession and use of any electronic device, whether district or student owned, that interferes with a positive, orderly classroom environment does not respect the rights of others and is expressly forbidden.

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

Misuse of electronic devices includes, but is not limited to:

1. Using electronic devices during class time in any manner other than specifically permitted by the classroom instructor;
2. Permitting any audible sound to come from the device when not being used for reason #1 above;
3. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, or wrongfully obtaining test copies or scores;
4. Using the device to take photographs in locker rooms or bathrooms;
5. Creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person.

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

Before and after normal school hours, possession of cell phones, any paging device, beeper, or similar electronic communication devices, cameras, MP 3 players, Ipods, and other portable music devices is permitted on the school campus. The use of such devices at school sponsored functions outside the regular school day is permitted to the extent and within the limitations allowed by the event or activity the student is attending.

The student and/or the student’s parents or guardians expressly assume any risk associated with students owning or possessing electronic devices. Students using or possessing, other than those devices properly stored in a locker or vehicle, cell phones or other portable music devices after the first bell and before the last bell shall have them confiscated. Confiscated devices may be picked up at the school’s administration office by the student’s parents or guardians.¹ Students have no right of privacy as to the content contained on any electronic devices that have been confiscated.²

4.47— POSSESSION AND USE OF CELL PHONES, BEEPERS, ETC. (cont.)

Students who use a school issued cell phones and/or computers for non-school purposes, except as permitted by the district's Internet/computer use policy, shall be subject to discipline, up to and including suspension or expulsion. Students are forbidden from using school issued cell phones while driving any vehicle at any time. Violation may result in disciplinary action up to and including expulsion.

Notes: As districts move toward one-to-one computing and other options for integrating technology into classroom instruction and student learning, ASBA advises that in changing this policy (or any other locally generated policy), districts be mindful of the potential concerns relating to equitable access to the technology. When classroom instruction involves technology devices, it is important to make sure all students have reasonably the same access and are not hampered by their socio-economic status. Permitting or requiring students who own laptops, iPads or any other such device to use them as part of the instructional/learning environment without providing similar devices to those who don't own or have access to such devices is unfair to those students.

¹ ASBA suggests adding another sentence that specifies the increasing severity of the penalty for repeat offenders.

² To perform a search of an electronic device, an administrator would have to possess individualized suspicion that an examination of the device would reveal evidence of student misconduct, **and** the search itself would have to be tailored to the suspicion. For instance, if there were an allegation that harassing text messages had been sent from Student A to Student B during lunch, individualized suspicion would exist as to the text message history contained on Student A's phone. However, viewing pictures or files unrelated to the suspected misconduct would be inappropriate and a violation of the student's rights under the 4th Amendment of the US Constitution. Merely confiscating a cell phone because the student received a call on it, does not give individualized suspicion to justify a search.

Legal Reference: A.C.A. § 6-18-515

Date Adopted: 09/06/2005

Last Revised: 07/24/2006; 04/07/2008; 11/23/2009; 06/27/2011; 07/27/2012;
1/24/13; 6/17/2013

Flippin School District

Policy Regarding Prohibition of Cell Phones and Electronic Devices During Arkansas Assessments

Students are prohibited from possessing a cell phone or any other electronic device in a classroom or other location where any Arkansas assessment is being administered. Arkansas assessments include, but are not be limited to 11th Grade Literacy, IOWA at 1st, 2nd, and 9th grade, 3rd– 8th grade Benchmark, End of Course exams (Biology, Geometry, and Algebra I), ELDA, and Advanced Placement exams.

Flippin School District will clearly inform students that:

- Possessing an electronic device in a testing area violates school and state policy.
- Violation of this policy is grounds for confiscation and search of the device.
Test administrators, test proctors, and any school official will have the right to collect all electronic devices prior to the start of the test and to hold those devices during all scheduled test administration times, including snack break time. Any student that refuses to relinquish a prohibited device will be denied admission to the testing area.

The following procedures will be implemented when students enter a testing area:

Electronic devices must be turned completely off. They may not be on “silent” or “vibrate” mode.

- Electronic devices may not be on a student’s body or in their possession. This includes being stored in clothing, pockets, purses, backpacks, etc...
- When a student enters a testing site, students will be directed to turn in all electronic devices to the test administrator or test proctor.
- All devices will be stored in a container during testing – away from the students. At the end of the testing period, devices will be returned to the students.

If an electronic device is found in the possession of a student during testing, the following procedures will be followed:

- Confiscate the electronic device.
- Check the device for pictures, texts, transmissions by applications (Facebook, Twitter, SnapChat, Instagram, etc.) and any other recent use.
- Devices will be turned into the school office.
- If possible, run a data recovery program that is compatible with the device’s operating system.
- Continue testing the student.
- Contact the School Test Coordinator and District Test Coordinator for Instructions.
- Notify the principal.
- Contact ADE if it is determined that any information has been transmitted.
- At the completion of the testing session, interview the student regarding use of the device.
- If necessary, complete a Testing Impropriety Form and submit to ADE
- Disciplinary Action could include:
 - Confiscation of phone
 - Principal referral after testing
 - Parent conference and appropriate handbook discipline
 -

Prohibited electronic devices that will be collected include, but are not limited to:

- Cell phones

- iPads or any electronic tablet or eReader
- Laptops, notebooks, or any personal computing device
- iPods, MP3 players
- Blackberry devices or any other PDA
- Cameras
- Any electronic device capable of recording audio, photographic, or video content
- Any electronic device capable of playing audio or visual content

In case of an emergency where parents or family members need to contact a student during testing times, they may call the school office.

Date Adopted: 3/24/2014

4.48—VIDEO SURVEILLANCE AND OTHER STUDEN MONITORING

The board has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding district facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras. The placement of video/audio surveillance cameras shall be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy anywhere on or near school property, facilities, vehicles, or equipment, with the exception of places such as rest rooms or dressing areas where an expectation of privacy is reasonable and customary.

Signs shall be posted on campus buildings and in district vehicles to notify students, staff, and visitors that video cameras may be in use. Parents and students shall also be notified through the student handbook that cameras may be in use in school buildings, on school grounds and in school vehicles. Students will be held responsible for any violations of school discipline rules caught by the cameras.

The district shall retain copies of video recordings for a minimum of two (2) weeks before they are erased which may be accomplished by either deletion or copying over with a new recording. Parents wishing to view a video recording need to be aware that it may not be available after the two week period unless the video contains evidence of misconduct.

Video recordings shall be considered student education records and any release or viewing of such records shall be in accordance with current law. Videos containing evidence of a violation of student conduct rules and/or state or federal law shall be retained until the issue of the misconduct has been settled.²

Students who vandalize, damage, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.

Notes: This policy is similar to policies 3.41 and 8.29. If you change this policy, review 3.41 and 8.29 at the same time to ensure applicable consistency between the policies.

While 34 CFR 99.3 exempts records of law enforcement units (which for the purposes of this policy would include School Resource Officers (SROs), 34 CFR 99.8(b) effectively negates that exemption in relation to this policy with the following language.

(2) Records of a law enforcement unit does not mean--

4.48—VIDEO SURVEILLANCE AND OTHER STUDEN MONITORING (cont.)

(i) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or

(ii) Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

The law goes on to say that education records retain their status as such even when in the possession of a law enforcement unit and thus remain subject to the restrictions on the release of education records contained in FERPA. In short, you cannot deny access to the video recordings that may be used for student or staff disciplinary purposes by “hiding” them in your school’s law enforcement unit.

¹ You may recycle your videos on whatever schedule works for your district, 30 days but you may not destroy any recordings as long as there is an outstanding request to inspect and review them (34 CFR 99.10). The right to inspect is triggered only for those parents whose students are the cause for the retention of the video recordings. Parents of students “inadvertently” caught in the video do not have the right to inspect then. **Please note, however**, that if a student was not “involved” in the altercation prompting the disciplinary action, but happened to get pushed by one of the students in the fight, the pushed student’s parents have the right to review the video. You must permit viewing of education records within a “reasonable” period of time, but in no case may it be longer than 45 days. (34 CFR 99.10)

² The issues involved in parental rights to viewing videos are complicated, but the Family Policy Compliance Office (FPCO) of the Family Educational and Right Act (FERPA), has recently simplified the matter. A video of, for example, a fight between two (or even several) students in which other students happen to have been incidentally included in the background of the video generates the following viewing conditions.

- a. Either or both of the students’ parents may view the video **without** first having to receive permission from the other student’s parent(s). None of the parents of the “incidental” students have to give their permission for the viewing of the video by the “involved” students’ parents.
- b. If a student’s parent lives beyond a reasonable distance to physically come to view the video, the your district may mail the video to a “receiving” school near to the parent, where the parent may view the video and then the receiving school will mail the video back to your district.
- c. The personnel at the receiving school should not view the video, but merely arrange for the parent to view it by himself/herself.

4.48—VIDEO SURVEILLANCE AND OTHER STUDEN MONITORING (cont.)

- d. The district is **not** obligated to give a copy of the video to the parent or their lawyer. If, however, you choose to give the parent a video, you are obligated to go through all of the hoops that used to be the case for simple viewing of the video. Specifically, faces of the “involved” students other than that of the parent’s student must be redacted or else you will have to receive written permission from the parents of the other involved students.
- e. Remember that the rights of the parents transfer to the students once the student turns 18.
- f. Once the video has been viewed by the parties requesting to view it, the law does not require you to keep the video. Common sense would suggest, however, retaining the video at least until the disciplinary process is completed.

Legal References: 20 USC 1232(g)
34 CFR 99.3, 4, 5, 7, 8, 10, 12, 31

Date Adopted: 04/7/2008
Date Updated: 06/27/2011

4.49—SPECIAL EDUCATION

The district shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals with Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation

Act of 1973, the Americans with Disabilities Act, and Arkansas Statutes.

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes which govern special education. Implementation of an Individualized Education Program (IEP) in accordance with the IDEA satisfies the district's obligation to provide a free and appropriate education under Section 504.

The Board directs the superintendent to ensure procedures are in place for the implementation of special education services and that programs are developed to conform to the requirements of state and federal legislation. The superintendent is responsible for appointing a district coordinator for overseeing district fulfillment of its responsibilities regarding handicapped students.¹ Among the coordinator's responsibilities shall be ensuring district enforcement of the due process rights of handicapped students and their parents.

Note: ¹ The Office of Civil Rights prefers that the name of the coordinator, or at least a contact person or phone number to call to get the name of the coordinator, is made readily available to the public. 34CFR104.32 stipulates that as part of "child find" responsibilities, districts take appropriate steps to notify handicapped persons and their parents or guardians of the district's child find duty.

Legal References: 34 C.F.R. 300 et seq.
42 U.S.C. §12101 et seq. American with Disabilities Act
29 U.S.C. § 794 Rehabilitation Act of 1973, Section 504,
20 U.S.C. §1400 et seq. Individuals with Disabilities
Education Act,
P.L. 108-446 The 2004 Reauthorization of the Individuals
with Disabilities Act
A.C.A. § 6-41-201 et seq.

Date Adopted: 10/27/2008

4.50—SCHOOL LUNCH SUBSTITUTIONS

The district only provides substitute meal components on menus to accommodate students with handicapping conditions meeting the definition of a disability as defined in USDA regulations. A parent/guardian wishing to request such a dietary accommodation must submit a Certification of Disability for Special Dietary Needs Form completed by a licensed physician to the district's Director of Child Nutrition.¹

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

Legal References: Commissioner's Memo FIN-09-044
7 CFR 210.10(g)

Date Adopted: 11/23/2009

4.51— FOOD SERVICE PREPAYMENT

The district does not offer credit for food items purchased in the school cafeteria; payment for such items is due at the time the food items are received. Parents or students choosing to do so may pay weekly or monthly in advance for students' meals.

Notes: The federal Fair and Accurate Credit Transaction Act of 2007 (15 USC. § 1601 *et seq.*), along with its accompanying regulations (16 CFR 681, effective 5/1/2009), require "creditors" to implement an Identity Theft Protection Program. This is a financial and potentially time-consuming burden that districts can avoid by not having practices deemed to make them "creditors." This is accomplished by the language in this policy. It is **not** intended to be as draconian as it sounds. While districts cannot allow students or parents to routinely pay for meals at the end of the month, districts are **not** prohibited from feeding the student who happened to forget his/her lunch money at home or whose parents don't get paid until the end of the week. Hungry students are seldom learning students.

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.

Date Adopted: 07/20/2009

4.52—STUDENTS WHO ARE FOSTER CHILDREN

The District will afford the same services and educational opportunities to foster children that are afforded other children and youth. The District shall work with the Department of Human Services (“DHS”), the ADE, and individuals involved with each foster child to ensure that he/she 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.¹

The District, working with other individuals and agencies shall, unless the presiding court rules otherwise, ensure that the foster child remains in his/her current school, even if a change in the foster child’s placement results in a residency that is outside the district. In such a situation, the District will work to arrange for transportation to and from school for the foster child to the extent it is reasonable and practical.²

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.³

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.⁴

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.

4.52—STUDENTS WHO ARE FOSTER CHILDREN (cont.)

Notes: ¹ The name and contact information of the liaison must be sent to the Special Education Section of the ADE at the beginning of each school year. A.C.A. § 9-28-113(c)(d) specify additional requirements/duties of the liaison.

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

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

⁴ 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.

Cross References: Policies 4.1—RESIDENCE REQUIREMENTS,
4.2—ENTRANCE REQUIREMENTS, 4.7—ABSENCES

Legal Reference: A.C.A. § 9-28-113

Date Adopted: 06/27/2011

Last Revised:

4.53— PLACEMENT OF MULTIPLE BIRTH SIBLINGS

The parent, guardian or other person having charge or custody of multiple birth siblings in grades pre-K through 6 may request that the multiple birth siblings are placed in either the same or separate classrooms. The request shall be in writing not later than the 14th calendar day prior to the first day of classes at the beginning of the academic year. The school shall honor the request unless it would require the school to add an additional class to the sibling's grade level. If one parent of multiple birth siblings requests a placement that differs from that of the other parent of the same multiple birth siblings, the school shall determine the appropriate placement of the siblings.

The school may change the classroom placement of one or more of the multiple birth siblings if:

- There have been a minimum of 30 instructional days since the start of the school year; and after consulting with each classroom teacher in which the siblings were placed, the school determines the parent's classroom placement request is:
 - Detrimental to the educational achievement of one or more of the siblings;
 - Disruptive to the siblings' assigned classroom learning environment; or
 - Disruptive to the school's educational or disciplinary environment.

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

Legal Reference: A.C.A. § 6-18-106

Date Adopted: 07/11/2011

Last Revised:

4.54 - STUDENT ACCELERATION

The Board believes that acceleration is an effective and research-based intervention for the academic growth of students who are ready for an advanced or faster-paced curriculum. It can allow a student to move through the traditional educational setting more rapidly, based on assessed readiness, capability and motivation. At the same time, the Board understands that acceleration is not a replacement for gifted education services or programs.

Generally, acceleration can occur through one of two broad categories: content based and grade based. Grade based acceleration shortens the number of years a student would otherwise spend in K-12 education, while content based acceleration occurs within the normal K-12 time span. Either form of acceleration can be triggered by either a parent/guardian, student, or community member's request or by the referral of school personnel. In either case, the process of determining the appropriateness of the request shall be under the direction of the district/school¹ Gifted and Talented Program Coordinator who shall convene the individuals necessary to make an informed decision which shall include the student's parents or guardians.

While the needs of the student should dictate when acceleration decisions are considered, the Board believes the optimal time for referrals is in the spring which gives adequate time for working through the determination process and for preparing those concerned for a smooth transition to the acceleration beginning in the following school-year.

The District's Gifted and Talented Program Coordinator¹ will create a written format to govern the referral and determination process which shall be made available to any parent or staff member upon request.

The parents/guardians of any student whose request for acceleration has been denied may appeal the decision, in writing, to the District's GT Coordinator¹. The District's GT Coordinator¹ and the Acceleration Placement Committee will again thoroughly review the case study that was completed on the student. Upon completion of the review, the Committee will either request additional new testing be conducted to help the Committee make its determination or it will uphold the initial decision. The Committee's decision may not be further appealed.

Note: ¹ Choose the appropriate designation/option. In a large district with more than one GT Coordinator responsible for the determination process, insert "school." In districts with only one GT Coordinator insert "district." It is conceivable that in districts with more than one GT Coordinator, the choice of inserting district and school will not always be the same.

Legal Reference: ADE Gifted and Talented Rules

Date adopted: 6/24/2013

Last Revised

4.55—STUDENT PROMOTION AND RETENTION

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

Promotion or retention of students, or their required retaking of a course shall be primarily based on the following criteria.¹ If there is doubt concerning the promotion or retention of a student or his/her required retaking of a course, a conference between the building principal, the student's teacher(s), counselor, a 504/special education representative (if applicable), and the student's parents shall be held before a final decision is made. The conference shall be held at a time and place that best accommodates those participating in the conference. The school shall document participation or non-participation in required conferences. If the conference attendees fail to agree concerning the student's placement or receipt of course credit, the final decision shall rest with the principal or the principal's designee.

Regardless of the student having earned passing grades, a student who falls under one of the following categories shall be considered for retention or shall not receive credit for the course associated with the assessment. The student:²

- does not take the State mandated assessment for the student's grade level or course within the time frame specified by the State;
- takes the State mandated assessment but does not put forth a good faith effort on the assessment as determined by the assessment administrator/proctor.

The Superintendent or designee may wave this provision when the student's failure was due to exceptional or extraordinary circumstances.³

Students who do not score proficient or above on their grade level Benchmark Exams shall be required to participate in an Academic Improvement Plan (AIP). Each AIP shall be developed by school personnel and the student's parents and shall be designed to assist the student in attaining the expected achievement level. The AIP shall also state the parent's role as well as the consequences for the student's failure to participate in the plan, which shall include the student's retention in their present grade.⁴

All students must successfully pass all end-of-course (EOC) assessments they are required to take unless exempted by the student's individualized education program (IEP). To receive academic credit on his/her transcript in a course requiring a student to take a EOC assessment, the student must either receive a passing score on the initial assessment or successfully participate in the remediation program identified in his/her Individualized Academic Improvement Plan (IAIP) which shall focus on the areas in which the student failed to meet the necessary passing score.

4.55—STUDENT PROMOTION AND RETENTION (cont.)

Additionally, the lack of credit could jeopardize the student's grade promotion or classification.⁵

To the extent required by the State Board of Education, students in grade eleven (11) and below who do not meet the required score on a college and career readiness measurement shall participate in the remediation activities prescribed in his/her IAIP which may include additional opportunities to retake the measurement.

Such remediation shall not require the student to pass a subsequent college and career readiness measurement in order to graduate from high school.⁵

Promotion/retention or graduation of students with an IEP shall be based on their successful attainment of the goals set forth in their IEP.

In addition to the possibility of retention or withholding of course credit, students who either refuse to sit for a State assessment or attempt to boycott a State 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 State mandated assessment, as applicable, or completes the required remediation for the assessment the student failed to put forth a good faith effort on. The Superintendent or designee may wave this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.³ Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.⁶

Notes: Arkansas Department of Education (ADE) Standards for Accreditation requires a promotion and retention requirements policy be included in the student handbook.

¹ Insert the criteria your district uses for promotion/retention.

² This sentence and its associated bullets are optional and are designed to address the movement to have parents opt their child out of Common Core assessments. In addition to the footnote's following two paragraphs, please see the Background Cover letter for this policy that addresses the issue in greater depth.

A.C.A. § 6-15-2009(a) requires all students to take the State mandated assessments and A.C.A. § 6-15-2009(e)(2)(B) stipulates that the Superintendent shall be subject to discipline, up to and including license revocation, for failure to properly administer State mandated assessment requirements.

4.55—STUDENT PROMOTION AND RETENTION (cont.)

ASBA sees a parent's ability to opt out of assessments as the start of a very slippery slope that could evolve into parents believing they have the right to opt their child out of any and everything they choose. This could quite literally grind education to a halt. The U.S. Supreme Court has opined states have a wide range of power for limiting parental freedom and authority in things affecting the child's welfare and Arkansas law requires all students to take state administered assessments. Therefore, parents do not have the right to demand their child be exempted from state mandated assessments.

³ 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 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 in the policy's previous paragraph. Be sure to align your decision for this footnote with the decisions you made concerning the policy's last paragraph and footnote #6.

⁴ If you divide this policy into upper and lower grades for inclusion in your student handbook and your grade configuration for this policy is 9th (or above) – 12, delete this paragraph.

⁵ If you divide this policy into upper and lower grades for inclusion in your student handbook and your grade configuration does not include grade 7 or above, delete this paragraph.

⁶ 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 #3.

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

Legal References: A.C.A. 6-15-433
 A.C.A. § 6-15-2001

4.55—STUDENT PROMOTION AND RETENTION (cont.)

A.C.A. § 6-15-2005

A.C.A. § 6-15-2009

ADE Rules Governing the Arkansas Comprehensive Testing,
Assessment, and Accountability Program and the Academic
Distress Program

ADE Rules Governing Public School End-Of-Course
Assessments and Remediation

Murphy v. State of Ark., 852 F.2d 1039 (8th Cir. 1988)

Date Adopted:

Last Revised:

Common Core Assessment Opt Out Response

Background

It has been brought to our attention that the national movement against the implementation of Common Core has expanded to include form letters being sent to parents for them to use to request their child be exempted from having to take any of the State assessments based on the Common Core State Standards.

What does this mean for the 2013-2014 school year?

Arkansas is field testing the PARCC assessments this school-year. These assessments have not been adopted by the State Board of Education and, consequently, the statutory support outlined below for denying a parents request to opt their child out of the assessments does not exist. There will be no state imposed consequences for students or districts if some students do not take the assessments, and superintendents can use their own best judgment about how to handle any requests.

There are two main reasons why district need to carefully consider their response **this year** as it relates to future years and issues.

First, students love to complain to each other about having to take tests. When one student informs others that he or she does not have to take an exam, parents will call the school to inquire why their child has to take the assessment when another student does not. There is also the possible media attention that could result from opt out form approval **or** denial.

Second, while the current issue is with Common Core, there is no reason why the same premise used to opt a child out of Common Core assessments cannot be used for a parent to request their child be opted out of any and everything they choose. It's a very slippery slope that could quite literally grind public education to a halt.

We concur with the ADE that for this year's field test, it's totally up to each district whether or not to grant any opt out request, but we suggest districts carefully consider possible future ramifications of granting opt out requests this school year. If you do choose to grant a request, we suggest you do so with a statement that such a request is not allowed for any state mandated test and shall only be effective for the current year.

What does this mean for the 2014-2015 school year?

Given that the State Board will very likely officially adopt the assessments for the 2014-15 school-year, and the anti-Common Core movement will probably be better developed, some districts will likely receive requests or demands that students be excused from these assessments

If the PARCC assessments are statutorily required for the 2014-2015 school years and beyond, the statutory support to deny opt out requests **will** exist. As you read the following information, please take note that the basic premise put forth in the opt out form for a parent's "right" to do so is simply incorrect.

Arkansas law on state assessments

Currently, **NO** State law or Rule permits the exemption of a student from taking the State assessments, and the **ONLY** students who are provided alternatives to the traditional State assessments are students who have an IEP covering examinations and homeschooled students under certain circumstances.

Arkansas Law on state assessment exemptions

NONE of the above reasons constitute legal grounds for granting a waiver from the mandatory State assessments. We would like to stress that superintendents are **NOT** required to grant exemptions. In fact, superintendents who do grant such waivers would be in violation of Arkansas law and may lose their license as a result. See A.C.A. § 6-15-2009(e)(2)(B). Also, superintendents are required to inform parents of the consequences of their student failing to take the mandated assessment. No named consequences currently exist in statute or rule because the taking of the State assessments is **mandatory**. See A.C.A. § 6-15-433(c)(7) and A.C.A. § 6-15-2009(a).

ASBA's model policy response for exemption requests

Due to a lack of convenient statutory authority or case law on the subject of waivers/exemptions for districts to show to parents, we have chosen to modify existing policy and to create a new, optional policy to assist districts on this issue. With these policies in place, we recommend superintendents inform parents that failure of their child to take the **mandatory** State assessments **SHALL** result in **either** the student **NOT** receiving credit for the course **or** the student being retained in the **CURRENT** grade until the student takes the required assessment. In addition, public school students who refuse to take the assessment or whose parents do not send their student to school on the days the assessment is administered or scheduled for make-up **SHALL** be prohibited from participating in extracurricular activities and **MAY** be prohibited from walking at or otherwise participating in graduation. Participation in graduation or extracurricular activities is not a right, and districts may legally place conditions on a 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.

Extra information: Examination of arguments made by Common Core opponents

Due to the testing exemption letters being promoted at a national level, many different versions of the letters exist. We expect that superintendents may see exemption requests based on any, or all, of the following assertions:

- The parent's right to guide the upbringing of the child;
- The assessment violates the parent's religious beliefs;

- An assessment based on the Common Core State Standards will harm the child; or
- The use of the results of the required assessment violates the student's right to privacy.

At least one version of the exemption request form letters we have come across contains quotations culled from several United States Supreme Court cases. The quotations, which are incredibly out-of-context, state the position that parents have the **absolute** authority to guide the upbringing of their children; this is **NOT** the case.

While we certainly do not expect or encourage administrators to engage in a “war of words” with parents who are frustrated with standards-based education (and while Common Core is new, education in Arkansas has been based on content standards for over 20 years, and this is not new) you may be interested in what a legal response to these arguments would be. The following is a retort to the existence of such an **absolute** right:

While the Supreme Court of the United States has stated that parents have a right to guide the upbringing of their children, The Supreme Court has stated that this right is not absolute and may be infringed upon by the State. “But the family itself is not beyond regulation in the public interest, as against a claim of religious liberty. And neither rights of religion nor rights of parenthood are beyond limitation. Acting to guard the general interest in youth's well being, the state as *parens patriae* may restrict the parent's control by requiring school attendance, regulating or prohibiting the child's labor, and in many other ways. Its authority is not nullified merely because the parent grounds his claim to control the child's course of conduct on religion or conscience. . . [T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare; and that this includes, to some extent, matters of conscience and religious conviction” *Prince v. Massachusetts*, 321 U.S. 158, 166-167 (1944). In addition, The Supreme Court stated that the state may regulate this right so long as the state does not do so in a manner that is “arbitrary or without reasonable relation to some purpose within the competency of the state to effect” *Meyers v. Nebraska*, 262 U.S. 390, 399-400 (1923). Similarly, the Supreme Court stated “The power of the state to compel attendance at some school and to make reasonable regulations for all schools, including a requirement that they shall give instructions in English, is not questioned” *id*, at 402. Furthermore, the Eighth Circuit Court of Appeals has previously held that mandated testing in Arkansas does not violate a parent's rights, including those related to sincerely held religious beliefs, as the state has a compelling interest in the education of all children and that the method for testing the education of all children is the least restrictive means possible *Murphy v. State of Ark.*, 852 F.2d 1039, 1041 (8th Cir. 1988). The Eighth Circuit had no doubt the government had a compelling interest in educating the state's youths. “The government has a compelling interest in educating all of its citizens. Education of the citizenry is and always has been a preeminent goal of American society” *id*, at 1042. When addressing whether or not the method for testing was the least restrictive means possible, the

Eighth Circuit stated “[W]e recognize that the state must have a mechanism by which it can confidently and objectively be assured that its citizens are being adequately educated” *id.* Though the testing in question was for homeschooled students, the Eighth Circuit blatantly stated “In the end, we believe that the state has no means less restrictive than its administration of achievement tests to ensure that its citizens are being properly educated” *id.*, at 1043.

4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS

Definitions:

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

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

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

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

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

“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. 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.

4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS (cont.)

Any student who refuses to sit for a State assessment or attempts to boycott a State 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 state mandated assessment, as applicable, or completes the required remediation for the assessment the student failed to put forth a good faith effort on. The superintendent or designee may wave this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.³ Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.⁴

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.⁵

ACADEMIC REQUIREMENTS: Junior High

A student promoted from the sixth to the seventh grade automatically meets scholarship requirements. A student promoted from the seventh to the eighth grade automatically meets scholarship requirements for the first semester. The second semester eighth-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester, three (3) of which shall be in the core curriculum areas specified by ADE's Standards for Accreditation of Arkansas Public Schools.

The first semester ninth-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester, three (3) of which shall be in the core curriculum areas specified by ADE's Standards for Accreditation of Arkansas Public Schools.

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

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

4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS (cont.)

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.⁶

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.⁷

4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS (cont.)

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.

¹ 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.

² State Board of Education Standards for Accreditation 10.05 require a policy that "shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities." 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.

³ 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

4.56—EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS (cont.)

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.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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: State Board of Education Standards for Accreditation 10.05 and
 10.06
 Arkansas Activities Association Handbook

Date Adopted: 7/28/2014
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 activity¹ (tournaments or other similar events excepted with approval of the _____)² 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.³

Any student who refuses to sit for a State assessment or attempts to boycott a State 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.

4.56.1—EXTRACURRICULAR ACTIVITIES – ELEMENTARY (cont.)

The student shall remain ineligible to participate until the student takes the same or a following state mandated assessment, as applicable, or completes the required remediation for the assessment the student failed to put forth a good faith effort on. The superintendant or designee may wave this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.⁴ Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.⁵

Notes: ¹ State Board of Education Standards for Accreditation 10.05 require a policy that "shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities." 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.

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

³ Make sure your student handbook matches this language.

⁴ 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.

⁵ 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 Reference: State Board of Education Standards for Accreditation 10.05 and 10.06

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4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS

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

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

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

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

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

A student who meets the requirements for eligibility to participate in an interscholastic activity is required to register for no more than one course³ in the District's school where the student is intending to participate in an interscholastic activity.

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

A 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;

4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS (cont.)

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

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

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

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

⁴ Include "drug testing" only if your district conducts such tests.

Legal References: A.C.A. § 6-15-509
 Arkansas Activities Association Handbook

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