

**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.<sup>2</sup> However, a student previously enrolled in the district who is placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty may continue to attend district schools.<sup>2</sup> A foster child who was previously enrolled in a District school and who has had a change in placement to a residence outside the District, may continue to remain enrolled in his/her current school unless the presiding court rules otherwise.<sup>3</sup>

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

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

2 This revision is triggered by Act 314 of 2009. The pertinent code cites within the act relating to this sentence are A.C.A. § 6-27-102 and 112.

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 law and have a copy handy for affected employees or potential employees. At the present time, Act 1368 has not been through the code revision process so the only source of its contents is the act itself. The act takes effect July 31, 2009 so it will be in force for the 2009-10 school year.

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

Legal References:        A.C.A. § 6-18-202  
                                 A.C.A. § 6-18-203  
                                 A.C.A. § 6-27-102, 112  
                                 A.C.A. § 9-28-113

Date Adopted: June 28, 2004

Last Revised: July 18, 2011

## 4.2—ENTRANCE REQUIREMENTS

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

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

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

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

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

Students who move into the District from an accredited school shall be assigned to the same grade as they were attending in their previous school (mid-year transfers) or as they would have been assigned in their previous school. 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.<sup>1</sup>

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

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.

The parent, guardian, or other responsible person shall provide the district with one (1) of the following documents indicating the child's age:

A birth certificate;  
A statement by the local registrar or a county recorder certifying the child's date of birth;

An attested baptismal certificate;  
A passport;  
An affidavit of the date and place of birth by the child's parent or guardian;  
United States military identification; or  
Previous school records.

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.<sup>3</sup>

The child shall be age appropriately immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, and other diseases as designated by the State Board of Health, or have an exemption issued by the Arkansas Department of Health. Proof of immunization shall be by a certificate of a licensed physician or a public health department acknowledging the immunization. Exemptions are also possible on an annual basis for religious reasons from the Arkansas Department of Health.<sup>4</sup> To continue such exemptions, they must be renewed at the beginning of each school year. A child enrolling in a district school and living in the household of a person on active military duty has 30 days to receive his/her initial required immunizations and 12 months to be up to date on the required immunizations for the student's age.

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

<sup>2</sup> 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.

<sup>3</sup> The student cannot be enrolled until the board gives the student a hearing to determine whether to enroll the student. Therefore, a prompt hearing is recommended.

<sup>4</sup> 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.

Cross References:      4.1—RESIDENCE REQUIREMENTS  
                                 4.4—STUDENT TRANSFERS  
                                 4.5—SCHOOL CHOICE  
4.40—HOMELESS STUDENTS

Legal References: A.C.A. § 6-18-201 (c)

A.C.A. § 6-18-207

A.C.A. § 6-18-208

A.C.A. § 6-18-702

A.C.A. § 6-15-504 (f)

A.C.A. § 6-27-102, 105

A.C.A. § 9-28-113

Plyler v Doe 457 US 202,221 (1982)

Date Adopted:

Last Revised: July 18, 2011

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

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

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

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

Date Adopted:  
Last Revised: April 11, 2011

## 4.4—STUDENT TRANSFERS

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

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

State Board of Education Standards of Accreditation 12.05

Date Adopted: June 28, 2004

Last Revised: July 18, 2011

## **4.5—SCHOOL CHOICE**

### **Standard School Choice**

The superintendent will consider all applications for School Choice postmarked not later than the July 1 preceding the fall semester the applicant would begin school in the District. The superintendent shall notify the parent or guardian and the student's resident district, in writing, of the decision to accept or reject the application within 30 days of its receipt of the application.

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

When considering applications, priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the District through school choice.

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. Letters of rejection shall state the reason(s) for the rejection.

The Board of Directors reserves the right, after a hearing before the board, not to allow any person who is currently under expulsion from another district to enroll in a District 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. 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.

### **Opportunity School Choice**

Unless there is a lack of capacity at the District's school or the transfer conflicts with a federal desegregation order applicable to the District, a student who is eligible for transfer from a school identified under A.C.A. § 6-15-2103(c)(1) may enroll in a District school that has a performance category level 3 or higher as defined by A.C.A. § 6-15-2103(a) provided the student's parent or guardian, or the student if over the age of eighteen (18), has successfully completed the necessary application process by July 30 preceding the year of desired enrollment.

For the purposes of this policy, a “lack of capacity” is defined as when the school district has reached the maximum student-to-teacher ratio allowed under federal, or state law, the Rules for the Standards of Accreditation, or other applicable rules.

A student’s enrollment under the opportunity school choice provision 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. The District may provide transportation to and from the transferring district, but is not responsible for the cost of transporting the student if the student lives outside the District.

Legal References:     A.C.A. § 6-15-2103  
                              A.C.A. § 6-18-206  
                              A.C.A. § 6-18-227  
                              A.C.A. § 6-18-510

Date Adopted: June 28, 2004  
Last Revised: July 18, 2011

## 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 unexcused 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: June 28, 2004  
Last Revised:

## **4.7L—ABSENCES**

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

Students shall not be absent, as defined in this policy more than 12 days in a semester for elementary students, 10 days in a semester for middle school students, and 8 days in a semester for high school students. When a student has 6 absences at elementary, 5 days at middle school, or 4 days at high school, his/her parent, guardian, or person in loco parentis shall be notified that the student has missed half the allowable days for the semester. 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 12 absences in a semester for elementary students, 10 absences in a semester for middle school students, or 8 days in a semester for high school students, the District shall notify the prosecuting authority and the parent, guardian, or person in loco parentis shall be subject to a civil penalty as prescribed by law.

Students with 12 absences in a course in a semester for elementary students, 10 absences in a course in a semester for middle school students, or 8 absences in a course in a semester for high school students shall not receive credit for that course. If the student fails to receive credit for a sufficient number of courses and at the discretion of the principal after consultation with persons having knowledge of the circumstances of the absences, the student may be denied promotion or graduation. Excessive absences, however, shall not be a reason for expulsion or dismissal of a student.

It is the Arkansas General Assembly's intention that students having excessive absences due to illness, accident, or other unavoidable reason be given assistance in obtaining credit for their courses. Therefore, at any time prior to when a student exceeds the number of allowable absences (unless unable to do so due to unforeseen circumstances), 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 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. Unless a student's excessive absence is due to an unforeseen circumstance, the District will not accept a doctor's note for a student's excessive absence.

## **Additional Absences**

Additional absences that are not charged against the allowable number of 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 upon his/her return to school from the parent, guardian, person in loco parentis, or appropriate government agency stating such reason:

1. To participate in an FFA, FHA, or 4-H sanctioned activity;
2. To participate in the election poll workers program for high school students;
3. To serve as a page for a member of the General Assembly;
4. 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; and
5. For purposes pre-approved by the school administration such as visiting prospective colleges, to obey a subpoena, or to attend at an appointment with a government agency;
6. Due to the student having been sent home from school due to illness.

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.

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. § 7-4-116  
                                  A.C.A. § 27-16-701

Date Adopted:

Last Revised: July 18, 2011

#### **4.8L—MAKE-UP WORK**

It is the student's responsibility to make up any work missed due to any absence. All make up work should be completed within the same time frame equal to the number of days absent, unless the student has made special arrangements with the teacher and/or administrator.

Date Adopted: June 28, 2004

Last Revised: July 18, 2011

## **4.9—TARDIES**

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

Date Adopted: June 28, 2004

Last Revised:

#### **4.10—CLOSED CAMPUS**

All schools in the District shall operate closed campuses. Students are required to stay on campus from their arrival until dismissal at the end of the regular school day. Students may be given permission to leave the campus by a school official and must sign out in the office upon their departure.

Date Adopted: June 28, 2004

Last Revised:

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

No student in the Waldron 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: June 28, 2004

Last Revised:

#### **4.12—STUDENT ORGANIZATIONS/EQUAL ACCESS**

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

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

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

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

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: July 18, 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 his/her student who is under the age of eighteen (18). At the age of eighteen (18), the right to inspect and copy a student’s records transfers to the student. A student’s parent or the student, if over the age of 18, requesting to review the student’s education records will be allowed to do so within no more than forty five (45) days of the request. The district forwards education records, including disciplinary records, to schools that have requested them and in which the student seeks or intends to enroll.

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

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

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

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

The District discloses personally identifiable information 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 personally identifiable information in a health or safety emergency, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose

knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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

If there exists a court order which directs that a parent not have access to a student or his 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.

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.<sup>1</sup>

Unless the parent or guardian of a student (or student, if above the age of eighteen [18]) objects, directory information about a student may be made available to the public, military recruiters, post secondary educational institutions, prospective employers of those students, as well as school publications such as annual yearbooks and graduation announcements. "Directory information" includes, but is not limited to, a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, dates of attendance,<sup>2</sup> his/her placement on the honor role (or the receipt of other types of honors), as well as his/her participation in school clubs and extracurricular activities, among others. If the student participates in inherently public activities (for example, basketball, football, or other interscholastic activities), the publication of such information will be beyond the control of the District. A student's name and photograph will only be displayed on the district or school's web page(s) after receiving the written permission from the student's parent or student if over the age of 18.

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

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. 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.

<sup>1</sup>The requirements for conducting a hearing are addressed in 34 CFR 99.22. The district's obligations regarding the results of the hearing are covered in 34 CFR 99.21. Both are available along with this policy, on the update website.

<sup>2</sup>Dates of attendance means the period of time during which a student attends or attended your district, e.g. an academic year or semester. It does not mean specific daily records of attendance.

Legal References: A.C.A. § 9-29-113(b)(6)  
20 U.S.C. § 1232g  
20 U.S.C. § 7908 (NCLB Section 9528)  
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 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: June 28, 2004

Last Revised: July 18, 2011

**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 Waldron School District of directory information, as defined in Policy No. 4.13 (Privacy of Students' Records), concerning the student named below. The district is required to continue to honor any signed opt-out form for any student no longer in attendance at the district.

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

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

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

Deny disclosure to military recruiters \_\_\_\_\_

Deny disclosure to Institutions of postsecondary education \_\_\_\_\_

Deny disclosure to Potential employers \_\_\_\_\_

Deny disclosure to all public and school sources \_\_\_\_\_

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

Deny disclosure to all public sources \_\_\_\_\_

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

\_\_\_\_\_  
Name of student (Printed)

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

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

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

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

### **Student Publications**

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

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

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

Student publications that are displayed on school web pages shall follow the same guidelines as listed above plus they shall

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

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

### **Student Distribution of Nonschool Literature, Publications, and Materials**

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

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

The regulations shall:

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

The Superintendent, along with the student publications 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.

**Notes:** The goals of the changes made to this policy, and especially the footnotes, are to assist principals in the implementation and enforcement of the policy by trying to improve the identification of the parameters

of the policy. While the footnotes are not intended to be included in the distributed version of the policy, they should be helpful in adapting the policy for inclusion in the student handbook.

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

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

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

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

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

<sup>6</sup> Students are not to be coerced into taking nonschool materials.

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

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: June 28, 2004

Last Revised: July 10, 2000



## **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, 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: June 28, 2004  
Last Revised: July 18, 2011

## **4.12—STUDENT ORGANIZATIONS/EQUAL ACCESS**

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

7. The meeting is to be voluntary and student initiated;
8. There is no sponsorship of the meeting by the school, the government, or its agents or employees;
9. The meeting must occur during noninstructional time;
10. Employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
11. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
12. 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.

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

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: May 24, 2010

## **4.17—STUDENT DISCIPLINE**

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

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

The District's personnel policy committee shall review the student discipline policies annually and may recommend changes in the policies to the Waldron School Board. The Board shall approve any changes to student discipline policies.

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

It is required by law that the principal or the person in charge report to the police any incidents where 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.

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

Date Adopted: June 28, 2004  
Last Revised:

## **4.18—PROHIBITED CONDUCT**

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

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices, cameras, MP 3 players, Ipods, and other portable music devices on the school campus during normal school hours (unless stored in silent mode in the student's locker or vehicle) unless specifically exempted by the administration for health or other compelling reasons;
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Inappropriate public displays of affection;
10. Cheating, copying, or claiming another person's work to be his/her own;
11. Gambling;
12. Inappropriate student dress;
13. Use of vulgar, profane, or obscene language or gestures;
14. Truancy;
15. Excessive tardiness;
16. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, or disability;

17. 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;
18. Hazing, or aiding in the hazing of another student;
19. 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;
20. Sexual harassment; and
21. 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.

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

Cross-References:       Prohibited Conduct #1—Policy # 3.17  
                               Prohibited Conduct #2— Policy # 4.20  
                               Prohibited Conduct #3— Policy # 4.21, 4.26  
                               Prohibited Conduct #4— Policy # 4.22  
                               Prohibited Conduct #5— Policy # 4.23  
                               Prohibited Conduct #7—Policy 4.47  
                               Prohibited Conduct #8— Policy # 4.24  
                               Prohibited Conduct #12— Policy # 4.25  
                               Prohibited Conduct #14— Policy # 4.7  
                               Prohibited Conduct #15— Policy # 4.9  
                               Prohibited Conduct #18— Policy # 4.26  
                               Prohibited Conduct #19— Policy # 4.27  
                               Prohibited Conduct #20—Policy # 4.43

Date Adopted: June 28, 2004  
 Last Revised: May 12, 2009

## **4.19L—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 meet the following requirements.

- 1) Pick-up and drop-off point must be on a county maintained road. Exceptions may be made if approved by the board of education. Exceptions may also be made for students at approved stops at the time of adoption of this policy.
- 2) If the student is not suspended from school or expelled.
- 3) If student obeys all district policies for riding school buses.

### **POLICIES FOR STUDENTS RIDING SCHOOL BUSES**

- Be at the bus stop at the scheduled time. Stand back about ten (10) feet from the bus stop and wait until the door is opened before moving closer to the bus. Do not play on the highway or road. If you miss the bus, do not attempt to hitchhike a ride or walk to or from school.
- While loading and unloading, enter or leave the bus orderly and quickly.
- While riding the bus, students are under the supervision of the driver and must obey the driver at all times. The principal has the authority to temporarily suspend a student from riding the bus.
- Students are not to distract the attention of their driver or disturb other riders on the bus. (Which includes keeping your hands to yourself; attend to your own matters; let other pupils alone; and be reasonably quiet).
- No knives or sharp objects of any kind are allowed – neither firearms, pets, nor other living animals, etc.
- You are not to tamper with any of the safety devices such as door latches, fire extinguishers, etc. Pupils must keep seated while the bus is in motion and must not ever move while it is stopped except as the driver directs. Pupils are not to put their hands, arms, heads or bodies out of the window. Do not yell at anyone outside the bus.
- Students are not to deface the bus or any school property. Do not write on the bus or damage seats, etc. Do not throw paper, food, or other objects on the floor of the bus. Do not eat on the bus. Keep aisle of the bus clear from books, lunches, coats, etc. Do not put feet in the aisles.
- ACT 729 of 1977 State Legislature makes it illegal to smoke on school buses. The penalty for violating this law is a fine ranging from \$10.00 to \$100.00

- ACT 814 of 1977 makes it unlawful to threaten, curse, or use abusive language to a school bus driver in the presence of students in this state. Any person who violates this ACT shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of no less than \$25.00 nor more than \$100.00.
- Do not ask the driver to let you off the bus up town, at the store, to get mail out of the box, or any place except your regular stop.
- If you must cross the road or highway to enter the bus, try always to be on the right side of the road waiting on the bus. If you should arrive at the stop just as the bus approaches the stop, wait until the bus has come to a complete stop and the driver has signaled for you to cross in front of the bus. (Unless the driver directs you differently.)
- Pupils who cross the road after leaving the bus in the afternoon must go to a point on the shoulder of the road ten feet in front of the bus. Cross the road only after the driver or the student patrol has signaled you to do so.
- Pupils cannot ride any bus except their own. Visitors are not allowed except in the case of an emergency. Permission must be secured from the Principal.
- This is not intended to cover the “do’s” and “don’ts”, but it is a very specific guide. The driver may find it necessary to interpret these policies in the light of his or her own bus needs.

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: June 28, 2004  
 Last Revised: June 19, 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: June 28, 2004

Last Revised:

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

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

Furthermore, it is unlawful, during regular school hours, and in a place where a public school employee is required to be in the course of his or her duties, for any person to address a public school employee using language which, in its common understanding, is calculated to: a) cause a breach of the peace; b) materially and substantially interfere with the operation of the school; c) arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation. Students guilty of such an offense may be subject to legal proceedings in addition to student disciplinary measures.

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

Date Adopted: June 28, 2004

Last Revised:

## **4.22L—WEAPONS AND DANGEROUS INSTRUMENTS**

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

A weapon is defined as any knife, gun, pistol, revolver, shotgun, BB gun, rifle, pellet gun, 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.

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 to school including a weapon 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. The weapon shall be confiscated and held in the office until such time as the student's parent/legal guardian shall pick up the weapon from the school's office. Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Except as permitted in this policy, students found to be in possession on the school campus of a firearm<sup>1</sup> shall be recommended for expulsion for a period of not less than one year. The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis.<sup>2</sup> Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.<sup>3</sup> Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a weapons 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 weapon on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm visibly stored inside a locked vehicle on school property nor to 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.

A weapon brought inadvertently to school by a student shall be grounds for disciplinary action against the student, but the School Board of Directors may consider the "inadvertent circumstances" of the incident in determining the student's discipline.

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 are allowed by the new guidance issued by the federal Department of Education and are designed to help avoid the mandatory expulsion for the student who legitimately brings a rifle to school by mistake. The changes don't prohibit expulsion for weapons violations, but merely makes expulsion optional.

<sup>1</sup> For the purposes of the Gun Free Schools Act as it relates to the required expulsion for possession of a firearm, "firearm" is defined in Section 921(a) of Title 18 of the United States Code.

According to Section 921(a), the following are included within the definition:

--any weapon (including a starter gun) that will be, or is designed to or may readily be, converted to expel a projectile by the action of an explosive

--the frame or receiver of any weapon described above

--any firearm muffler or firearm silencer

--any destructive device, which includes:

(a) any explosive, incendiary, or poison gas, including a

(1) bomb,

(2) grenade,

(3) rocket having a propellant charge of more than four ounces,

(4) missile having an explosive or incendiary charge of more than one-quarter ounce,

(5) mine, or

(6) similar device

(b) any weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter

(c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

The definition does not include antique firearms or Class-C common fireworks.

<sup>2</sup> 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."

<sup>3</sup> The statute that specifies the parents' penalties is A.C.A. § 5-27-210, but it is also helpful to have A.C.A. § 5-4-201 and A.C.A. § 5-4-401 available which spell out the fines and possible imprisonment for a class B misdemeanor offense.

Cross Reference: Policy 4.31—EXPULSION

Legal References:      A.C.A. § 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(e)(8)(9)(10)  
                              20 USCS § 7151  
                              US Department of Education *Guidance Concerning State and Local  
                              Responsibilities Under the Gun-Free Schools Act*

Date Adopted:

Last Revised: May 24, 2010

## **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 property owned or leased by a District school, including school buses, 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.

Legal Reference: A.C.A. § 6-21-609

Date Adopted: June 28, 2004

Last Revised: April 11, 2011

## **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 Waldron School District shall possess, attempt to possess, consume, use, distribute, sell, attempt to sell, 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 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: June 28, 2004

Last Revised:

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

The Waldron 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: June 28, 2004  
Last Revised: July 18, 2011

## **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:  
Last Revised: April 11, 2011

## **4.27—STUDENT SEXUAL HARASSMENT**

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

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

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

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

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

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

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

Students who believe they have been subjected to sexual harassment, or parents of a student who believes their child has been subjected to sexual harassment, are encouraged to file a complaint by contacting a counselor, teacher, Title IX coordinator, or administrator who will assist them in the complaint process. Under no

circumstances shall a student be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the harassment.

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

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

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

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: June 28, 2004

Last Revised: April 11, 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: June 28, 2004  
Last Revised:

## 4.29—COMPUTER USE POLICY

The Waldron School District makes computers and/or computer Internet access available to students, to permit students to perform research and to allow students to learn how to use computer technology. Use of district computers is for educational and/or instructional purposes only. It is the policy of this school district to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors.<sup>1</sup> No student will be granted Internet access until and unless a computer-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 computer use agreement is incorporated by reference into board policy and is considered part of the student handbook.

Student use of computers 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 computer use, including email, and that monitoring of student computer use is continuous. Students must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the district's technology network security or Internet filtering software, alter data without authorization, or disclose passwords to other students. Students who misuse district-owned computers or Internet access in any way, including using computers to violate any other policy or contrary to the computer use agreement, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, as specified in the student handbook<sup>2</sup> and/or computer use agreement.

In an effort to help protect student welfare when they navigate the Internet, the district will work to educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

Notes: <sup>1</sup> 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.

<sup>2</sup> For your student handbook, add progressive discipline – first offense consequence, second offense consequence, etc.

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

Date Adopted: June 28, 2004

Last Revised: August 10, 2009

## 4.29F—STUDENT INTERNET USE AGREEMENT

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

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

The Waldron 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:

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 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;
  - f. using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
  - g. posting anonymous messages on the system;
  - h. using encryption software;
  - i. wasteful use of limited resources provided by the school including paper;
  - j. causing congestion of the network through lengthy downloads of files;
  - k. vandalizing data of another user;
  - l. obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
  - m. gaining or attempting to gain unauthorized access to resources or files;

- n. identifying oneself with another person's name or password or using an account or password of another user without proper authorization;
- o. invading the privacy of individuals;
- p. divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email. 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 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 the Internet including penalties for copyright violations.

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

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

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

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

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

Note: The Neighborhood Children's Internet Protection Act (PL 106-554, 47 USC 254 (h) (1)) requires districts to hold at least one public hearing on its proposed Internet safety policy. The regulations do not require this to be a special meeting and it is allowable for it to be part of a regular school board meeting.

#### **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, 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 readmittance to class will be given to the parent(s), legal guardian(s), or to the student if age 18 or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), or to the student if age 18 or older or mailed to the last address reflected in the records of the school district.

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

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

the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

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

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

Out-of-school suspensions shall be treated as unexcused absences and during the period of suspension students shall not be permitted on campus except to attend a student/parent/administrator conference.

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.

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

Date Adopted: June 28, 2004

Last Revised: June 11, 2007

## **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<sup>1</sup> following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

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

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

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of not less than one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.<sup>2</sup> The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

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

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

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

Cross Reference: Policy 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

Legal Reference: A.C.A. § 6-18-507

Date Adopted: June 28, 2004

Last Revised: May 12, 2009

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

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

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

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

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

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

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

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

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

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

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

Date Adopted: June 28, 2004  
Last Revised: July 18, 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.

Students are not permitted to loiter in parking areas and are not to return to their vehicles 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. Any student parking a vehicle on campus is granting permission for school or law enforcement authorities to search that vehicle.

Date Adopted: June 28, 2004

Last Revised: July 10, 2008

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

Students with communicable diseases or with parasites shall demonstrate respect for other students by not attending school while they are contagious. In some instances, a letter from a health care provider may be required prior to the student being readmitted to the school.

The parents or legal guardians of students found to have live lice or nits will be asked to pick their child up at school. The parents or legal guardians will be given information concerning the eradication and control of head lice. Before students may be readmitted following an absence due to head lice, the school nurse or designee shall examine the student to make sure they are free of any lice or nits.

Each school may conduct screenings of students for head lice as needed. The screenings shall be conducted in a manner that respects the confidentiality of each student.

Date Adopted: June 28, 2004

Last Revised:

## 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 while at school. The parent or legal guardian shall bring the student's medication to the nurse, or in the absence of the nurse, to the principal's office. The student may bring the medication if accompanied by a written authorization from the parent or legal guardian. Medications, including those for self-medication, must be in the original container and be properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings.

Students who have written permission from their parent or guardian and a licensed health care practitioner to self-administer either an asthma inhaler or auto-injectable epinephrine, or both and who have a current consent form on file shall be allowed to carry and self-administer such medication while in school, at an on-site school sponsored activity, while traveling to or from school, or at an off-site school sponsored activity. Students are prohibited from sharing, transferring, or in any way diverting his/her medications to any other person. The fact that a student with a completed consent form on file is allowed to carry an asthma 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 chooses to not carry an asthma 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.

Nonprescription medications may be given to students upon the decision of the principal or the nurse or their designee(s). Such medications must be in the original container, clearly labeled and accompanied by a written authorization form signed by the parents or legal guardians that includes the student's name, the name of the medication, the dosage, and instructions for the administration of the medication (including times).

The school shall not keep outdated medications or any medications past the end of the school year. Parents shall be notified ten (10) days in advance of the school's intention to dispose of any medication. Medications not picked up by the parents or legal guardians within the ten (10) day period shall be destroyed by the nurse with a witness present.

Legal References: Ark. State Board of Nursing: School Nurse Roles and Responsibilities  
A.C.A. § 6-18-707

Date Adopted: June 28, 2004  
Last Revised: June 30, 2005; June 19, 2006

**4.35F—MEDICATION ADMINISTRATION CONSENT FORM**

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

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

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: June 28, 2004  
Last Revised:

## 4.35F2—MEDICATION SELF-ADMINISTRATION CONSENT FORM

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

The following must be provided for the student to be eligible to self-administer asthma inhalers and/or auto-injectable epinephrine. Eligibility is **only** valid for this school for the current academic year. This consent form must be renewed each year and/or anytime a student changes schools.

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

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

Medications for self-medication shall be supplied by the student's parent or guardian and be in the original container labeled with the student's name. The parent or guardian may choose to provide the school with additional appropriate medication (use form 4.35F) for the school to have available to deal with an asthma or anaphylaxis emergency.

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

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

Date \_\_\_\_\_

Date Adopted: June 30, 2005

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.<sup>1</sup>

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

Note: <sup>1</sup>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: June 28, 2004

Last Revised:

## **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 four (4) times per year with at least one each in the months of September, October, January, and February. Students who ride school buses, shall also participate in emergency evacuation drills at least twice each school year.

Other types of emergency drills may also be conducted. These may include, but are not limited to:

1. Earthquake;
2. Act of terrorism;
3. Chemical spill;
4. Airplane crash.

Legal Reference:       A.C.A. § 12-13-109  
                              A.C.A. § 6-10-121  
                              Ark. Division of Academic Facilities and Transportation Rules  
                              Governing Maintenance and Operations of Ark. Public School Buses  
                              and Physical Examinations of School Bus Drivers 4.03.1

Date Adopted: June 28, 2004

Last Revised: June 19, 2006, June 11, 2007

#### **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<sup>1</sup>. A copy of the student's permanent record shall be provided to the receiving school district within ten (10) school days after the date a request from the receiving school district is received<sup>2</sup>.

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

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

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

Date Adopted: June 28, 2004

Last Revised: July 10, 2008

#### **4.39—CORPORAL PUNISHMENT**

The Waldron 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 certificate 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 and shall be administered in the presence of another certified staff member as a witness, shall not be excessive, or administered with malice.

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

Date Adopted: June 28, 2004

Last Revised:

#### **4.40—HOMELESS STUDENTS**

The Waldron 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.

The District shall act, according to the best interests of a homeless child and to the extent feasible do one of the following. (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.)  
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;

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

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.\*

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: June 28, 2004

Last Revised:

**\*Note:** The Districts liability for transportation is further spelled out in the McKinney – Vento Homeless Education Assistance Improvements Act of 2001 at **42 U.S.C. §11432 (g)(1)(J)(iii), (iii)(I), (iii)(II)**. This act is included as part of the NCLB Act. It appears to specifically obligate the district to provide transportation to the “school of origin,” but does not specify the degree of obligation if the child chooses to attend the school of his/her new attendance zone.

**\*\*42 U.S.C. §11431 et seq.** as it is included in the NCLB Act of 2001 is Title X, Part C, Subtitle B, Sections 721 through 726. If you prefer to locate the legal references through the NCLB Act, change the 42 U.S.C. §11431 to 721, 42 U.S.C. §11432 to 722, etc. with the numbers and letters that follow those references remaining the same.

#### **4.41—PHYSICAL EXAMINATIONS OR SCREENINGS**

The district conducts routine health screenings such as hearing, vision, and scoliosis due to the importance these health factors play in the ability of a student to succeed in school. The intent of the exams or screenings is to detect defects in hearing, vision, or other elements of health that would adversely affect the student's ability to achieve to his/her full potential.

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

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

Legal References: A.C.A. § 6-18-701 (b), (c), (f)

Date Adopted: June 28, 2004

Last Revised: May 12, 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

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Comments:

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Name of student (Printed)

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

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

#### **4.42—STUDENT HANDBOOK**

It shall be the policy of the Waldron 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.

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

Date Adopted: June 28, 2004

Last Revised: June 11, 2007

## 4.43—BULLYING

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

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

### **Definitions:**

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

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

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

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

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

students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

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

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

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

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

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

9. Stealing or hiding books or belongings, 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").

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

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

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion. In determining the appropriate disciplinary action, consideration may be given to other violations of the student handbook which may have simultaneously occurred.<sup>1</sup>

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

Copies of this policy shall be available upon request.

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

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

Legal Reference: A.C.A. § 6-18-514

Date Adopted: June 28, 2004

Last Revised: July 18, 2011

#### **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.

##### 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: August 9, 2004  
Last Revised:

#### **4.45L—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2010-11, 2011-12, AND 2012-13**

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.<sup>1</sup> This policy is to be included in student handbooks for grades 6-12 and both students and parents must sign an acknowledgement they have received the policy. Those students not participating in the Smart Core curriculum will be required to fulfill the Core curriculum or the requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents at least every other year<sup>3</sup> to determine if changes need to be made to better serve the needs of the district's students. The superintendent, or his/her designee, shall select the composition of the review panel.

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

0. Inclusion in the student handbook of the Smart Core curriculum and graduation requirements;
1. 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;
2. Discussions held by the school's counselors with students and their parents; and/or
3. Distribution of a newsletter(s) to parents or guardians of the district's students.

The first year of this policy's implementation all employees required to be certified as a condition of their employment shall receive training regarding this policy so that they will be able to help successfully implement it. In subsequent years, administrators, or their designees, shall train newly hired employees, required to be certified as a condition of their employment, regarding this policy. The district's annual professional development shall include the training required by this paragraph.<sup>5</sup>

## **GRADUATION REQUIREMENTS**

The number of units students must earn to be eligible for high school graduation is to be earned from the following categories. A minimum of 22 units<sup>6</sup> is required for graduation for students 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 26 units to graduate for a total of 26 units. The additional required units may be taken from any electives offered by the district.<sup>6</sup> There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

Unless exempted by a student's IEP, all students must successfully pass all end-of-course (EOC) assessments they are required to take or meet the remediation required for the EOC assessment to receive academic credit for the applicable course and be eligible to graduate from high school.<sup>7</sup>

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

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

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

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

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

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

0. Algebra II

1. Choice of: Transitions to College Math, Pre-Calculus, Calculus, Trigonometry, Statistics, Computer Math, Algebra III, or an Advanced Placement math

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

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

0. Physical Science

1. Biology or Applied Biology/Chemistry
2. Chemistry
3. Physics or Principles of Technology I & II or PIC Physics

Social Studies: three (3) units

0. Civics or Civics/American Government

1. World History
2. American History

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

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.

The Smart Core and career focus units must total at least twenty-two (22) units to graduate. Additionally, the district requires 26 units for a total of 26 units to graduate which may be taken from any electives offered by the district.<sup>6</sup>

**CORE: Sixteen (16) units**

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

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

Mathematics: four (4) units

0. Algebra or its equivalent\* - 1 unit

1. Geometry or its equivalent\* - 1 unit

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

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

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

Science: three (3) units

1. at least one (1) unit of biology or its equivalent

2. one (1) unit of a physical science

Social Studies: three (3) units

0. Civics or government, one-half (1/2) unit

1. World history, one (1) unit

2. U.S. history, one (1) unit

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

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

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

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.

The Core and career focus units must total at least twenty-two (22) units to graduate. Additionally, the district requires 26 units for a total of 26 units to graduate which may be taken from any electives offered by the district.<sup>6</sup>

Notes: <sup>1</sup> Initiated by the addition of the economics course requirement for graduation beginning with the graduating class of 2014, the ADE remade the *Informed Consent Form*. Smart Core and Core are now on separate forms and parents are to sign the form of their choice. 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

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

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

<sup>6</sup> 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.

<sup>7</sup> Due to the complications inherent in the phase in of the new EOC requirements under Act 1307 of 2009, it's important to know who is exempted from having to take the Algebra I test. Additionally, for the 2009-10 school year, it's necessary to know who is required to take the **high stakes** Algebra I test versus those students who only have to meet the **general EOC** assessment requirements to receive credit for the course. While it is best to have a copy of Act 1307 available for reference, the following is

a synopsis of the requirements applicable for the 2009-10 school year. Students who have completed and received credit on an Algebra I EOC assessment prior to the 2009-10 school year are not required to take the **high stakes** Algebra I EOC. Students **not** in grades 10, 11, or 12 in the 2009-10 school year who have taken Algebra I but not received proper academic credit on their transcript for the course are now required to take the **high stakes** Algebra I test before they can receive academic credit for the course. Students **in** grades 10, 11, or 12 in the 2009-10 school year are exempt from the **high stakes** Algebra I assessment requirement, but must meet the **general EOC** assessment requirements to receive credit for the course. Additional information is incorporated into Policy 5.11.

Cross References: Policy 5.16—GRADUATION REQUIREMENTS FOR THE  
CLASSES OF  
2010-11, 2011-12, AND 2012-13  
5.11—PROMOTION/RETENTION/COURSE CREDIT FOR ?-12  
SCHOOLS  
5.12—PROMOTION/RETENTION/COURSE CREDIT FOR K-?  
SCHOOLS

Legal References: Standards of Accreditation 9.03 – 9.03.1.9, 14.01  
ADE Guidelines for the Development of Smart Core Curriculum Policy  
Smart Core Informed Consent Form 2010-13  
Smart Core Waiver Form 2010-13

Date Adopted: June 28, 2004

Last Revised: April 11, 2011



#### **4.45.1L—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASS OF 2013-14 AND ALL CLASSES 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.<sup>1</sup> This policy is to be included in student handbooks for grades 6-12 and both students and parents must sign an acknowledgement they have received the policy. Those students not participating in the Smart Core curriculum will be required to fulfill the Core curriculum or the requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents at least every other year<sup>3</sup> to determine if changes need to be made to better serve the needs of the district's students. The superintendent, or his/her designee, shall select the composition of the review panel.

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

4. Inclusion in the student handbook of the Smart Core curriculum and graduation requirements;
5. 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;
6. Discussions held by the school's counselors with students and their parents; and/or
7. Distribution of a newsletter(s) to parents or guardians of the district's students.

The first year of this policy's implementation all employees required to be certified as a condition of their employment shall receive training regarding this policy so that they will be able to help successfully implement it. In subsequent years, administrators, or their designees, shall train newly hired employees, required to be certified as a condition of their employment,

regarding this policy. The district's annual professional development shall include the training required by this paragraph.<sup>5</sup>

## **GRADUATION REQUIREMENTS**

The number of units students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of 22 units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the 22 units required for graduation by the Arkansas Department of Education, the district requires an additional 26 units to graduate for a total of 26 units. The additional required units may be taken from any electives offered by the district.<sup>6</sup> There are some distinctions made between Smart Core units and Graduation units. Not all units earned toward graduation necessarily apply to Smart Core requirements.

Unless exempted by a student's IEP, all students must successfully pass all end-of-course (EOC) assessments they are required to take or meet the remediation required for the EOC assessment to receive academic credit for the applicable course and be eligible to graduate from high school.<sup>7</sup>

### **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.)

3. Algebra I or Algebra A & B\* which may be taken in grades 7-8 or 8-9
4. Geometry or Investigating Geometry or Geometry A & B\* which may be taken in grades 8-9 or 9-10

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

2. Algebra II
3. Choice of: Transitions to College Math, Pre-Calculus, Calculus, Trigonometry, Statistics, Computer Math, Algebra III, or an Advanced Placement math  
(Comparable concurrent credit college courses may be substituted where applicable)

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

4. Physical Science
5. Biology or Applied Biology/Chemistry
6. Chemistry
7. Physics or Principles of Technology I & II or PIC Physics

Social Studies: three (3) units

3. Civics one-half (1/2) unit
4. World History - one unit

5. U. S. History - one unit

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

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

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

Economics – one half (1/2) unit – dependent upon the certification of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.<sup>8</sup>

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

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

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

The Smart Core and career focus units must total at least twenty-two (22) units to graduate. Additionally, the district requires \_\_ units for a total of \_\_ units to graduate which may be taken from any electives offered by the district.<sup>6</sup>

**CORE: Sixteen (16) units**

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

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

Mathematics: four (4) units

4. Algebra or its equivalent\* - 1 unit

5. Geometry or its equivalent\* - 1 unit

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

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

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

Science: three (3) units

3. at least one (1) unit of biology or its equivalent

4. one (1) unit of a physical science

Social Studies: three (3) units

3. Civics one-half (1/2) unit

4. World history, one (1) unit
5. U.S. history, one (1) unit

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

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

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

Economics – one half (1/2) unit – dependent upon the certification of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.<sup>8</sup>

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

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

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

The Core and career focus units must total at least twenty-two (22) units to graduate. Additionally, the district requires 26 units for a total of 26 units to graduate which may be taken from any electives offered by the district.<sup>6</sup>

Notes: <sup>1</sup> Initiated by the addition of the economics course requirement for graduation beginning with the graduating class of 2014, the ADE remade the *Informed Consent Form*. Smart Core and Core are now on separate forms and parents are to sign the form of their choice. 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

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

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

<sup>6</sup> 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.

<sup>7</sup> Due to the complications inherent in the phase in of the new EOC requirements under Act 1307 of 2009, it’s important to know who is exempted from having to take the Algebra I test. Consult policy 5.11 for additional information.

<sup>8</sup> The Rules specify the option is dependent upon the certification 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: Policy 5.16.1—GRADUATION REQUIREMENTS  
5.11—PROMOTION/RETENTION/COURSE CREDIT FOR ?-12  
SCHOOLS  
5.12—PROMOTION/RETENTION/COURSE CREDIT FOR K-?  
SCHOOLS

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 Beginning 2014  
Smart Core Waiver Form Beginning 2014

Date Adopted: June 28, 2004  
Last Revised: April 11, 2011

#### **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: June 30, 2005

Last Revised:

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

Use and misuse of cell phones has become a serious problem that threatens the ability of the district's schools to properly and efficiently operate its education program. The school board believes it is necessary to restrict student use and possession of cell phones, other electronic communication devices, cameras, MP 3 players, Ipods, and other portable music devices so that the opportunity for learning in the district's schools may be enhanced.

At the same time, cell phones and other electronic communication devices can, in controlled situations, offer a means to enhance student learning through their ability to access expanded sources of information. Teachers have the authority to permit student use of their cell phones for specific classroom lesson plans or projects. Students must abide by the guidelines the teacher gives for any such authorization. Students who fail to do so will be subject to the provisions of this policy governing misuse of cell phones.

For the purpose of this policy, the use of a cell phone or other communication device includes any incoming call, text message, message waiting, or any audible sound coming from the phone or device.

The student and/or the student's parents or guardians expressly assume any risk associated with students owning or possessing technology equipment.

Unless otherwise permitted in this policy, from the time of the first bell until after the last bell, students are forbidden from using cell phones, any paging device, beeper, or similar electronic communication devices. It is preferred that such devices be stored in the student's locker or vehicle in a silent mode of operation. Exceptions may be made by the building principal or his/her designee for health or other compelling reasons.

From the time of the first bell until after the last bell, students are forbidden from having cameras, MP 3 players, Ipods, or any other portable music device. Such devices may be stored in the student's locker or vehicle so long as they are in a silent mode of operation. Exceptions may be made by the building principal or his/her designee for health or other compelling reasons.

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.

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 cell phones and other electronic communication devices may be picked up at the school's administration office by the student's parents or guardians. Students have no right of privacy as to the content contained on any cell phones and other electronic communication devices that have been confiscated.

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.

Legal Reference: A.C.A. § 6-18-502 (b)(3)(D)(ii)

Date Adopted: June 30, 2005

Last Revised: July 18, 2011

## 4.48L—VIDEO SURVEILLANCE

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 until they are erased<sup>1</sup> which may be accomplished by either deletion or copying over with a new recording.

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 is no longer subject to review or appeal as determined by board policy or student handbook;<sup>2</sup> any release or viewing of such records shall be in accordance with current law.

Students who vandalize, damage, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment 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 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--*

*(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.

<sup>1</sup> You may recycle your videos on whatever schedule works for your district, 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 them. **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)

<sup>2</sup>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. The personnel at the receiving school should not view the video, but merely arrange for the parent to view it by himself/herself.
- c. 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.
- d. Remember that the rights of the parents transfer to the students once the student turns 18.
- e. 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: June 11, 2007  
Last Revised: April 11, 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.<sup>1</sup> Among the coordinator’s responsibilities shall be ensuring district enforcement of the due process rights of handicapped students and their parents.

Note: <sup>1</sup> 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: July 10, 2008  
Last Revised:

#### **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 Food Service Director.

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: May 12, 2009  
Last Revised:

#### **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: August 10, 2009

Last Revised:

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

The District will afford the same services and educational opportunities to foster children that are afforded other children and youth. The District shall work with the Department of Human Services (“DHS”), the 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.

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.

Upon notification to the District’s foster care liaison by a foster child’s caseworker that a foster child’s school enrollment is being changed to one of the District’s schools, the school receiving the child must immediately enroll him/her. Immediate enrollment is required even if a child lacks the required clothing, academic or medical records, or proof of residency.<sup>1</sup>

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

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

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.

Notes: <sup>1</sup> 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.

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

Legal Reference: A.C.A. § 9-28-113

Date Adopted: July 18, 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 14<sup>th</sup> calendar day prior to the first day of classes at the beginning of the academic year. The school shall honor the request unless it would require the school to add an additional class to the sibling's grade level. If one parent of multiple birth siblings requests a placement that differs from that of the other parent of the same multiple birth siblings, the school shall determine the appropriate placement of the siblings.

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

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

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

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

Date Adopted: July 18, 2011

Last Revised: