

# **MALVERN ELEMENTARY SCHOOL**



## **Student Handbook 2022-2023**

***This is a copy of the form signed upon receipt of the handbook.***

### **STATEMENT OF RESPONSIBILITY**

We have received Grades K-4 Handbook and know that the regulations must be adhered to while a student is at school. In the event we are not entirely certain of some aspect of school policy, we will contact the principal or assistant principal for clarification.

We are especially aware of the policies concerning:

- (1) Discipline\***
- (2) Minimum Attendance**
- (3) Homework**
- (4) Parent and Family Engagement**
- (5) Smart Core**
- (6) Vision/Hearing Screening – Parental Notice to Access Public Insurance**

**\* Parents or guardians who choose that corporal punishment not be administered to their child must deliver personally their written request to the principal of the school. In those cases an alternative disciplinary action, which will include suspension, will be taken.**

Student's Signature \_\_\_\_\_

Parent's/Guardian's Signature \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_, give my permission for my child to attend all school-sponsored field trips during the 2022-2023 school year.

I, \_\_\_\_\_, give permission for my child to be photographed or videotaped for educational or school related activities.

I, \_\_\_\_\_, give permission for my child to participate in educational surveys with the class.

### **MALVERN SCHOOL DISTRICT MISSION STATEMENT**

The Malvern School District will work with families and community to provide sound academic programs, expanded cultural awareness, proficient staff, adequate support services, responsible fiscal management and safe facilities conducive to learning.

We will support a vision of excellence so that students may reach their full potential as educated and responsible students...

- Engaging parents and community in meaningful support that reinforces academic achievement for all students
- Laying a foundation for healthy living, responsible citizenship, and life-long learning
- Insisting upon high standards and a strong curriculum that will prepare our students for citizenship, higher education, career and life
- Ensuring our teachers and principals are committed to excellence by focusing on individual student achievement, their continuous professional development, and their willingness to be held accountable
- Delivering the types of services that will meet the academic and non-academic needs of students and their families

### **MALVERN SCHOOL DISTRICT VISION STATEMENT**

The Malvern Community and Malvern School District staff envision a school system where family, community, and district staff work together responsibly in an atmosphere of cooperation and mutual respect to create schools where educational and cultural diversity is understood, celebrated, and accommodated, and our students are prepared to thrive in a complex and ever-changing world by pursuing a lifetime of learning and community involvement.

The Malvern School District Board of Education approved this handbook on July 14, 2022. Board members are as follows:

Mrs. Connie Bane  
Mr. Jesse Clark  
Mr. Danny Riggan  
Ms. Melanie Rock  
Ms. Deborah Smith  
Mr. Steve Williams  
Mr. Travis Worthington

### **MALVERN ELEMENTARY SCHOOL MISSION STATEMENT**

The mission of Malvern Elementary School is to offer a program that focuses on the skills that will provide a strong educational foundation for all students. We believe the learning process is a collaborative effort between students, parents, and school personnel.

### **MALVERN ELEMENTARY HANDBOOK REVIEW COMMITTEE**

Meredith McCormack	Catherine Watson	Stephanie Sawyer
Desiree Wilhite	Maly Vincent	Pam Plummer
Laurie Riggan	Jamie Teel	Angela Willard
Aly Louton		



Malvern Elementary School  
1807 West Moline Street  
Malvern, Arkansas 72104  
Phone: (501) 467-3166; Fax: (501) 467-3161

**Meredith McCormack, Principal \*Catherine Watson, Assistant Principal\* Mike Scarbrough, Administrative Assistant**

Dear Parents,

We are so glad to have your child as a student at Malvern Elementary. Please be assured that we will provide a safe and caring environment for your child. The staff at Malvern Elementary strives to create a positive learning experience for all children. We understand the need to make learning pleasurable and focused on the individual needs of each student.

In this handbook, you will find much useful information regarding school procedures. Please refer to this handbook throughout the year. We hope it will provide you with answers to any questions you might have.

Remember that your child's progress in school also depends on your encouragement, love, and support at home. We are always available to talk with you if you have a question, concern, or would just like to visit about your child. Your cooperation is certainly appreciated as we join together as a team to create a wonderful K-4 experience for *our* children.

Sincerely,

Meredith McCormack, Principal

Catherine Watson, Assistant Principal

Mike Scarbrough, Administrative Assistant

The Malvern School District, not only has the right, but also the responsibility and obligation, to maintain a climate in the schools that assures the health, safety, and welfare of all students. The district reserves the right to link any inappropriate behavior not specifically identified in the handbook to an appropriate consequence as stated in the handbook.

To maintain discipline and protect the safety, security, and welfare of students, staff, and visitors, while at the same time safeguarding the use of district facilities, the Malvern School Board authorizes the use of video/audio surveillance cameras. These cameras will be used to monitor student behavior in school buildings, on school grounds, and in school vehicles. The principal or designee may review tapes routinely and document student misconduct. Action will be taken in accordance to the student discipline policy. 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 with the exception of places such as restrooms or dressing rooms where an expectation of bodily privacy is reasonable and customary. Any release or viewing of such video shall be in accordance with current law. If education records of a student contain information on more than one student, the parent or eligible student may not view or be informed of any part of the record that involves other students. At no time may an administrator or school staff discuss disciplinary actions or records of any student except the custodial parent. Any disciplinary action involving a staff member shall not be discussed with parents or other staff members.

# MALVERN SCHOOL DISTRICT 2022-2023 CALENDAR

## FIRST SEMESTER

First Day of School – August 22, 2022

August 22 – August 31, 2022 8 days

September 1 – September 30, 2022 21 days

(September 5, 2022 – No School – Labor Day)

(September 27, 2022 - Early Dismissal – Parent/Teacher Conferences 2:00-8:00)

October 1 – October 31, 2022 21 days

November 1 – November 30, 2022 17 days

(November 21-25, 2022– No School – Thanksgiving Break)

December 1 – December 31, 2022 16 days

(December 23, 2022 – January 6, 2023 – No School – Holiday/Winter Break)

\*\*\*\*\*End of 1<sup>st</sup> Semester – 83 days\*\*\*\*\*

## SECOND SEMESTER

January 1 – January 31, 2023 16 days

(December 23, 2022 – January 6, 2023 – No School – Holiday/Winter Break)

(January 6, 2023 – No Students – Professional Development Day)

(January 16, 2023 – No School – Martin Luther King, Jr. Day)

February 1 – February 28, 2023 18 days

(February 16, 2023 Early Dismissal – Parent/Teacher Conferences 2:00-8:00)

(February 17, 2023 – No School - Flex Day)

(February 20, 2023 – No School – Presidents' Day)

March 1 – March 31, 2023 18 days

(March 20 – 24, 2023 – No School – Spring Break)

April 1 – April 30, 2023 19 days

(April 15, 2023 – No School – Good Friday)

May 1 – May 18, 2023 14 days

Last Day of School – May 26, 2023

\*\*\*\*\*End of 2<sup>nd</sup> Semester – 85 days\*\*\*\*\*

---

Total Student Days: 168 (Alternative Schedule)

\*If school is cancelled, the day must be made up in person. AMI days are not an option for the 2022-2023 school year.

Make-up days: February 17 (Flex Day, February 20 (Presidents' Day), April 7 (Good Friday), May 19 (End of School), May 22 (End of School)

---

### \*STUDENT ATTENDANCE/GRADING PERIODS\*

1 <sup>st</sup> quarter	August 22	–	October 18	41 days
2 <sup>nd</sup> quarter	October 18	–	December 22	42 days
3 <sup>rd</sup> quarter	January 9	–	March 15	45 days
4 <sup>th</sup> quarter	March 18	–	May 18	40 days

**TABLE OF CONTENTS***Additional District policies are in a separate section at the back.*

1.00	School Supplies
1.10	Visitors
1.20	Video Surveillance
1.30	Attendance Regulations
1.35	Make-Up Work
1.40	Daily Schedule
1.50	Early Check-Out
1.60	School Trips
1.70	Closed Campus Policy
1.80	Change of Address, Telephone, or Transportation
1.85	Student Transfers
1.86	School Choice
1.90	Student Withdrawal
2.00	Breakfast and Lunch
2.05	Water Access
2.10	Parties and Room Parents
2.20	Deliveries to Students
2.30	Library Procedures (K-4)
2.40	Personal Property (K-4)
2.50	Parent- Teacher Communication
2.60	Reporting of Grades/Progress Reports
2.61	K-2 Grading Scale
2.70	Smart Core and Core Curriculum
2.80	Promotion/Retention/Course Credit for K-6 Schools
2.90	Transportation
2.91	Addressing Concerns
2.92	Parental Involvement
3.00	Discipline
3.01	Conduct To and From School
3.02	Prohibited Conduct
3.03	Disruption of School
3.04	Stealing
3.05	Insubordination/Disregard of Directions
3.06	Inappropriate Language/Obscene Gestures
3.07	Repeated Violations of Classroom Rules
3.08	Staff/Student Assault or Battery
3.09	Weapons and Dangerous Instruments
3.10	Tobacco Policy
3.11	Illegal Drugs and Alcohol
3.12	Dress Code
3.13	Gangs and Gang Activity
3.14	Student Sexual Harassment
3.15	Laser Pointers
3.16	Indecent Exposure
3.17	Leaving Campus or Designated Area without Permission
3.18	Cheating
3.19	Damaging School Property
3.20	Possession and Use of Cell Phones, Beepers, Etc.
3.21	Bullying
3.22	Behavior Not Covered Above
3.23	Due Process
3.24	Suspension from School
3.25	Expulsion
3.30	Homework Policy
3.40	Malvern Elementary Learning Academy

## **1.00 SCHOOL SUPPLIES**

The majority of school supplies will be provided by the district. There may be a few items such as backpacks that will need to be provided by the family. You will be provided with a list at registration of any items needed that will not be provided. At times, the teacher may request additional supplies for you to supply if you are able.

### **1.10 VISITORS TO THE SCHOOLS (Policy 4.16)**

Parents, grandparents, legal guardians, business, and community members are welcome and encouraged to visit District schools. To minimize the potential for disruption of the learning environment, visitors, for a purpose other than to attend an activity open to the general public, are required to first report to the school's main office. No one shall be exempt from this requirement. Visitors who are Level 3 or Level 4 sex offenders may only enter a school campus under the provisions listed in Policy 6.10.

Parents and legal guardians are encouraged to participate in regularly scheduled visitation events such as school open houses and parent/teacher conferences. Additional conferences are best when scheduled in advance. Conferences shall be scheduled at a time and place to accommodate those participating in the conference. Visits to individual classrooms during class time are permitted on a limited basis with the principal's prior approval and the teacher's knowledge.

Students are not allowed to bring younger sisters, brothers, or other guests, as the school cannot assume responsibility for someone other than the student.

For the protection and safety of students and school property, there shall be no unauthorized (non-student) persons allowed on or adjacent to the school grounds during school hours. Loitering is prohibited. Persons violating this shall be referred to the proper authorities for action.

For safety and liability reasons, visitors are not allowed on the playground.

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

The District has the right to ask disruptive visitors to leave its school campuses. Principals are authorized to seek the assistance of law enforcement officers in removing any disruptive visitors who refuse to leave school property when requested to do so.

Adopted: June 4, 2004

### **1.20 VIDEO SURVEILLANCE AND OTHER STUDENT MONITORING (Policy 4.48)**

The Board of Directors has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding district facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras, automatic identification technology, data



compilation devices, and technology capable of tracking the physical location of district equipment, students, and/or personnel.

The placement of video/audio surveillance cameras shall be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy anywhere on or near school property, facilities, vehicles, or equipment, with the exception of places such as rest rooms or dressing areas where an expectation of bodily privacy is reasonable and customary.

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

The district shall retain copies of video recordings until they are erased which may be accomplished by either deletion or copying over with a new recording. Other than video recordings being retained under the provisions of this policy's following paragraph, the district's video recordings may be erased according to the system's capability.

Videos, automatic identification, or data compilations containing evidence of a violation of student conduct rules and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or student handbook;<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, automatic identification, or data compilation devices shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.

Last Revised: April 21, 2011

### **1.30 ATTENDANCE REGULATIONS (Policies 4.3)** **COMPULSORY ATTENDANCE REQUIREMENTS**

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

1. The child is enrolled in private or parochial school.
2. The child is being home-schooled and the conditions of policy (4.6—HOME SCHOOLING) have been met.
3. The child will not be age six (6) on or before August 1 of that particular school year and the parent, legal guardian, person having lawful control of the child, or person standing in loco parentis of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Division of Elementary and Secondary Education must be signed and on file with the District administrative office.

4. The child has received a high school diploma or its equivalent as determined by the State Board of Education.
5. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
6. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).

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

Date Adopted: February 8, 2010

Last Revised: June 30, 2010; June 13, 2019; June 14, 2021

#### **ABSENCES (4.7)**

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

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

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

#### **Excused Absences**

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

1. The student's illness or when attendance could jeopardize the health of other students. A maximum of six (6) such days are allowed per semester unless the condition(s) causing such absences is of a chronic or recurring nature, is medically documented, and approved by the principal.
2. Death or serious illness in their immediate family;
3. Observance of recognized holidays observed by the student's faith;
4. Attendance at an appointment with a government agency;
5. Attendance at a medical appointment;

6. Exceptional circumstances with prior approval of the principal;
7. Participation in an FFA, FHA, or 4-H sanctioned activity;
8. Participation in the election poll workers program for high school students.
9. Absences granted to allow a student to visit his/her parent or legal guardian who is a member of the military and been called to active duty, is on leave from active duty, or has returned from deployment to a combat zone or combat support posting. The number of additional excused absences shall be at the discretion of the superintendent or designee.
10. Absences granted, at the Superintendent's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in eleventh grade to complete basic combat training between grades eleven (11) and (12).
11. Absences for students excluded from school by the Arkansas Department of Health during a disease outbreak because the student has an immunization waiver or whose immunizations are not up to date.

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

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

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

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

### **Unexcused Absences**

Absences that are not defined above; do not have an accompanying note from the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis; or have an accompanying note that is not presented or uploaded within the timeline required by this policy shall be considered as unexcused absences. Students with (6) unexcused absences in a course in a semester may not receive credit for that course. At the discretion of the principal after consultation with persons having knowledge of the circumstances of the unexcused absences, the student may be denied promotion or graduation. Excessive absences shall not be a reason for expulsion or dismissal of a student.

When a student has (3) unexcused absences, his/her parents, legal guardians, persons with lawful control of the student, or persons standing in loco parentis shall be notified. Notification shall be by telephone by the end of the school day in which such absence occurred or by regular mail with a return address sent no later than the following school day.

Whenever a student exceeds (6) unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, legal guardian, person having lawful control of the student, or persons standing in loco parentis shall be subject to a civil penalty as prescribed by law.

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

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

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

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

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

Legal References:     A.C.A. § 6-4-302  
A.C.A. § 6-18-209  
A.C.A. § 6-18-213  
A.C.A. § 6-18-220  
A.C.A. § 6-18-222  
A.C.A. § 6-18-229  
A.C.A. § 6-18-231  
A.C.A. § 6-18-507(g)  
A.C.A. § 6-18-702  
A.C.A. § 6-28-114  
A.C.A. § 7-4-116  
A.C.A. § 9-28-113(f)  
A.C.A. § 27-16-701  
Division of Elementary and Secondary Education Rules Governing  
Distance and Digital Learning

Date Adopted:

Last Revised: June 15, 2019; June 14, 2021

### **TARDIES (Policy 4.9)**

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. After five (5) and ten (10) tardies, a letter will be sent to parents.

### **Attendance at school activities**

Students who are too ill to attend school are not permitted to participate in or to attend school activities the afternoon or night of the absence. Violation of this policy will result in the student not being allowed to complete makeup work.

Students who are suspended from school are not to be on any Malvern campus and will not be admitted to school sponsored events. Students assigned to ISS may be allowed to participate in after-school practices but not participate in events until the day following completion of ISS assignment.

Revised: April 12, 2004

### **1.35 MAKE-UP WORK (Policy 4.8)**

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

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

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

Work for students serving an out-of-school suspension or expulsion shall be in accordance with the District's programs, measures, or alternative means and methods to continue student engagement and access to education during the student's period of suspension or expulsion, including offering an expelled student an opportunity for enrollment in digital learning courses or other alternative educational courses that result in the receipt of academic credit that is at least equal to credit the expelled student may have received from the District if the student had not been expelled.

In lieu of the timeline above, assignments for students who are excluded from school by the Arkansas Department of Health during a disease outbreak are to be made up as set forth in Policy 4.57—IMMUNIZATIONS.

Cross References:     4.7—ABSENCES  
                              4.30—SUSPENSION FROM SCHOOL  
                              4.31—EXPULSION  
                              4.57—IMMUNIZATIONS

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

Date Adopted: June 14, 2004  
Last Revised:   June 9, 2011  
                      May 21, 2012; May 11, 2020

#### **1.40 DAILY SCHEDULE**

Arrival Bell Schedule for Malvern Elementary School:

7:30    Building Opens  
**8:00    Tardy Bell Rings**  
3:15    Dismissal Time

**Adult supervision begins at 7:30 a.m. Therefore, no student should arrive earlier than this time.**

#### **1.50 EARLY CHECK-OUT**

We encourage you to try and schedule your child's doctor and dental appointments around school hours. If this is not possible, you must come by the office in person and check him/her out.

Once a student is in school, he/she will leave only with the permission of the office. If someone other than the parent or the legal guardian is to pick up a student, it shall be made known to the office in writing. The student must be signed out giving the reason for leaving, time, and the signature of the person with whom the student is leaving. For your child's safety, we WILL

NOT release a child to anyone who has not checked in at the office first. If a student returns to school before dismissal, he/she must be checked in at the office by the adult who returned the child.

**If for any reason your child is to go home any other way than usual (what they do every day), the MES office needs this in writing. The MES office cannot take a change verbally from a student.**

#### **1.60 SCHOOL TRIPS**

All students must ride the school bus designated for that school trip to be considered a part of the group. For liability reasons, only authorized personnel and students may ride the school bus to and from school trips. If the parent/guardian chooses to take their child home in their own vehicle after the trip, they must have made arrangements in writing with the school office prior to the trip.

#### **1.70 CLOSED CAMPUS POLICY (Policy 4.10)**

Malvern Elementary School has a closed campus. 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.

Revised: April 12, 2004

#### **1.80 CHANGE OF ADDRESS, TELEPHONE OR TRANSPORTATION**

Students who have a change of address during the school year must report the change immediately to the office. Please keep information concerning your telephone number and emergency number(s) current in the school office to prevent problems in getting assistance during an emergency.

Notify the office in advance and/or advise the teacher if there is to be a change in the transporting of your child. If no notification is received, your child will follow his/her regular method of getting home.

#### **1.85 STUDENT TRANSFERS (Policy 4.4)**

The Malvern 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 Division of Elementary and Secondary Education (DESE) to a school in this district shall be placed into the same grade the student

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

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

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

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.

Cross Reference: 4.6—HOME SCHOOLING

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

Date Adopted: June 11, 2009

Last Revised: June 9, 2011

April 13, 2015

June 29, 2017; June 13, 2019

## **1.86 SCHOOL CHOICE (Policy 4.5)**

### **Standard School Choice**

#### **Exemption**

The District is under an enforceable desegregation court order/court-approved desegregation plan that explicitly limits the transfer of students between school districts and has submitted the appropriate documentation to the Division of Elementary and Secondary Education (DESE). As a result of the desegregation order/desegregation plan, the District is exempt from the provisions of the Public School Choice Act of 2015 (Standard School Choice) and the Arkansas



Opportunity Public School Choice Act (Opportunity School Choice). The District shall notify the superintendents of each of its geographically contiguous school districts of its exemption. The exemption prohibits the District from accepting any school choice applications from students wishing to transfer into or out of the District through standard School Choice or Opportunity School Choice.

### **Definition**

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

### **Transfers into the District**

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

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

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

### **Application Process**

The student's parent shall submit a school choice application on a form approved by DESE to this District and the student's resident district. Except for students who have a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base, the transfer application must be postmarked, emailed, or hand delivered between January 1 and May 1 of the year preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications the District receives as both the resident and nonresident district as they are received in the District's central office. Except for applications from students who have a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base, applications postmarked, emailed, or hand delivered on or after May 2 will not be accepted. Statutorily, preference is required to be given to siblings of students who are already enrolled in the District. Therefore, siblings whose applications fit the capacity standards approved by the Board of Directors may be approved ahead of an otherwise qualified non-sibling applicant who submitted an earlier application as identified by the application's date and time stamp.

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

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

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

No earlier than January 1 of each year, the Superintendent will consider all properly submitted applications for School Choice. By July 1, the Superintendent shall notify the parent and the student's resident district, in writing, of the decision to accept or reject the application.

### **Accepted Applications**

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

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

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

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

### **Rejected Applications**

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

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

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

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

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

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

All Standard School Choice applications shall be granted unless the approval would cause the District to have a net enrollment loss (students transferring out minus those transferring in) of more than three percent (3%) of the average daily membership on October 1 of the immediately preceding year. By December 15 of each year, DESE shall determine and notify the District of the net number of allowable choice transfers. Students are not counted for the purpose of determining the three percent (3%) cap if the student transfers:

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

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

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

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

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

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

### **Opportunity School Choice**

#### **Transfers Into or Within the District**

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

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

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

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

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

Except for those students who are applying to transfer within the time permitted due to the student's parent or guardians' military service or seeking to transfer within the District, the Superintendent shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, and the student's resident district whether the Opportunity School Choice application has been accepted or rejected by no later than July 1 of the school year the student is seeking to enroll. If the student is seeking a transfer due to the student's parent or guardian's military service or seeking a transfer within the District, the Superintendent shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity School Choice application has been accepted or rejected within fifteen (15) days from receipt of the student's application. The notification shall be sent via First-Class Mail to the address on the application.

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

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

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

The District may, but is not obligated to provide transportation to and from the transferring district.<sup>13</sup>

### **Transfers out of, or within, the District**

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

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

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

### **Unsafe School Choice Program**

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

Legal References:      A.C.A. § 6-1-106  
                                 A.C.A. § 6-13-113  
                                 A.C.A. § 6-15-2915  
                                 A.C.A. § 6-18-227  
                                 A.C.A. § 6-18-233  
                                 A.C.A. § 6-18-320  
                                 A.C.A. § 6-18-510  
                                 A.C.A. § 6-18-1901 et seq.  
                                 A.C.A. § 6-21-812  
                                 DESE Rules Governing Public School Choice

Date Adopted: June 11, 2013

Last Revised: May 12, 2014

April 13, 2015; June 29, 2017; June 11, 2018; June 13, 2019; May 13, 2020; June 14, 2021; April 18, 2022; June 30, 2022

### **1.90 STUDENT WITHDRAWAL**

If you are moving and are withdrawing your child from school, please call or come by the school prior to the withdrawal date. This will give ample time to complete the necessary paperwork, etc. After enrolling at a new school, the new school will request that we send your child's records.

### **2.00 BREAKFAST AND LUNCH**

Students are expected to conduct themselves properly in the cafeteria according to the rules of the school. Disciplinary action will be taken if rules are not followed.

Breakfast is served in the cafeteria for \$1.75 and hot lunches are served for \$2.75 per child. Students' participation in the lunch program for nutritional reasons as well as receiving benefits from socialization is encouraged. However, your child may bring his/her lunch and buy milk (50 cents per carton) if you wish. IF YOUR CHILD IS ALLERGIC TO MILK OR FOOD(S), A DOCTOR'S NOTE IS REQUIRED.

Some children are eligible for reduced price breakfast or lunch or free breakfast or lunch. To determine your child's eligibility, complete the form sent to you.

You may pay in advance by the week or month. It is suggested that money be sent in an envelope with the amount, child's name and teacher's name written on the front.

Parents, grandparents, etc., are welcome to eat lunch with their children. The cost for an adult lunch is \$4.00. **Please call the school office before 9:00 a.m. or send a note if you are eating at school. Lunch shall not be brought for other students. THIS INCLUDES BIRTHDAYS.**

Visitors may take family members to the guest table to eat lunch with them. Any student who is sitting at the guest table must be approved through the office.

### **FOOD SERVICE PREPAYMENT (Policy 4.61)**

#### **Meal Charges**

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

- Submitting cash or check payment at the food service office;
- Depositing funds through the District's online service;

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

## Unpaid Meal Access

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

- When the student's prepaid account balance has dropped to the point that the student will begin receiving unpaid meals;
- Each time the student receives the first unpaid meal after money has been deposited into the student's prepaid account; and
- After the student has received five (5) unpaid meals.

Students who have submitted proper documentation to receive a meal modification in accordance with Policy 4.50—SCHOOL MEAL MODIFICATIONS shall receive the same type of modification for an unpaid meal.

Legal References:      Commissioner's Memo CNU-17-003  
                                 Commissioner's Memo CNU-17-024  
                                 A.C.A. § 6-18-715

Date Adopted:

Last Revised: June 13, 2019

## School Cafeteria – Chartwells School Dining Services

Welcome to **Chartwells School Dining Services** for Malvern School District. Chartwells School Dining Services provides Malvern Public Schools with an appealing and nutritionally sound child nutrition program that is safe and affordable to parents, students, faculty and staff. Chartwells is a food service management company with branches nationwide and teams of specialists in each region. There are dietitians, marketing managers, accountants and regional chefs that provide each district with expertise and support. Chartwells manages over 550 public school districts. These districts range from one school to hundreds of schools and serve approximately 2.5 million students across the country. Most of the food service operations are governed by the National School Lunch and Breakfast Program and require strict regulatory compliance.

All schools participating in the National School Lunch Program must adhere to the USDA school meals guidelines. Additionally, in response to the incidence of childhood overweight and obesity, schools are required to adopt and maintain a wellness policy. Malvern School district maintains and monitors the policy through the Coordinated School Health committee that meets monthly representing each school and the community. Chartwells Nutrition Standards have long exceeded USDA standards as part of their promise to nourish students and to provide expertise to the academic community.

Using Chartwell's school dining services, our cafeterias offer more fresh fruits and vegetable options at all grade level. We have introduced more whole grains and healthy options. For example, the pizza offered several times per week is made from whole wheat crust. Chartwells



has the experience and insight to provide carefully planned and well-balanced meals that appeal to student appetites.

Our passion as is Chartwells is to provide good, nutritious and nourishing meals. It is not limited to the cafeteria. We want the lessons learned in the school to guide a child throughout their lifetime. So together, with a balanced, delicious meal, we want to help our students make wise, informed decisions. Chartwell's philosophy is Eat. Learn. Live. It is a commitment to build strong bodies and sharp minds and establish the framework for a long, healthier life. Malvern School District will continue to partner with Chartwells to meet the goals of a well, healthy community.

## **2.05 WATER ACCESS**

The health and physical well-being of students affect their ability to learn. Child obesity increases the incidence of adult diseases occurring in children, such as heart disease, high blood pressure, and diabetes. The problem of obesity and inactivity is a public health issue. Malvern Elementary received a grant to purchase a water refilling station and plastic water bottles for each individual student. Students have access to the stations at all times and are allowed to keep their bottles with them. All teachers will allow students to use the water refilling station and/or water fountains to refill their water bottles when needed. Students are allowed to drink from their water bottles at their teacher's discretion.

## **2.10 PARTIES AND ROOM PARENTS**

Volunteers who serve as room parents are critical to the success of many of our extra-curricular activities. The classroom teacher will contact the room parents as to needs of the classroom.

Each grade level is allowed 9 party events throughout the school year. Generally, these activities may be recognized:

1. Halloween
2. Christmas
3. Valentine's Day
4. Easter
5. End of school picnic

Parents who do not wish their child to participate in these activities should inform the child's teacher in writing.

Birthdays are included in the 9 classroom events. You will need to make arrangements with your child's classroom teacher regarding how birthdays are celebrated in your child's classroom. All treats should be store bought and not homemade. Please DO NOT bring party favors. No gifts are to be brought. No invitations to private parties will be handed out at school unless there is one for everyone in the classroom. Students' addresses and phone numbers cannot be given out.

## **2.20 DELIVERIES TO STUDENTS**

No student may receive balloons, flowers, etc. delivered to him/her at school for any occasion.

### **2.30 LIBRARY PROCEDURES (K-4)**

1. Books may be checked out for one week and may be rechecked as needed.
2. If a student needs more than one book, he/she should talk to the librarian.
3. Reimbursement is expected for lost books
4. If a student misbehaves in the library during free library time, the librarian may deny him/her this privilege for a period of time.

### **2.40 PERSONAL PROPERTY K-4**

The student is responsible for his/her property. **LABEL ALL ITEMS SUCH AS SUPPLIES, COATS, HATS, SWEATERS, ETC. WITH A PERMANENT MARKER.** Toys, candy, gum, CD players, walk-man radios, hand-held computer games/electronic games, Pokemon, Yu-Gi-Oh, trading cards, etc. are not allowed at school unless specifically instructed to do so by the teacher. **No student shall have a wheeled backpack at Malvern Elementary School.**

### **2.50 PARENT-TEACHER COMMUNICATION (Policy 3.27)**

The district recognizes the importance of communication between teachers and parents/legal guardians. To help promote positive communication, parent/teacher conferences shall be held once each semester. Parent-teacher conferences are encouraged and may be requested by parents or guardians when they feel they need to discuss their child's progress with his/her teacher.

Teachers are required to communicate during the school year with the parent(s), legal guardian(s), or care-giving adult or adults in a student's home to discuss the student's academic progress unless the student has been placed in the custody of the Department of Human Services and the school has received a court order prohibiting parent or legal guardian participation in parent/teacher conferences. More frequent communication is required with the parent(s) or legal guardian(s) of students who are performing below grade level.

All parent/teacher conferences shall be scheduled at a time and place to best accommodate those participating in the conference. Each teacher shall document the participation or non-participation of parent(s)/legal guardian(s) for each scheduled conference.

If a student is to be retained at any grade level or denied course credit, notice of, and the reasons for retention shall be communicated promptly in a personal conference.

Date Adopted: June 9, 2005

Last Revised: April 13, 2015

### **2.60 REPORTING OF GRADES/PROGRESS REPORTS (Policy 5.15)**

Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis shall be kept informed concerning the progress of their student. Parent-teacher conferences are encouraged and may be requested by parents, guardians, persons having lawful control of a student, persons standing in loco parentis, or teachers. If the progress of a student is unsatisfactory in a subject, the teacher shall attempt to schedule a parent-teacher conference. In the conference, the teacher shall explain the reasons for difficulties and shall

develop, cooperatively with the parents, a plan for remediation, which may enhance the probability of the student succeeding. The school shall also send timely progress reports and issue grades for each nine (9) week grading period to keep parents/guardians informed of their student's progress.

The evaluation of each student's performance on a regular basis serves to give the parents/guardians, students, and the school necessary information to help affect academic improvement. Students' grades shall reflect only the extent to which a student has achieved the expressed educational objectives of the course.

The grades of a child in foster care shall not be lowered due to an absence from school due to:

1. A change in the child's school enrollment;
2. The child's attendance at a dependency-neglect court proceeding; or
3. The child's attendance at court-ordered counseling or treatment.

The grading scale for K- 2 shall be as follows:

For the purpose of determining proficiency in several areas of the curriculum, rubrics will be used for determining the level of achievement for students.

**Kindergarten –2<sup>nd</sup> Grade:** Progress reports will be given after each nine (9) week period. This report will provide information about the student's progress and whether he/she is working at, above, or below grade level. Letter grades are not given.

The grading scale for all schools in the district shall be as follows:

A = 100 – 90

B = 89 – 80

C = 79 – 70

D = 69 – 60

F = 59 and below

For the purpose of determining grade point averages, the numeric value of each letter grade shall be:

A = 4 points

B = 3 points

C = 2 points

D = 1 point

F = 0 points

The grade point values for Advanced Placement (AP), approved courses for weighted credit, International Baccalaureate (IB), and approved honor courses shall be one (1) point greater than for regular courses with the exception that an F shall still be worth zero (0) points.

The final grades of students who transfer in for part of a semester will be determined by blending the grades earned in the district with those earned outside the district. Each final grade will be the sum of the percentage of days in the grading period transferred from outside the district times the transferred grade from outside the district plus the percentage of days in the grading period while in the district times the grade earned in the district.

For example: The grading period had forty (40) days. A student transferred in with a grade of eighty-three percent (83%) earned in ten (10) days at the previous school. The student had a grade of seventy-five percent (75%) in our district's school earned in the remaining thirty (30) days of the grading period. Ten (10) days is twenty-five percent (25%) of forty (40) days while thirty (30) days is seventy-five percent (75%) of forty (40) days. Thus the final grade would be  $(0.25 \times 83) + (0.75 \times 75) = 77\%$ .

Legal References:     A.C.A. § 6-15-902  
                              A.C.A. § 9-28-113(f)  
                              Standards For Accreditation 5-A.1  
                              Division of Elementary and Secondary Education Rules Governing  
                              Uniform Grading Scales for Public Secondary Schools

Date Adopted: April 12, 2004

Last Revised: April 21, 2011

May 9, 2016; June 13, 2019

## **2.61 K-2 GRADING SCALE**

**The grading scale for K-2 shall be as follows:**

- ✓- Student proficient in grade level skill
- N- Additional parent and teacher help needed
- P- Progressing
- U- Student is Below Grade Level

## **SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS (Policy 4.45.1) REQUIREMENTS FOR THE CLASS OF 2026 AND THEREAFTER**

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

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents as part of the annual school district support plan development process 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:

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

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

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

## **GRADUATION REQUIREMENTS**

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

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

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

### **Digital Learning Courses**

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

### **Personal and Family Finance**

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

### **Computer Science**

All students shall earn one (1) unit of credit in a computer science course in order to graduate.

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

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

Oral Communications: one-half ( $\frac{1}{2}$ ) unit

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

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

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

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

3) Algebra II; and

4) The fourth unit may be either:

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

Natural Science: three (3) units

a. DESE approved biology – 1 credit;

b. DESE approved physical science – 1 credit; and

c. A third unit that is either:

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

Social Studies: three (3) units

- Civics - one-half ( $\frac{1}{2}$ ) unit
- World History - one unit
- American History - one unit
- Other social studies – one-half ( $\frac{1}{2}$ ) Unit

Physical Education: one-half ( $\frac{1}{2}$ ) unit

**Note:** While one-half ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) unit

Economics – one half ( $\frac{1}{2}$ ) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.

Fine Arts: one-half ( $\frac{1}{2}$ ) 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.

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

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

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

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

Oral Communications: one-half ( $\frac{1}{2}$ ) unit

Mathematics: four (4) units

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

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

Science: three (3) units

- a. DESE approved biology – 1 credit;
- b. DESE approved physical science – 1 credit; and

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

Social Studies: three (3) units

- Civics one-half ( $\frac{1}{2}$ ) unit
- World history, one (1) unit
- American History, one (1) unit
- Other social studies – one-half ( $\frac{1}{2}$ ) unit

Physical Education: one-half ( $\frac{1}{2}$ ) unit

**Note:** While one-half ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) unit

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

Fine Arts: one-half ( $\frac{1}{2}$ ) 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.

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

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

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

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



Smart Core Information Sheet  
Smart Core Waiver Form  
Commissioner's Memo LS-18-082  
A.C.A. § 6-4-302  
A.C.A. § 6-16-122  
A.C.A. § 6-16-143  
A.C.A. § 6-16-149  
A.C.A. § 6-16-150  
A.C.A. § 6-16-152  
A.C.A. § 6-16-1406  
A.C.A. § 6-28-115

Date Adopted: June 14, 2021

## **SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS (Policy 4.45)**

### **REQUIREMENTS FOR THE CLASSES OF 2023, 2024, AND 2025**

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

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents as part of the annual school district support plan development process 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:

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

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

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

### **GRADUATION REQUIREMENTS**

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

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

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

### **Digital Learning Courses**

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

### **Personal and Family Finance**

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

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

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

Oral Communications: one-half ( $\frac{1}{2}$ ) unit

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

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

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

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

3) Algebra II; and

4) The fourth unit may be either:

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

Natural Science: three (3) units

a. DESE approved biology – 1 credit;

b. DESE approved physical science – 1 credit; and

c. A third unit that is either:

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

Social Studies: three (3) units

- Civics - one-half ( $\frac{1}{2}$ ) unit
- World History - one unit
- American History - one unit
- Other social studies – one-half ( $\frac{1}{2}$ ) Unit

Physical Education: one-half ( $\frac{1}{2}$ ) unit

**Note:** While one-half ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) unit

Economics – one half ( $\frac{1}{2}$ ) unit – dependent upon the licensure of the teacher teaching the course, this can count toward the required three (3) social studies credits or the six (6) required Career Focus elective credits.

Fine Arts: one-half ( $\frac{1}{2}$ ) 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.

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

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

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

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

Oral Communications: one-half ( $\frac{1}{2}$ ) unit

Mathematics: four (4) units

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

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

Science: three (3) units

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

Social Studies: three (3) units

- Civics one-half ( $\frac{1}{2}$ ) unit
- World history, one (1) unit
- American History, one (1) unit
- Other social studies – one-half ( $\frac{1}{2}$ ) unit

Physical Education: one-half ( $\frac{1}{2}$ ) unit

**Note:** While one-half ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) unit

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

Fine Arts: one-half (½) unit

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

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

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

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

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

Legal References:      Standards for Accreditation 1-C.2, 1-C.2.1, 1-C.2.2, 1-C.2.3  
                                 DESE Guidelines for the Development of Smart Core Curriculum Policy  
                                 DESE Rules Governing Distance and Digital Learning  
                                 Smart Core Information Sheet  
                                 Smart Core Waiver Form  
                                 Commissioner’s Memo LS-18-082  
                                 A.C.A. § 6-4-302  
                                 A.C.A. § 6-16-122  
                                 A.C.A. § 6-16-143  
                                 A.C.A. § 6-16-149  
                                 A.C.A. § 6-16-150  
                                 A.C.A. § 6-16-1406  
                                 A.C.A. § 6-28-115

Date Adopted:            April 14, 2005  
Last Revised:            June 20, 2020; June 14, 2021; June 30, 2022

## 2.90 TRANSPORTATION

All transportation changes are strongly encouraged to be made before 2 PM.

**BUS:** Refer to the transportation policy for information on bus transportation.

**CAR RIDERS:** All safety rules pertaining to pedestrian and bicycle traffic on and around school property shall be followed. **No child shall be let out to walk across the traffic alone from the parking lot. They shall be accompanied by an adult for the child's safety.** Students are not allowed to operate any type of motorized vehicle upon school property at any time.

Please adhere to speed limit and disabled parking signs. These areas are monitored by the Malvern Police Department and citations may be issued for violations.

## 2.91 ADDRESSING CONCERNS

It is a goal of the Board and the District to be responsive to the community it serves and to continuously improve the educational program offered in its schools. The Board or the District welcomes constructive criticism when it is offered with the intent of improving the quality of the system's educational program or the delivery of the District's services.

The Board formulates and adopts policies to achieve the District's vision and elects a Superintendent to implement its policies. The administrative functions of the District are delegated to the Superintendent who is responsible for the effective administration and supervision of the District. Individuals with complaints concerning personnel, curriculum, discipline (including specific discipline policies), coaching, or the day to day management of the schools need to address those complaints according to the following sequence:

- Teacher, coach, or other staff member against whom the complaint is directed
- Principal
- Superintendent

Other than in the few instances where statutorily allowed or required, student discipline and personnel matters may not be discussed in Board meetings. Individuals with complaints regarding such matters need to follow the sequence outlined above.

Unless authorized by the Board as a whole for a specific purpose, no individual Board member has any authority when acting alone. District constituents are reminded that the Board serves as a finder of fact, not unlike a jury in matters such as student suspensions initiated by the Superintendent, expulsions, and personnel discipline. For this reason, the board may not be involved or informed prior to a board hearing on particular disciplinary matters.

Complaints that are related to district use or administration of federal funds generated through specific programs identified by the Arkansas Department of Education and authorized in the 2002 reauthorization of the Elementary and Secondary Education Act may be taken directly

from a patron or by referral from the Arkansas Department of Education (ADE). If taken directly from a patron, the complaint may be submitted by either a signed statement or by a certified, recorded deposition or statement in which the complainant is identified. The complaints shall be addressed in the following manner.

1. The complaint shall be referred to the federal programs director, who shall assemble a team of at least two people to investigate the complaint.
2. Throughout the investigation, sufficient notes and records will be taken and maintained to substantiate the position of the findings of the investigation.
3. The team will interview the complainant and others as necessary to enable the team to make a determination of the validity of the complaint. The team may consult with individuals with knowledge or expertise in the matter which is the subject of the complaint, including legal counsel.
4. The investigation of complaints referred by the ADE shall be completed within 30 work days of receipt of the complaint, unless a longer time period has been approved by the ADE.
5. The investigation of complaints made directly to the district shall be completed within 40 work days unless there are extenuating circumstances; in such a case, a preliminary report shall be made within 40 work days of receipt of the complaint, which shall include an explanation of the unusual circumstances requiring additional time to complete the investigation.
6. The report of the conclusions of the investigation shall be given to the complainant. It shall contain; a summary of the allegations of the complaint; a summary of the investigative actions taken by the team; a summary of the findings concerning each alleged violation or implied violation; a statement of corrective actions needed to resolve the issues involved in each allegation and finding of complaint.

## **2.92 PARENT AND FAMILY ENGAGEMENT**

Malvern Elementary School is a schoolwide Title I school for grades K - 4. We believe that parents play an integral part in the success of their child. Parents with limited English proficiency, parents with disabilities, and parents of migratory children are ensured the same rights as all other parents. The school recognizes the shared responsibility of the school and family during the time the child spends in school. Engaging parents is essential to improving student achievement.

To ensure parent and family engagement, the following components will be address:

- 1. Parents of the school, alumni, and community members will be involved.**
- 2. Each grade level and the individual needs of the school will be addressed.**
- 3. Parent Involvement Meetings**
- 4. School's process for resolving parental concerns**
- 5. Enable the formation of a PTO or PTA**
- 6. Provide written notices (in multiple languages if applicable)**
- 7. Provide Informational Packets**
- 8. Volunteer Resource Book**

9. Provide instruction on how a parent may incorporate developmentally appropriate learning activities at home.
10. Resources such as books, magazines, and videos will be available for parents to borrow
11. Certified staff member to serve as Parent Facilitator
12. Provide a Title I Parent Compact
13. Collectively recognize in the local newspaper parents who attended parent-teacher conferences.
14. Parent-Teacher Conferences (2 per year)
15. Staff will be trained in Parent Involvement Strategies
16. Policies will be in place to support parent involvement

To see a complete listing of parent activities and information, parents are encouraged to visit the district's web page (<http://malvernleopards.org>).

### **3.00 K – 4 DISCIPLINE (Policy 4.17)**

The Malvern Board of Education has a responsibility to protect the health, safety, and welfare of the District's students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs:

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

The District's administrators may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to: 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 shall incorporate the District's implementation of positive behavioral supports in accordance with Policy 4.60 in the application of student discipline.

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



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

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

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

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

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

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

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

Date Adopted: February 8, 2010

Last Revised: May 21, 2012

June 11, 2013; June 13, 2019; June 14, 2021; June 30, 2022

### **3.01 CONDUCT TO AND FROM SCHOOL (Policy 4.19)**

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

Legal References: A.C.A. § 5-60-122  
A.C.A. § 6-19-119 (b)  
Ark. Division of Academic Facilities and Transportation Rules Governing  
Maintenance and Operations of Ark. Public School Buses and Physical  
Examinations of School Bus Drivers 4.0

42

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

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

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

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

Date Adopted: April 12, 2004

Last Revised: May 21, 2012

April 13, 2015; June 28, 2018; June 28, 2018; June 13, 2019

### **3.03 DISRUPTION OF SCHOOL (Policy 4.20)**

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.

Revised: April 12, 2004

#### **CONSEQUENCES (K-4)**

**First Offense:** Student Conference and/or Administrative Detention

**Second Offense:** Administrative Detention or In-School Suspension

**Third Offense or Above:** In-School Suspension, Corporal Punishment, or Out of School Suspension

### **3.04 STEALING**

No student shall take things that do not belong to him/her. Items that are stolen will be returned to their rightful owner, if possible. Repeated offenses may result in contact with the School Resource Officer.

#### **CONSEQUENCES (K-4)**

**First Offense:** Return of Item and Student Conference

**Second Offense:** Return of Item and Administrative Detention

**Third Offense and Above:** Return of Item and In-School-Suspension

### **3.05 INSUBORDINATION/DISREGARD OF DIRECTIONS**

Students are expected to comply with reasonable directions or commands of school personnel, complete class work, and follow classroom rules.

#### **CONSEQUENCES (K-4)**

**First Offense:** Student Conference and/or Administrative Detention

**Second Offense:** Administrative Detention and/or In-School Suspension

**Third Offense or Above:** In-School Suspension, Corporal Punishment, or Out of School Suspension

### **3.06 INAPPROPRIATE LANGUAGE/OBSCENE GESTURES**

No student shall use any of the following:

1. Profane, violent, vulgar, abusive or insulting language
2. Vulgar body movements, actions, or physical gestures
3. Printed or drawn materials that convey obscene or highly disrespectful or inflammatory acts that infringe upon the rights of others, or that causes or begins a disruption of the educational process

#### **CONSEQUENCES (K-4)**

**First Offense:** Student Conference and/or Administrative Detention

**Second Offense:** Administrative Detention and/or In-School Suspension

**Third Offense or Above:** In-School Suspension, Corporal Punishment, or Out of School Suspension

### **3.07 REPEATED VIOLATIONS OF CLASSROOM RULES**

Students are expected to follow individual classroom rules and consequences as established by their teachers. A repeated violation is one that continues to occur after all the regular classroom consequences have been applied, including parent contact or conference.

#### **CONSEQUENCES (K-4)**

**First Offense:** Student Conference and/or Administrative Detention

**Second Offense:** Administrative Detention and/or In-School Suspension

**Third Offense:** In-School Suspension, Corporal Punishment, or Out of School Suspension

**Fourth Offense or Above:** In-School Suspension, Out of School Suspension, or Out of School Suspension with Recommendation for Expulsion

### **3.08 STAFF/STUDENT ASSAULT OR BATTERY (Policy 4.21)**

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 acceptance, is calculated to:

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

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

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

Date Adopted: April 12, 2004

Last Revised: June 13, 2019

Students may disagree with each other by keeping their hands and feet to themselves and by discussing problems without physical contact. A violent struggle, combat, and angry dispute that involves hitting, wrestling, kicking, biting, spitting, shoving, tripping, scratching, and hair pulling quarrel are also considered a fight. Provoking/instigating a fight is unacceptable behavior. When students fight, it may be difficult to determine who is at fault. Every student involved in the fight will be disciplined regardless of who started the fight. All parties involved in the incident will be punished automatically. If the child who is hit chases the person who hit him/her and tackles or wrestles the student to the ground, that is a fight. Both students will be punished.

“Assault” is the will attempt or threat to inflict injury upon another person, coupled with the apparent present ability to do so. Any display of force that would give the victim reason to fear bodily harm is assault, even if touching, or striking does not occur. “Battery” is similar to assault, but requires unexcused physical touching or injury. “Abuse” means to wrong in speech, reproach coarsely, disparage, revile or malign. Use of profanity or vulgar expressions directed at another person is considered abuse. Violation of this policy may constitute a criminal offense. By law, local law enforcement must be notified when a felony or an act of violence may have been committed.

#### **CONSEQUENCES (K-4)**

**\* First Offense:** Student Conference and/or Administrative Detention

**\*Second Offense:** Administrative Detention and/or In-School Suspension

**\*Third Offense:** In-School Suspension, Corporal Punishment, or Out of School Suspension

**\*Fourth Offense or Above:** In-School Suspension, Out of School Suspension, or Out of School Suspension with Recommendation for Expulsion

**\*Consequences may vary depending on the seriousness of the offense.**

### **3.09 WEAPONS AND DANGEROUS INSTRUMENTS (Policy 4.22)**

#### **Definitions**

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

“Possession” means having a weapon on the student’s body or in an area under the student’s control.

“Weapon” means any:

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

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

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

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

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

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

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

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

firearms. The designated employee shall store the firearms in a secure location until they are removed for use in the approved activity.

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

Cross Reference: Policy 4.31—EXPULSION

Legal References:

A.C.A. § 5-4-201  
A.C.A. § 5-4-401  
A.C.A. § 5-27-210  
A.C.A. § 5-73-119(b)(e)(8)(9)(10)  
A.C.A. § 5-73-133  
A.C.A. § 6-18-502  
A.C.A. § 6-18-507  
A.C.A. § 6-21-608  
20 USC § 7961

Date Adopted: April 12, 2004

Last Revised: June 28, 2010

April 13, 2015; June 13, 2019

#### **CONSEQUENCES (K-4)**

Depending on the seriousness of the situation, the consequences may range from:

- Confiscation of the item
- Confiscation of the item with suspension
- Confiscation of the item with recommendation for expulsion

#### **3.10 TOBACCO , ELECTRONIC NICOTINE DELIVERY SYSTEMS, AND RELATED PRODUCTS POLICY (Policy 4.23)**

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

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

Legal Reference: A.C.A. § 6-21-609



Date Adopted: April 12, 2004  
Last Revised: July 13, 2006  
April 21, 2011  
June 27, 2013  
May 11, 2020

#### **Regulations Governing Enforcement - Elementary School (Grades K-4)**

Possessing tobacco products and smoking paraphernalia on the school ground is prohibited. A student who violates this rule will be referred to the school counselor and shall be subject to:

**First Offense:** Out of School Suspension (1 day)

**Second Offense:** Out of School Suspension (3 days)

**Third Offense or Above:** Out of School Suspension (5-10 days)

### **3.11 DRUGS AND ALCOHOL (Policy 4.24)**

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

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

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

Cross Reference: 4.35—STUDENT MEDICATIONS

Date Adopted: April 12, 2004  
Last Revised: May 21, 2012; June 13, 2019

### Consequences

	Possession	Sale	Distribution	Use or Abuse	Under Influence
<b>Illegal drugs</b>	Expulsion	Expulsion	Expulsion	Expulsion	Expulsion
<b>Alcohol</b>	Expulsion	Expulsion	Expulsion	Expulsion	Expulsion
<b>Imitation or Prescription</b>	Minimum/ISS	Expulsion	Expulsion	Expulsion	
<b>Patent meds/over-the-counter</b>	Minimum/ ISS	Expulsion	Expulsion	Suspension	
<b>Tobacco/ Paraphernalia</b>	Minimum/ISS Max/Expulsion	Expulsion	Expulsion	Suspension	

### 3.12 DRESS CODE (Policy 4.25)

The Malvern Special School District 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, and 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.

Revised: June 9, 2011

Students shall dress appropriately for the weather and keeping safety in mind. Clothing with objectionable material such as tobacco or alcohol advertisements shall not be worn. Shorts and dresses shall be appropriate in length and age appropriate. Caps, hats, and sunglasses shall not be worn in the building except on approved cap days or for medical reasons. Students shall not wear hoods of hoodies in the building. Pants shall be fitted where sagging does not occur.

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.

It will be at the administrator's discretion to deem what is appropriate for school and what does not offend the rights of other students. (per ADE Regs 6.0301)

If clothing is determined not to be appropriate, the child will be asked to change clothes.

### **3.13 GANGS AND GANG ACTIVITY (Policy 4.26)**

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

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

### **CONSEQUENCES (K-4)**

**First Offense:** In School Suspension or Out of School Suspension

**Second Offense:** Out of School Suspension (3 days)

**Third Offense or Above:** Out of School Suspension (5-10 days)

Revised: June 28, 2010

### **3.14 STUDENT SEXUAL HARASSMENT (Policy 4.27)**

The Malvern School District is committed to providing an academic environment that treats all students 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.

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

- the nature of sexual harassment;
- The District's written procedures governing the formal complaint grievance process;
- The process for submitting a formal complaint of sexual harassment;
- That the district does not tolerate sexual harassment;
- That students can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- The supports that are available to individuals suffering sexual harassment; and
- The potential discipline for perpetrating sexual harassment.

### **Definitions**

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

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

1. A District employee:
  - a. Conditions the provision of an aid, benefit, or service of the District on an individual's participation in sexual conduct; or
  - b. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;
2. The conduct is:
  - a. Unwelcome; and
  - b. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. Constitutes:
  - a. Sexual assault;
  - b. Dating violence
  - c. Domestic violence; or
  - d. Stalking.

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

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

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 and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

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

Students who believe they have been subjected to sexual harassment, or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sexual harassment, are encouraged to bring their concerns to **any** District staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the District staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- Discuss the availability of supportive measures;

- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

### **Supportive Measures**

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

### **Formal Complaint**

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

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

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

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

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

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
  - Whether obtained from a party or other source,;
  - The District does not intend to rely upon in reaching a determination regarding responsibility; and
  - That is either Inculpatory or exculpatory; and
- Create an investigative report that fairly summarizes relevant evidence.

At least ten (10) days prior to completion of the investigative report, the District shall send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10) days to submit a written response to the evidence. The investigator will consider the written responses prior to

completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

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

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

No earlier than ten (10) days following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
  - a. Any notifications to the parties;
  - b. Interviews with parties and witnesses;
  - c. site visits;
  - d. Methods used to gather other evidence,; and
  - e. Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. A determination regarding responsibility;
  - b. Any disciplinary sanctions imposed on the respondent; and
  - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

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

- If an appeal is not filed, the day after the period for an appeal to be filed expires; or
- If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the



definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's code of conduct.

The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at the District; or
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The District may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

### **Appeals**

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

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

For all appeals, the District shall:

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

### **Confidentiality**

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

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

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

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

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

#### **Emergency removal**

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

#### **Retaliation Prohibited**

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

#### **Disciplinary Sanctions**

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any student who is found by the evidence to more likely than not have engaged in sexual

harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

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

### **Records**

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

- Each sexual harassment investigation including:
- Any determination regarding responsibility;
- any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any appeal and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, and decision-makers;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
  - The basis for the District's conclusion that its response was not deliberately indifferent; and
  - Document:
    - If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
    - If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

Legal References:     20 USC 1681 et seq.  
                              34 C.F.R. Part 106  
                              A.C.A. § 6-15-1005  
                              A.C.A. § 6-18-502  
                              A.C.A. § 12-18-102

Date Adopted: April 12, 2004

Last Revised: June 28, 2010

April 21, 2011; June 18, 2018; June 30, 2020; April 18, 2022; June 30, 2022

#### **CONSEQUENCES (K-4)**

**\*First Offense:** Student Conference and/or Administrative Detention

**\*Second Offense:** Administrative Detention and/or In-School Suspension

**\*Third Offense:** In-School Suspension, Corporal Punishment, or Out of School Suspension

**\*Fourth Offense or Above:** In-School Suspension, Out of School Suspension, or Out of School Suspension with Recommendation for Expulsion

**\*Consequences may vary depending on the seriousness of the offense.**

### **3.15 LASER POINTERS (Policy 4.28)**

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.

#### **CONSEQUENCES (K-4)**

**First Offense:** Confiscation and Student Conference

**Second Offense:** Confiscation and Administrative Detention

**Third Offense and Above:** Confiscation and In-School Suspension

Revised: April 12, 2004

### **3.16 INDECENT EXPOSURE**

A student shall not deliberately commit indecent exposure in school nor shall a student make improper advances toward another person.

#### **CONSEQUENCES (K-4)**

**\*First Offense:** Student Conference and/or Administrative Detention

**\*Second Offense:** Administrative Detention and/or In-School Suspension

**\*Third Offense:** In-School Suspension, Corporal Punishment, or Out of School Suspension

**\*Fourth Offense or Above:** In-School Suspension, Out of School Suspension, or Out of School Suspension with Recommendation for Expulsion

**\*Consequences may vary depending on the seriousness of the offense.**

### **3.17 LEAVING CAMPUS OR DESIGNATED AREA WITHOUT PERMISSION**

After arrival on the school campus, a student shall not leave campus or designated area without permission from school authorities.

#### **CONSEQUENCES (K-4)**

**\*First Offense:** Student Conference and/or Administrative Detention

**\*Second Offense:** Administrative Detention or In-School Suspension

**Third Offense or Above:** In-School Suspension or Out of School Suspension

\*If the student is putting himself or herself in danger, more serious consequences may be incurred on the first and second offenses.

### **3.18 CHEATING**

A student may not cheat or help other students cheat on class work, homework, test or other school work.

#### **CONSEQUENCES (K-4)**

**First Offense:** Student Conference and/or Administrative Detention

**Second Offense:** Administrative Detention or In-School Suspension

**Third Offense or Above:** In-School Suspension

### **3.19 DAMAGING SCHOOL PROPERTY**

Students will not be allowed to damage school property anywhere on campus. Parents and students may be asked to pay costs of replacing or repairing damaged property.

#### **CONSEQUENCES (K-4)**

**First Offense:** Student Conference and/or Administrative Detention

**Second Offense:** Administrative Detention and/or In-School Suspension

**Third Offense:** In-School Suspension, Corporal Punishment, or Out of School Suspension

**Fourth Offense or Above:** In-School Suspension, Out of School Suspension, or Out of School Suspension with Recommendation for Expulsion

### **1.20 POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES (Policy 4.47)**

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

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

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

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

1. Using electronic devices during class time in any manner other than specifically permitted by the classroom instructor;

2. Permitting any audible sound to come from the device when not being used for reason #1 above;
3. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, or wrongfully obtaining test copies or scores;
4. Using the device to record audio or video or to take photographs in areas where a general expectation of personal privacy exists, including but not limited to locker rooms and bathrooms;
5. Creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person.

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

Before and after normal school hours, possession of electronic 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.

A parent shall obtain approval from the student's building principal before operating a student-tracking safety device at school or at a school-sponsored event if the device has recording or listen-in capability. The District requires the device's recording and listen-in technology to be disabled while the device is on the campus or at the school-sponsored event because of student privacy concerns. The District prohibits unauthorized audio or visual recordings or transmission of audio or images of other students. The student's parent shall agree in writing to the requirement for the device's recording and listening-in technology to be disabled and that the District may prohibit future use of the device on campus or at a school-sponsored activity if it is determined that the device's recording or listening-in capabilities were used in violation of this policy before the student safety tracking device may be on campus or at a school-sponsored event.

The student and/or the student's parents or guardians expressly assume any risk associated with students owning or possessing electronic devices. Students misusing electronic devices shall have them confiscated. Confiscated 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 electronic devices that have been confiscated. A search of a confiscated device shall meet the reasonable individualized suspicion requirements of Policy 4.32—SEARCH, SEIZURE, AND INTERROGATIONS.

Students who use 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.

No student shall use any wireless communication device for the purposes of browsing the internet; composing or reading emails and text messages; or making or answering phone calls while driving a motor vehicle that is in motion and on school property. Violation may result in disciplinary action up to and including suspension.

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

Date Adopted:         July 13, 2006  
Last Revised:         June 9, 2011  
                              May 21, 2012  
                              June 11, 2013  
                              April 13, 2015  
                              March 14, 2016; June 29, 2017; June 28, 2018; June 13, 2019; May 11, 2020

#### **CONSEQUENCES (K-4)**

**First Offense:** Confiscation and Student Conference

**Second Offense:** Confiscation and Administrative Detention

**Third Offense and Above:** Confiscation and In-School Suspension

#### **3.21—BULLYING (Policy 4.43)**

##### **Definitions**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:
  - a. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
  - b. Prepare a written report of the alleged incident of bullying;

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

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

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

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

Copies of this policy shall be available upon request.

Legal References: A.C.A. § 5-71-217

A.C.A. § 6-18-514

DESE Rules Governing Student Discipline and School Safety

Date Adopted:

Last Revised: June 13, 2019; June 30, 2022

### **CONSEQUENCES (K-4)**

**First Offense:** Student Conference and/or Administrative Detention

**Second Offense:** Administrative Detention or In-School Suspension

**Third Offense:** In-School Suspension or Out of School Suspension

**Fourth Offense or Above:** In or Out of School Suspension with the possibility of expulsion

### **3.22 BEHAVIOR NOT COVERED ABOVE**

Malvern Special School District reserves the right to pursue disciplinary or legal action for behavior which is subversive to good order and discipline in the school even though such behavior is not specified in the preceding written rules.

Definitions:

1. Administrative Detention—The student loses class lunch and recess privileges and is assigned to eat under supervision and will complete a packet of behavior improvement activities that are aligned with which rule was broken.
2. ISS-In School Suspension -This is suspension held in school where the student will go during school hours and will be supervised by an instructor.
3. Out of School Suspension-This is suspension held outside of school.

### **3.23 DUE PROCESS**

In case of suspension from school, the student will be so instructed by the principal as to the reason and length of suspension. A letter shall be sent to the parent/guardian notifying them of the reason and length of suspension. The principal will attempt to call the parent of the impending suspension.

In the event the student is suspended for more than ten (10) school days, the parent/guardian will be given an opportunity to appear before the school board.

The parent/guardian must notify the Superintendent of Schools by certified mail within five (5) days if a hearing is desired. If an attorney is retained to appear, notice of this fact must also be given by certified mail. Certified mail is required for legal proof of the request, and notification of an attorney to appear is required in order that the school's attorney may also be in attendance. Record of the hearing will become part of the public school.

### **3.24 SUSPENSION FROM SCHOOL (Policy 4.30)**

Students who are not present at school cannot benefit from the educational opportunities the school environment affords. Administrators, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The Board authorizes school principals or their designees to suspend students for disciplinary reasons for a period of time not to exceed ten (10) school

days, including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs:

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

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

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

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

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

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

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

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

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

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

It is the responsibility of a student's parents, legal guardians, person having lawful control of the student, or person standing in loco parentis to provide current contact information to the district, which the school shall use to immediately notify the parent, ~~or~~ legal guardian, person

having lawful control of a student, or person standing in loco parentis upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

- 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, person having lawful control of the student, or person standing in loco parentis.

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

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

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

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

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

Cross Reference: 4.7—ABSENCES

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

Adopted: April 12, 2004

Last Revised: May, 2008

May 21, 2012

March 14, 2016

July 11, 2016; June 29, 2017; June 13, 2019

### **3.25 EXPULSION (Policy 4.31)**

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

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

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

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

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

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

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

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

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

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

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

Cross Reference: Policy 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

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

Date Adopted: June 9, 2008  
Last Revised: June 29, 2017; June 13, 2019

### **3.30   HOMEWORK POLICY**

Homework is seen as a valuable extension of the learning process. Even kindergarten students benefit from learning the responsibility of bringing homework back and forth to school. Homework at the K-4 level will not be excessive but will help reinforce math and literacy skills with the students. The staff at MES encourages you to work with your child daily to see that all homework is completed. Habitually not turning in homework assignments will result in disciplinary action.

### **3.40   MALVERN ELEMENTARY LEARNING ACADEMY (MELA)**

The Malvern Elementary Learning Academy, which serves students in grades K-4, is a student intervention program that seeks to eliminate traditional barriers to student learning. The MELA classroom will be a caring, nurturing, and supportive environment where quality learning can take place for the at risk student.

Student placement will be based upon recommendation, interview, and meeting two (2) or more student qualifiers. Students who attend the MELA classroom will have a creative alternative approach to instruction, lower pupil-teacher ratio, physical movement, hands on instruction, behavior modification, social skills and conflict resolution training.

## **APPENDIX**

**THE FOLLOWING PAGES CONTAIN ADDITIONAL MALVERN SCHOOL DISTRICT POLICIES. OTHER POLICIES ARE AVAILABLE AT THE ADMINISTRATION OFFICES, 1620 SOUTH MAIN STREET.**

### **Board of Directors**

By the authority of Article 14 of the Arkansas Constitution, the General Assembly has provided that locally elected school boards will be responsible for the lawful operation and maintenance of its local schools.

While the Board has a broad range of powers and duties, its individual members only have authority when exercising their responsibilities in a legally convened meeting acting as a whole. The sole exception is when an individual member has been delegated authority to represent the Board for a specific, defined purpose.

It is the policy of the Malvern School Board that its actions will be taken with due regard for its legal responsibilities and in the belief that its actions shall be in the best interests of its students and the District as a whole.

### **Malvern School District**

#### **Central Administration**

1620 S. Main Street

(501) 332-7500

Website: [www.malvernleopards.org](http://www.malvernleopards.org)

Brian Golden, Superintendent

Lillian Harper, Assistant Superintendent

Gerald Hatley, Assistant Superintendent

#### **Malvern Elementary School**

##### **Grades K - 4**

1807 West Moline Street

(501) 467-3166

Meredith McCormack, Principal

Catherine Watson, Assistant Principal

Mike Scarbrough, Administrative Assistant

#### **Wilson Intermediate School**

##### **Grades 5 - 6**

614 West Moline Street

(501) 332-6452

LaQuita Jones, Principal

Darryl Baker, Administrative Assistant

#### **Malvern Middle School**

##### **Grades 7 - 8**

339 E. Donnelly

(501) 332- 7530

Ben Dial, Principal

Cleveland Gordon, Administrative Assistant

#### **Malvern Senior High School**

##### **Grades 9 – 12**

525 East Highland Street

(501) 332-6905

Jennifer Shnaekel, Principal

Manuel Bulhoes, Assistant Principal

Ritchie Holliman, Assistant Principal

#### **Malvern Learning Academy**

1517 S. Main Street

(501) 332-7503

#### **Malvern Health and Wellness Center**

1517 S. Main Street

(501) 332-7525

Velda Keeney, Coordinator



Dear Parent/Guardian:

As a parent/guardian of a student in the Malvern School District, you have the right to know the professional qualifications of your child's teacher. Federal Law allows you to ask for certain information about your child's teacher and requires the District to provide you with this information within a timely manner. The information which you may request is listed below.

- Whether the Arkansas Department of Education has licensed or qualified the teacher for the grades of subjects he/she teaches
- Whether the Arkansas Department of Education has decided the teacher can teach under an Arkansas Provisional License due to holding a teaching license from another state
- The teacher's college major
- Whether the teacher has an advanced degree and, if so, the subject area
- Whether there are teaching assistants or similar paraprofessionals providing services to your child and if there are, what are their qualifications

If you would like to receive any of this information, please come by the Malvern Administrative Offices, 1620 South Main Street, during working hours

(8:00 am – 4:00 pm, week days) and complete a Parent Request form. A response will be mailed to you within ten (10) working days from the date of the request.

Sincerely,

Brian Golden, Superintendent

## **Notification of Rights under the Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

- (1) The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access.

Parents of eligible students should submit to the School principal {or appropriate school official} a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School principal {or appropriate school official}, clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for the amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- (3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent the FERPA authorizes disclosure with consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. 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 as its agent to provide a service instead of using its own employees or officials (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.

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.

Upon request, the School discloses education records without consent to officials to another school district in which a student seeks or intends to enroll.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Malvern School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

## **Notification of Rights under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to: *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) –

1. Political affiliation or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex, behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

*Receive notice and an opportunity to opt a student out of –*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

*Inspect, upon request and before administration or use –*

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

Malvern School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Malvern School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Malvern School District will also directly notify parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Malvern School District will make this notification to parents at the beginning of the school year if the District has identified the specific and approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents

will be provided reasonable notification of the planned activities and surveys listed below and will be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents who believe their rights have been violated may file a complaint with*

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

### **AHERA Notification**

This is the annual update of our compliance with the Asbestos Hazard Emergency Response Act (AHERA). This Act requires that all school districts, public and private, K – 12, inspect each of their school buildings for asbestos containing building materials. Management plans are then developed which outline how any asbestos containing materials will be handled in each building.

The Malvern School District is committed to providing a safe and healthy environment for all children, employees and guests in our schools. We will, as we have in the past, monitor, inspect and repair any asbestos containing materials. Copies of our management plan and inspection reports are available upon request for review at the Superintendent's office.

The Malvern School District intends to have all asbestos containing building materials under operations and maintenance, removed or encapsulated. If you would like more information regarding the AHERA program, you may call me at my office.

Brian Golden, Superintendent  
(501) 332-7500

### **ACCELERATED COURSES AND GIFTED/TALENTED**

In general, advanced and Gifted and Talented (GT) courses are considered as college preparatory. A student may be removed from an accelerated course at the school's discretion for unacceptable performance.

Gifted and Talented services are offered to students who have mastered the basic curriculum and would benefit from a more advanced study.

A student needs one of the following nominations in order to be considered for the program.

1. Nominated by parent/guardian, classroom teacher, GT teacher, counselor or principal

2. Score 95 percentile composite or higher on two (2) areas of achievement
3. Self nomination

Students who exemplify the highest level of achievement along with the following criteria will ultimately be chosen for the program.

1. Achievement test scores
2. Creativity test
3. School ability test
4. Grade point average
5. Classroom behavioral rating scale
6. Teacher checklist
7. Parent Questionnaire
8. Student interview form
9. Parent rating sheet
10. Teacher comments

Students in grades 3-6 will receive GT services through a pull-out program for 150 minutes a week. In grades 7-12, gifted and talented services are through the content area, Pre AP, and AP classes.

#### **STUDENT ACCELERATION (Policy 4.54)**

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

Generally, acceleration can occur through one of two broad categories: content based and grade based. Grade based acceleration shortens the number of years a student would otherwise spend in K-12 education, while content based acceleration occurs within the normal K-12 time span. Either form of acceleration can be triggered by either a parent/guardian, student, or community member's request or by the referral of school personnel. In either case, the process of determining the appropriateness of the request shall be under the direction of the district/school Gifted and Talented Program Coordinator. The district/school<sup>4</sup> Gifted and Talented Program Coordinator shall convene the Acceleration Placement Committee and communicate with the individuals necessary for the Acceleration Placement Committee to make an informed decision, which shall include the student's parents or guardians.

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

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

The parents/guardians of any student whose request for acceleration has been denied may appeal the decision, in writing to the District's GT Coordinator<sup>1</sup>. The District's GT Coordinator and the Acceleration Placement Committee will again thoroughly review the case study that was completed on the student. Upon completion of the review, the Committee will either request additional new testing be conducted to help the Committee make its determination or it will uphold the initial decision. The Committee's decision may not be further appealed.

Legal Reference: DESE Gifted and Talented Rules

Date adopted: June 11, 2013

Last Revised: May 11, 2020

## **ALTERNATIVE LEARNING ENVIRONMENTS (Policy 5.26)**

The District shall provide an eligible alternative learning environment (ALE) for each eligible ALE student enrolled in a District school. The ALE shall be part of an intervention program designed to provide guidance, counseling, and academic support to students who are experiencing emotional, social, or academic problems. Placement of a student in an ALE shall not be punitive in nature.

The superintendent or designee shall appoint an Alternative Education Placement Team which shall have the responsibility of determining student placement in the ALE. A student may be enrolled in an ALE only on the referral of the Alternative Education Placement Team. The team's placement decision is final and may not be appealed.<sup>1</sup>

The team is to be comprised of the following:

- a school counselor from the referring school;
- the ALE administrator and/or ALE teacher;
- the building principal or assistant principal from the referring school;
- a parent, legal guardian, person having lawful control of the student, or person standing in loco parentis (if they choose to participate);
- The District shall document its efforts to contact the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis to schedule a meeting or a phone call for a placement meeting at the convenience of the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis, and maintain such documentation in the student's Student Action Plan (SAP).
- LEA special education/504 representative (if applicable);
- at least one (1) of the student's regular classroom teacher(s); and
- if the District so chooses, the student.

Students who are placed in the ALE shall exhibit at least two (2) of the characteristics from items a through l below:

- a. Disruptive behavior;
- b. Dropping out from school;
- c. Personal or family problems or situations;
- d. Recurring absenteeism;

For the purposes of the ALE, personal or family problems or situations are conditions that negatively affect the student's academic and social progress. These may include, but are not limited to:

- e. Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics
- f. Abuse: physical, mental, or sexual;
- g. Frequent relocation of residency;
- h. Homelessness;
- i. Inadequate emotional support;
- j. Mental/physical health problems;
- k. Pregnancy; or
- l. Single parenting.

No later than five (5) school days after a student begins alternative education interventions, the Alternative Education Placement Team shall develop a signed agreement between the ALE; the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis (if they choose to participate); and the student, outlining the responsibility of the ALE; parent, legal guardian, person having lawful control of the student, or person standing in loco parentis; and the student to provide assurance that the plan for each student is successful.

No later than one (1) week after a student begins alternative education interventions, the Alternative Education Placement Team shall assess the student's current functioning abilities and all relevant social, emotional, academic, career, and behavioral information and develop an SAP outlining the intervention services to be provided to the student that is in compliance with the Division of Elementary and Secondary Education (DESE) Rules. The SAP may be revised from time to time by the ALE placement team and a positive behavior or transitional plan shall be developed and added to the SAP prior to a student's return to the regular educational environment.

The district's ALE program shall follow class size, staffing, curriculum, and expenditure requirements identified in the DESE Rules.

Legal References:     A.C.A. § 6-20-2305(b)(2)  
                              A.C.A. § 6-48-101 et seq.  
                              ADESE Rules Governing the Distribution of Student Special Needs Funding  
                              and the Determination of Allowable Expenditure of These Funds – 3.01,  
                              4.00, and 8.0

Date Adopted: December 20, 2004

Last Revised: May 12, 2014; June 13, 2019

## **ATHLETIC INSURANCE**

The Malvern School District provides a supplemental insurance policy for all athletes (7<sup>th</sup> – 12<sup>th</sup>) who may become injured during a school sponsored athletic event or practice. Students who participate on the Wilson Intermediate football and/or basketball teams (5<sup>th</sup> & 6<sup>th</sup> grades) will be required to purchase this supplemental insurance policy before participating in any athletic

event or practice. Persons with questions or inquires regarding athletic insurance need to contact the athletic office at 332.7500.

## **HEALTH INTERVENTIONS AND PREVENTION SERVICES**

The Malvern School District works in coordination with local network approved counseling agencies to provide services to the students and families attending Malvern schools. Services available include individual, group and family counseling, as well as case management, prevention, early intervention and crisis management. For more information, contact the building guidance counselor or the building principal.

## **COMMUNICABLE DISEASES AND PARASITES (Policy 4.34)**

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

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

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

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

The parents or legal guardians of students found to have live human host parasites that are transmittable in a school environment will be asked to pick their child up at the end of the school day. The parents or legal guardians will be given information concerning the eradication and control of human host parasites. A student may be readmitted after the school nurse or



designee has determined the student no longer has live human host parasites that are transmittable in a school environment.

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

Last Revised: June 11, 2013

## **COMPLAINT RESOLUTION POLICY FOR TITLE I**

Complaints concerning the Title I Program may come from students, parents, teachers, other employees, concerned citizens, or organizations.

### **Procedure for filing complaints**

It is desirable that problems be resolved at the earliest possible time and at the most immediate level of supervision. If the problem is not resolved, a conference shall be scheduled with the complainant and the Title I Coordinator to pursue resolution for the problem.

All complaints and grievances not resolved at the above level should be referred in writing or on tape to the Title I Coordinator. The complaint should be dated and signed or the person identified if on tape.

### **Procedures for handling complaints**

1. The Coordinator, upon receipt of a complaint, will meet with the superintendent, depending on who has the administrative responsibility for the program. These two persons will then appoint a committee made up of a community person, a teacher, a school administrator and parents. This shall be done within one week of the date on which the complaint was filed.
2. The above committee shall hold a hearing with the complaining party/parties within seven (7) days of their appointment.
3. All hearing proceedings will be transcribed and recorded.
4. During the hearing, the complaining party/parties shall have the opportunity to call witnesses, question parties involved and present evidence.
5. The committee will make a written report of their finding to the local administrator of Title I.
6. A decision, based on the findings of the committee and Title I law, will be made by the person having legal responsibility for the Title I program. This decision shall be in written form and will be sent to the complaining party/parties within thirty (3) days from the time the complaint was filed.

### **Appeal**

The complaining party/parties shall have the right to appeal the administrator's decision within thirty (3) days after the receipt of the local decision to the state Title I office. This appeal shall be written, signed and dated.

### **NAMES AND ADDRESSES OF CONTACT PERSONS**

Local:  
Lillian Harper, Assistant Superintendent  
332-7500

State:  
Arkansas Department of Education  
#4 Capitol Mall  
Little Rock, AR 72201-1021

## **COMPLAINT RESOLUTION POLICY FOR TITLE VI (RACE) OF THE CIVIL RIGHTS ACT OF 1964, TITLE IX (SEX) OF THE EDUCATION AMENDMENT OF 1972, AND SECTION 504**

### **(HANDICAP) OF THE REHABILITATION ACT OF 1973**

Complaints concerning the above may come from students, parents, teachers, other employees, and concerned citizens or organizations.

#### **Procedures for filing complaints**

It is desirable that problems be resolved at the earliest possible time and at the most immediate level of supervision. If the problem is not resolved, a conference shall be scheduled with the complainant and the Equity Coordinator to further pursue resolution of the problem.

All complaints or grievances not resolved at the above levels shall be refereed in writing or on tape to the Equity Coordinator. The complaint should be dated and signed or the person identified on tape.

#### **Procedure for handling complaints**

1. The Equity Coordinator, upon receipt of a complaint, will meet with the principal of the school, who has the administrative responsibility for the program. The Equity Coordinator will then appoint a committee made up of a parent, at least one teacher, a school administrator, and a student, if applicable. This shall be done within one week of the date on which the complaint was filed.
2. The above committee shall hold a hearing with the complaining party/parties within seven days of their appointment.
3. All hearings/proceedings will be transcribed or recorded.
4. During the hearing, the complaining party/parties shall have the opportunity to question witnesses, question parties involved and present evidence.
5. The committee shall hold a hearing with the complaining party/parties within seven days of their appointment.
6. A decision based on the findings of the committee will be made by the superintendent. This decision shall be in written form and will be sent to the complaining party/parties within thirty (30) days from the time the complaint was filed.
7. If the complainant is not satisfied with the decision reached by the superintendent of schools, he/she shall within thirty (30) days file a request for a hearing with the school board.

#### **Appeal**

The complaining party/parties shall have the right to appeal the school board's decision within thirty (30) days after the receipt of the local decision to the Equity Assistance Center, #4 Capitol Mall, Room 402 A, Little Rock, AR 72201-1071. This appeal shall be written, signed and dated.

Inquiries concerning application of the above policy may be referred to Lillian Harper, Equity Coordinator, 332-7500.

## **INTERNET SAFETY and ELECTRONIC DEVICE USE POLICY (Policy 4.29)**

### **Definition**

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

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

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

### **Technology Protection Measures**

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

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

### **Internet Use and Safety**

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

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

### **Misuse of Internet**

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

- The disabling or bypassing of security procedures, compromising, attempting to compromise, or defeating the district’s technology network security or Internet filtering software;

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

Last Revised: May 12, 2014

## STUDENT ELECTRONIC DEVICE and INTERNET USE AGREEMENT (FORM 4.29F)

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

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

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

1. Conditional Privilege: The Student's use of the district's access to the Internet is a privilege conditioned on the Student's abiding to this agreement. No student may use the district's access to the Internet whether through a District or student owned electronic device unless the Student and his/her parent or guardian have read and signed this agreement.

2. Acceptable Use: The Student agrees that he/she will use the District's Internet access for educational purposes only. In using the Internet, the Student agrees to obey all federal laws and regulations and any State laws and rules. The Student also agrees to abide by any Internet use rules instituted at the Student's school or class, whether those rules are written or oral.

3. Penalties for Improper Use: If the Student violates this agreement and misuses the Internet, the Student shall be subject to disciplinary action.

4. "Misuse of the District's access to the Internet" includes, but is not limited to, the following:

- a. Using the Internet for other than educational purposes;
- b. Gaining intentional access or maintaining access to materials which are "harmful to minors" as defined by Arkansas law;
- c. Using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
- d. Making unauthorized copies of computer software;
- e. Accessing "chat lines" unless authorized by the instructor for a class activity directly supervised by a staff member;
- f. Using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
- g. Posting anonymous messages on the system;
- h. Using encryption software;
- i. Wasteful use of limited resources provided by the school including paper;
- j. Causing congestion of the network through lengthy downloads of files;
- k. Vandalizing data of another user;
- l. Obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
- m. Gaining or attempting to gain unauthorized access to resources or files;
- n. Identifying oneself with another person's name or password or using an account or password of another user without proper authorization;

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

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

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

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

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

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

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

Last Revised: May 12, 2014; June 13, 2019

## **CONTACT WITH STUDENTS WHILE AT SCHOOL (Policy 4.15)**

### **CONTACT BY PARENTS**

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

### **CONTACT BY NON-CUSTODIAL PARENTS**

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

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

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

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

If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to contact the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis. The principal or the principal's designee shall not attempt to make such contact if presented

documentation by the investigator that notification is prohibited because a parent, legal guardian, person having lawful control of the student, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Division of Arkansas State Police, or an investigator or employee of the Department of Human Services.

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

#### **CONTACT BY PROFESSIONAL LICENSURE STANDARDS BOARD INVESTIGATORS**

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

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

Date Adopted: April 12, 2004

Last Revised:   June 9, 2011

                      April 13, 2015

                      May 9, 2016; June 29, 2017; June 13, 2019; May 11, 2020

#### **CORPORAL PUNISHMENT (Policy 4.39)**

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

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

All corporal punishment shall be administered privately, i.e. out of the sight and hearing of other students, shall not be excessive, or administered with malice, and shall be administered in



the presence of another school administrator or designee who shall be a licensed staff member employed by the District.

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

Legal Reference: A.C.A. § 6-18-503(b)

Date Adopted: June 14, 2004

Last Revised: May 21, 2012; June 13, 2019

### **DISTRICT WEB SITE (Policy 5.20)**

The Malvern School District shall maintain a web page to provide information about its schools, students, and activities to the community. This policy is adopted to promote continuity between the different pages on the district website by establishing guidelines for their construction and operation.

The Malvern School District website shall be used for educational purposes only. It shall not create either a public or a limited public forum. Any link from any page on the District's site may only be to another educational site. The website shall not use "cookies" to collect or retain identifying information about visitors to its website nor shall any such information be given to "third parties." Any data collected shall be used solely for the purpose of monitoring site activity to help the district improve the usefulness of the site to its visitors.

Each school's web page shall be under the supervision of the school's Web Master and the District's website shall be under the supervision of the District's Web Master. They shall have the responsibility for ensuring that web pages meet appropriate levels of academic standards and are in compliance with these guidelines and any additional administrative regulations. To this end, the District and School Web Masters shall have the authority to review and edit any proposed changes to web pages to ensure their compliance with this policy. All such editing shall be viewpoint neutral.

District and school web pages shall also conform to the following guidelines:

1. All pages on the District's website may contain advertising and links only to educational sources.
2. The District's home page shall contain links to existing individual school's web pages and the school home pages shall link back to the District's home page. The District's home page may also include links to educational extracurricular organization's web pages, which shall also link back to the District's home page.
3. Photos along with the student's name shall only be posted on web pages after receiving written permission from the student's parents or the student if the student is over the age of eighteen (18).
4. The District's web server shall host the Malvern District's website.
5. No web page on the District website may contain public message boards or chat rooms.
6. All web pages on the District website shall be constructed to download in a reasonable length of time.

7. The District's home page shall contain a link to a privacy policy notice, which must be placed in a clear and prominent place and manner.
8. With the exception of students who may retain the copyright of material they have created that is displayed on a District web page, all materials displayed on the District web site are owned by School District.
9. The District shall include the following information on its website through a link located on the District's homepage titled "State Required Information":
  - a. Local and state revenue sources;
  - b. Administrator and teacher salary and benefit expenditure data;
  - c. District balances, including legal balances and building fund balances;
  - d. Minutes of regular and special meetings of the school board;
  - e. The district's budget for the ensuing year;
  - f. A financial breakdown of monthly expenditures of the district;
  - g. The salary schedule for all employees including extended contract and supplementary pay amounts;
  - h. Current contract information (not including social security numbers, telephone numbers, personal addresses or signatures) for all district employees;
  - i. The district's annual budget;
  - j. The annual statistical report of the district;
  - k. The district's personnel policies;
  - l. The annual School Performance Report;
  - m. School-Level Improvement Plans;
  - n. The School District Support Plan;
  - o. Student discipline policies;
  - p. Comprehensive School Counseling Plan;
  - q. The District financial policies;
  - r. Student handbooks;<sup>9</sup>
  - s. The Annual Report to the Public;
  - t. The parent, family, and community engagement plan;
  - u. The Immunization waiver report from Policy 4.57—IMMUNIZATIONS;
  - v. School District Calendar;
  - w. List of statutory, rule, or Standards for Accreditation waivers the District has received under A.C.A. § 6-15-103;
  - x. The District's Teacher and Administrator Recruitment and Retention Plan;

The information and data required for items A through K in 9 above shall be the actual data for the previous two (2) school-years and the projected data for the current school-year.

Before July 15 of each year, the District shall post on its website the following information:

- The dyslexia intervention programs used during the previous school year that were specifically responsive to assisting students with dyslexia;
- The number of students during the previous school year who received dyslexia intervention; and
- The total number of students identified with dyslexia during the previous school year.

The District shall include the following information on its website that may be accessed through a link located on the District's homepage titled "Title IX/Sex Discrimination":

- Contact information for the District’s Title IX Coordinator;
- A statement that any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator in person or by using the mailing address, telephone number, or email address provided. A report may be made at any time, including during non-business hours, and may be on the individual’s own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment;
- Copies of the District’s sexual harassment policies;
- Copies of the District’s Procedures governing the grievance and appeal process;
- The process for filing a formal complaint of sexual harassment; and
- Direct links to or copies of the materials used to train the District’s Title IX Coordinators, investigators, and decision-makers.

The District and school webmasters are responsible for ensuring all District webpages meet required standards to be accessible to individuals with disabilities.

Cross References:     3.26—LICENSED PERSONNEL SEXUAL HARASSMENT  
                               4.27—STUDENT SEXUAL HARASSMENT  
                               4.57—IMMUNIZATIONS  
                               5.2—PLANNING FOR EDUCATIONAL IMPROVEMENT  
                               8.20—CLASSIFIED PERSONNEL SEXUAL HARASSMENT

Legal References:     A.C.A. § 6-11-129  
                               A.C.A. § 6-15-1402  
                               A.C.A. § 6-15-2006  
                               A.C.A. § 6-15-2101  
                               A.C.A. § 6-15-2914  
                               A.C.A. § 6-17-1901  
                               A.C.A. § 6-18-702  
                               A.C.A. § 6-18-2001 et seq.  
                               A.C.A. § 6-41-606  
                               A.C.A. § 6-41-611  
                               DESE Rules Governing How to Meet the Needs of Children With Dyslexia  
                               DESE Rules Governing the Arkansas Educational Support and

Accountability Act

DESE Rules Governing Act 1240 Waivers  
 DESE Rules Governing Documents Posted to School District and Education  
   Service Cooperative Websites  
 Standards For Accreditation 12.02.1, 1-B.2, 2-B.1, 2-H.2, 3-A.1, 3-A.2,  
 3-A.9, 3-B.1, 3.B.2.1, 5-A.1  
 20 U.S.C. § 1232 g  
 15 U.S.C. § 6501 (COPPA)  
 34 C.F.R. § 106.8  
 34 C.F.R. § 106.45

Date Adopted: April 12, 2004

Last Revised: June 30, 2020; June 14, 2021

### **EMERGENCY DRILLS (Policy 4.37)**

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

The District shall annually conduct a lockdown drill at all schools in the District in collaboration with local law enforcement and emergency management personnel. The lockdown drill training will include use of the District's emergency communication method with law enforcement. Students will be included in the drills to the extent that is developmentally appropriate for the age of both the students and grade configuration of the school.

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

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

Legal References:     A.C.A. § 12-13-109  
                              A.C.A. § 6-10-110  
                              A.C.A. § 6-10-121  
                              A.C.A. § 6-15-1302  
                              A.C.A. § 6-15-1303  
                              A.C.A. § 6-15-1304  
                              Ark. Division of Academic Facilities and Transportation Rules Governing  
                              Maintenance and Operations of Ark. Public School Buses and Physical  
                              Examinations of School Bus Drivers 4.03.1

Date Adopted: April 12, 2004

Last Revised: June 11, 2013

May 12, 2014

May 18, 2015; June 14, 2021

### **ENTRANCE REQUIREMENTS (Policy 4.2)**

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

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

and meets the basic residency requirement for school attendance may be enrolled in kindergarten upon written request to the District. Any student who was enrolled in a state-accredited or state-approved kindergarten program in another state or in a kindergarten program equivalent in another country, becomes a resident of this state as a direct result of active military orders or a court-ordered change of custody, will become five (5) years of age during the year in which he or she is enrolled in kindergarten, and meets the basic residency requirement for school attendance may be enrolled in kindergarten upon a written request to the District.

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

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

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

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

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

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

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

- a. An affidavit of the date and place of birth by the child's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis;
  - b. United States military identification; or
  - c. Previous school records.
3. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. Any person who has been expelled from any other school district shall receive a hearing before the Board at the time the student is seeking enrollment in the District. The Board reserves the right to not allow the enrollment of such students until the time of the person's expulsion has expired following the hearing before the Board.
  4. In accordance with Policy 4.57—IMMUNIZATIONS, the child shall be age appropriately immunized or have an exemption issued by the Arkansas Department of Health.

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

For the purposes of this policy:

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

"Active duty" means full-time duty status in the active, uniformed services of the United States, including without limitation members of The National Guard and Reserve on active duty orders under 10 U.S.C. §§ 1209, 1210, and 1211.

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

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

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

"Eligible child" means the children of:

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

- Traditional members of the National Guard and reserve components of the armed forces who are relocating to the state for employment or to serve as a member of an Arkansas-based reserve component unit.

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

"Transition" means the:

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

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

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

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

An eligible child as defined in this policy shall:

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

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

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

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

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

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

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

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

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

Legal References:     A.C.A. § 6-4-302  
                              A.C.A. § 6-15-504  
                              A.C.A. § 6-18-201 (c)  
                              A.C.A. § 6-18-207  
                              A.C.A. § 6-18-208  
                              A.C.A. § 6-18-510  
                              A.C.A. § 6-18-702  
                              A.C.A. § 6-28-101 et seq.  
                              A.C.A. § 9-28-113



DESE Rules Governing Student Discipline and School Safety  
Plyler v Doe 457 US 202,221 (1982)

Date Adopted: February 8, 2010

Last Revised: June 30, 2010

June 9, 2011

May 21, 2012

June 27, 2013

April 13, 2015; June 29, 2017; June 13, 2019; May 13, 2020; June 14, 2021

**STUDENTS WHO ARE FOSTER CHILDREN (Policy 4.52)**

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

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

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

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

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

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

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

### **Foster Child School Choice**

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

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

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

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

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

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

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

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

When a foster child transfers from the foster child's school of origin to another school in the District or into the District, the foster child or the foster parent is responsible for the foster child's transportation to and from the school the foster child transferred to. The District and the

foster parent, or the foster child if the foster child is eighteen (18) years of age, may enter into a written agreement for the District to provide the transportation to and from the school the foster child transferred to.

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

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

Date Adopted:         June 9, 2011  
Last Revised:         May 18, 2015; June 29, 2017; June 13, 2019; May 11, 2020

### **PLACEMENT OF MULTIPLE BIRTH SIBLINGS (Policy 4.53)**

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.

Last Revised:         June 9, 2011

## **EQUAL EDUCATIONAL OPPORTUNITY (Policy 4.11)**

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

Inquiries on non-discrimination may be directed to Title IX Coordinator, who may be reached at 501-332-7500 or [titleix@malvernleopards.org](mailto:titleix@malvernleopards.org).

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator in person or by using the mailing address, telephone number, or email address provided above. A report may be made at any time, including during non-business hours, and may be on the individual's own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

For further information on notice of non-discrimination or to file a complaint, visit <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>; for the address and phone number of the office that serves your area, or call 1-800-421-3481.

Legal References:

- A.C.A. § 6-10-132
- A.C.A. § 6-18-514
- 28 C.F.R. § 35.106
- 34 C.F.R. § 100.6
- 34 C.F.R. § 104.8
- 34 C.F.R. § 106.8
- 34 C.F.R. § 106.9
- 34 C.F.R. § 108.9
- 34 C.F.R. § 110.25

Date Adopted: April 12, 2004

Last Revised: April 13, 2015

March 14, 2016; June 11, 2018; June 30, 2020; April 18, 2022; June 30, 2022

## **EXTRACURRICULAR ACTIVITIES – SECONDARY SCHOOLS (Policy 4.56)**

### **Definitions:**

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

requirement for students to pass four (4) academic courses per semester as required by this policy.

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

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

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

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

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

### **Extracurricular Eligibility**

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

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

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

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

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

### **Interscholastic Activities**

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

#### **ACADEMIC REQUIREMENTS: Junior High**

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

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

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

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

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

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

1. Have earned a minimum Grade Point Average (GPA) of 2.0 from all academic courses the previous semester; or

2. If the student has passed four (4) academic courses the previous semester but does not have a 2.0 GPA the student must be enrolled and successfully participating in an SIP to maintain their competitive interscholastic extracurricular eligibility.

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

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

## **ARKANSAS ACTIVITIES ASSOCIATION**

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

### **Intrascholastic Activities**

#### **AAA Governed Activities**

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

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

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

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

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

Date Adopted: May 12, 2014

Last Revised: March 14, 2016

May 9, 2016; June 29, 2017; June 13, 2019

## **EXTRACURRICULAR ACTIVITIES – ELEMENTARY (Policy 4.56.1)**

### **Definitions**

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

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

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

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

### **Extracurricular Eligibility**

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

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

Any student who refuses to sit for a Statewide assessment or attempts to boycott a Statewide assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are administered or scheduled as make-up days shall not be permitted to



participate in any non-curriculum related extracurricular activity. The student shall remain ineligible to participate until the student takes the same or a following statewide assessment, as applicable. The superintendent or designee may waive this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.<sup>3</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day.

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

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

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

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

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

Date Adopted: May 12, 2014

Last Revised: March 14, 2016; June 29, 2017; June 13, 2019

#### **EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS (Policy 4.56.2)**

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

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

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

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

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

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

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

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

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

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

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

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

- standards of behavior and codes of conduct;
- attend the practices for the interscholastic activity to the same extent as is required of traditional students;

- required drug testing;
- permission slips, waivers, physical exams; and
- participation or activity fees.

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

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

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

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

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

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

Legal References:      A.C.A. § 6-15-509  
                                  A.C.A. § 6-16-151  
                                  A.C.A. § 6-18-232  
                                  A.C.A. § 6-18-713  
                                  Arkansas Activities Association Handbook  
                                  Commissioner's Memo COM-18-009  
                                  Commissioner's Memo LS-18-015  
                                  Division of Elementary and Secondary Education Rules Governing Home  
                                  Schools

Date Adopted: September 9, 2013

Last Revised: May 12, 2014; June 11, 2018; June 13, 2019

## **DIGITAL LEARNING COURSES (Policy 5.11)**

### **Definitions**

For the purposes of this policy:

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

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

“Instructional Materials” means:

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

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

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

### **Digital Course Offerings**

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

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

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

District created digital courses and any digital courses the district purchases from outside providers shall adhere to the guidelines for the use of digitally transmitted copyrighted materials set forth in Policy 5.8—USE OF COPYRIGHTED MATERIALS as well as applicable statutory requirements.

The District shall require all outside providers to incorporate Policy 5.8 as a condition of the service contract. Failure of the outside provider to abide by Policy 5.8 shall constitute a breach of contract and the outside provider shall be responsible for any costs resulting from such breach.

A student may elect to take any or all of his/her scheduled courses digitally. The student's attendance in the student's digital course(s) shall be determined in accordance with Policy 4.7—ABSENCES.

The District is responsible for providing all instructional materials for each student who enrolls in a District approved digital learning course.

Regardless of any other provisions of this policy, the District may restrict a student's access to digital courses when the student's building principal determines the student's participation in such a course would not be academically appropriate based on the student's past performance in digital courses. Furthermore, the student's building principal may revoke a student's eligibility to continue taking a digital learning course if the student's performance during the semester indicates the student is not succeeding in the course.

Cross References:     4.7—ABSENCES  
                          4.45—SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS  
                          5.8—USE OF COPYRIGHTED MATERIALS

Legal References:     A.C.A. § 6-16-1401 et seq.  
                          A.C.A. § 6-18-213  
                          A.C.A. § 6-18-222  
                          A.C.A. § 6-28-109  
                          DESE RULES GOVERNING DISTANCE AND DIGITAL LEARNING

Date Adopted: October 11, 2004

Last Revised: May 9, 2016; June 14, 2021

## **GUIDANCE AND COUNSELING**

The guidance department of each school strives to aid in the implementation of the philosophy and objectives of the total school program. Guidance and counseling services are provided to all students in the Malvern School District, to their parents, to alumni, to dropouts, and to the community. The purpose of the guidance program is to help as many students as possible to maintain their goals and achieve success according to their own personal ability.

In addition to educational and vocational concerns, guidance is involved in serving students who have personal problems. School counselors are trained in prevention, intervention, and conflict resolution.

COUNSELING IS THE HEART OF THE GUIDANCE PROGRAM. Students may receive help in analyzing problems and in formulating acceptable patterns of behavior, with the assurance that the counselor will hold such information in strict confidence. Any parent not wishing his/her child to take advantage of these services should notify in writing the building principal. Parents are welcome and encouraged to visit the guidance office at any time.

#### **HOMELESS STUDENTS (Policy 4.40)**

The Malvern School District will afford the same services and educational opportunities to homeless children as are afforded to non-homeless children. The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational agency (LEA) liaison for homeless children and youth whose responsibilities shall include, but are not limited to: Receive appropriate time and training in order to carry out the duties required by law and this policy;

- coordinate and collaborate with the State Coordinator, community, and school personnel responsible for education and related services to homeless children and youths;
- Ensure that school personnel receive professional development and other support regarding their duties and responsibilities for homeless youths;
- Ensure that unaccompanied homeless youths:
  - o Are enrolled in school;
  - o Have opportunities to meet the same challenging State academic standards as other children and youths; and
  - o Are informed of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the LEA liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid;
- Ensure that public notice of the educational rights of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.

To the extent possible, the LEA liaison and the building principal shall work together to ensure no homeless child or youth is harmed due to conflicts with District policies solely because of the homeless child or youth's living situation; this is especially true for District policies governing fees, fines, and absences.<sup>1</sup>

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

For the purposes of this policy “school of origin” means:

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

The District shall do one of the following according to what is in the best interests of a homeless child: Continue the child's or youth's education in the school of origin for the duration of homelessness:

- In any case in which a family becomes homeless between academic years or during an academic year; and
  - For the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
1. Enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

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

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

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

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

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

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

- A. Are:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- Living in emergency or transitional shelters;
- Abandoned in hospitals; or
- 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
- D. Are migratory children who are living in circumstances described in clauses (a) through (c).

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

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

Commissioner's Memo COM-18-044

Date Adopted: April 12, 2004

Last Revised: May 21, 2012

March 14, 2016

July 11, 2016; June 11, 2018

## **HOME SCHOOLING (Policy 4.6)**

### **Enrollment in Home School**

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

1. At the beginning of each school year, but no later than August 15;
1. Five (5) school days prior to withdrawing the child (provided the student is not currently under disciplinary action for violation of any written school policy, including, but not limited to, excessive absences) and at the beginning of each school year thereafter; or
3. Within thirty (30) calendar days of the parent or legal guardian establishing residency within the district during the school year.



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

- Electronically, including without limitation by:
  - Use of the Division of Elementary and Secondary Education's (DESE) online system;
  - Email; or
  - Facsimile;
- By mail; or
- In person.

The notice shall include:

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

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

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

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

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

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

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

- A transcript listing all courses taken and semester grades from the home school;

- Score of at least the thirtieth percentile on a nationally recognized norm-referenced assessment taken in the past year; and
- A portfolio of indicators of the home-schooled student's academic progress, including without limitation:
  - Curricula used in the home school;
  - Tests taken and lessons completed by the home-schooled student; and
  - Other indicators of the home-schooled student's academic progress.

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

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

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

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

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

Legal References:     A.C.A. § 6-15-503  
                               A.C.A. § 6-15-504  
                               A.C.A. § 6-41-103  
                               DESE Rules Governing Home Schools

Date Adopted: April 12, 2004

Last Revised: May 21, 2012; June 29, 2017; June 30, 2020; June 14, 2021

**TEACHERS' REMOVAL OF STUDENT FROM CLASSROOM (Policy 3.49)**

A teacher may remove a student from class whose behavior the teacher has documented to be repeatedly interfering with the teacher's ability to teach the students in the class or whose behavior is so unruly, disruptive or abusive that it interferes with the ability of the student's other classmates to learn. Students who have been removed from their classroom by a teacher shall be sent to the principal's or principal's designee's office for appropriate discipline.

The teacher's principal or the principal's designee may:

1. Place the student into another appropriate classroom;
2. Place the student into in-school suspension;
3. Return the student to the class; or
4. Take other appropriate action consistent with the District's student discipline policies and state and federal law.

If a teacher removes a student from class two (2) times during any nine-week grading period, the principal or the principal's designee may not return the student to the teacher's class unless a conference has been held for the purpose of determining the cause of the problem and possible solutions. The conference is to be held with the following individuals present:

1. The principal or the principal's designee;
2. The teacher;
3. The school counselor;
4. The parents, guardians, or persons in loco parentis; and
5. The student, if appropriate.

However, the failure of the parents, guardians, or persons in loco parentis to attend the conference does not prevent any action from being taken as a result of the conference.

Date Adopted: June 27, 2013

Last Revised: April 13, 2015; May 13, 2019; June 14, 2021

**HOMEWORK (Policy 5.14)**

Homework is considered to be part of the educational program of the District. Assignments shall be an extension of the teaching/learning experience that promotes the student's educational development. As an extension of the classroom, homework must be planned and organized and should be viewed by the students as purposeful.

Teachers should be aware of the potential problem students may have completing assignments from multiple teachers and vary the amount of homework they give from day to day.

Revised: April 12, 2004

## **INCLEMENT WEATHER**

Due to sleet and snow, schools have had to close for several days. The decision as to whether or not to close schools is very difficult and several factors must be considered. When the decision is made, it is not pleasing to everyone, but the safety of the students has been and will continue to be the main concern on days when the weather is extremely bad.

Usually the decision is made during the early morning hours. During that time, roads are driven and information is obtained from county and city police concerning road conditions in the school district that is 443 square miles.

A decision is attempted by 6:30 am and area television stations are notified. Malvern School District is implementing a new parent notification system – *AlertNow* – that will allow the school district to send important information quickly via phone and/or an e-mail account, to parents and guardians of students about emergency situations and school delays or cancellations due to inclement weather. No announcement will be made when the schools will be open as usual.

## **MALVERN SCHOOL DISTRICT LEP**

### **(LIMITED ENGLISH PROFICIENT) IDENTIFICATION AND PROCEDURES**

Federal Law requires that all school districts identify and assess all Limited English Proficient (LEP) students enrolled in the district and provide them with adequate and appropriate educational programs. These students have problems speaking, understanding, and reading or writing English, due to a home language background other than English. It is the intention of the Malvern School District to identify all LEP students and insure an appropriate educational plan for those students.

A two-phase approach will be used. First, the parents are asked, through a Home Language Survey, whether a language other than English is utilized in the child's home. If the answer is affirmative, then the second phase is triggered. In the second phase, those students identified through the Home Language Survey are given an oral language proficiency test and assessment of their reading and writing skills.

If it is determined that a student is deficient and need special help, the teacher will assist the students until such time it is determined that the student will be able to successfully compete with their peers without a lingering language disability.

The student will be monitored as to (1) they are making reasonable progress toward learning English and (2) that the program is providing the students with substantive instruction comparable to English proficient pupils. An assessment of the program will include a system to monitor the progress of the student after they leave the program.

## **MARKETING OF PERSONAL INFORMATION (Policy 5.25)**

The Malvern School District shall not collect, disclose, or use personal information for the purpose of marketing or for selling that information or to otherwise provide that information to others for that purpose.

Personal information is defined, **for the purposes of this policy only**, as individually identifiable information including

1. a student or parent's first and last name,

2. a home or other physical address (including street name and the name of the city or town),
3. telephone number, and
4. social security identification number.

The district may collect, disclose, or use personal information that is collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions such as the following:

1. College or other postsecondary education recruitment, or military recruitment;
2. Book clubs, magazines, and programs providing access to low cost literary products;
3. Curriculum and instructional materials used by elementary schools and secondary schools;
4. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. The sale by students of products or services to raise funds for school related or education related activities; and
6. Student recognition programs.

Last Revised: October 11, 2004

#### **PARENT CENTERS**

Parent Centers are available at every building where parents may view and check out materials. Materials are available in different areas including academics, behavior, and social issues. The Parent Center Coordinator at the building is available to assist you in selecting appropriate materials.

#### **PHYSICAL EXAMINATIONS OR SCREENINGS (Policy 4.41)**

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

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

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

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

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

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

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

Last Revised: April 12, 2004

#### **NATIONAL ANTHEM (Policy 4.44)**

Each school in the District shall broadcast The Star-Spangled Banner at:

- The commencement of each school-sanctioned sporting event; however, if two (2) or more school-sanctioned sporting events occur on the same day at the same school, then the broadcast of The Star-Spangled Banner may be performed at only one (1) of the events; and
- At least one (1) time each week during school hours.

The broadcast of The Star-Spangled Banner shall be selected from any recording that adheres to the Division of Elementary and Secondary Education (DESE) Rules, or, when appropriate, performed from original sheet music that adheres to DESE rules by:

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

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

Legal Reference:       A.C.A. § 6-10-136  
                              DESE Rules Governing the Star-Spangled Banner Act

Date Adopted: June 14, 2021

Last Revised: June 30, 2022

#### **PLEDGE OF ALLEGIANCE AND MOMENT OF SCIENCE (Policy 4.46)**

The Pledge of Allegiance shall be recited:

1. During the first class period of each school day;
2. At the commencement of each school-sanctioned after-school assembly; and

3. At the commencement of each school-sanctioned sporting event; however, if two (2) or more school-sanctioned sporting events occur on the same day at the same school, then the Pledge may be recited at only one (1) of the school-sanctioned sporting events.

Students choosing to participate in the recitation of the Pledge shall do so by facing the flag with their right hands over their hearts, or in an appropriate salute if in uniform, while reciting the Pledge. Students choosing not to participate shall either stand or sit quietly while the other students recite the Pledge.

Students shall not be compelled to recite the Pledge, but students who choose not to recite the Pledge shall not disrupt those students choosing to recite the Pledge. Students choosing not to recite the Pledge who do not disrupt those students who choose to recite the Pledge shall not be subject to any comments, retaliation, or disciplinary action.

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

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

Date Adopted: November 14, 2005

Last Revised: June 14, 2021

#### **PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION   (Policy 4.13)**

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

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

- it is in the sole possession of the individual who made it;
- it is used only as a personal memory aid; and

- information contained in it has never been revealed or made available to any other person, except the maker's temporary substitute.

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

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

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

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

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

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

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



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

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

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

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

The form for objecting to making directory information available is located in the back of the student handbook and must be completed and signed by the parent or age-eligible student and filed with the building principal's office no later than ten (10) school days after the beginning of each school year or the date the student is enrolled for school. Failure to file an objection by

that time is considered a specific grant of permission. The district is required to continue to honor any signed-opt out form for any student no longer in attendance at the district.

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

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

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

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

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

Date Adopted: June 14, 2004

Last Revised:     June 11, 2009  
                             June 28, 2010  
                             June 9, 2011  
                             May 21, 2012  
                             April 13, 2015  
                             May 11, 2020

## **RESIDENCE REQUIREMENTS    (Policy 4.1)**

### **Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

Date Adopted: April 12, 2004

Last Revised: June 11, 2009

June 9, 2011; June 29, 2017; June 13, 2019

### **SEARCH, SEIZURE, AND INTERROGATIONS (Policy)**

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

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

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

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

State Law requires that Department of Human Services employees, local law enforcement, or agents of the Crimes Against Children Division of the Division of Arkansas State Police, may interview students without a court order for the purpose of investigating suspected child abuse. In instances where the interviewers deem it necessary, they may exercise a "72-hour hold" without first obtaining a court order. Other questioning of students by non-school personnel

shall be granted only with a court order directing such questioning, with permission of the parents of a student (or the student if above eighteen [18] years of age), or in response to a subpoena or arrest warrant.

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

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

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

Date Adopted: April 12, 2004

Last Revised:   June 9, 2011

                      April 13, 2015; June 13, 2019

### **SELECTION OF LIBRARY/MEDIA CENTER MATERIALS   (Policy 5.7)**

The ultimate authority for the selection and retention of materials for the schools' media centers rests with the Board of Education which shall serve as a final arbiter in resolving a challenge to any media center materials. Licensed media center personnel shall make the initial selections in consultation with school and district licensed staff. Materials selected shall be in accordance with the guidelines of this policy.

The purpose of the schools' libraries/media centers is to supplement and enrich the curriculum and instruction offered by the District. Promoting the dialogue characteristic of a healthy democracy necessitates the maintenance of a broad range of materials and information

representing varied points of view on current and historical issues. In the selection of the materials and resources to be available in each library/media center consideration will be given to their age appropriateness. Materials should be available to challenge the different interests, learning styles, and reading levels of the school's students and that will help them attain the District's educational goals.

### **Selection Criteria**

The criteria used in the selection of media center materials shall be that the materials:

1. Support and enhance the curricular and educational goals of the district;
2. Are appropriate for the ages, learning styles, interests, and maturity of the schools' students, or parents in the case of parenting literature;
3. Contribute to the examination of issues from varying points of view and help to broaden students understanding of their rights and responsibilities in our society;
4. Help develop critical thinking skills;
5. Are factually and/or historically accurate, in the case of non-fiction works and/or serve a pedagogical purpose;
6. Have literary merit as perceived by the educational community; and
7. Are technically well produced, physically sound (to the extent appropriate), and represent a reasonably sound economic value.

### **Retention and Continuous Evaluation**

Media center materials shall be reviewed regularly to ensure the continued appropriateness of the center's collection to the school's curriculum and to maintain the collection in good repair. Those materials no longer meeting the selection criteria, have not been used for a long period of time, or are too worn to be economically repaired shall be withdrawn from the collection and disposed of. A record of withdrawn media materials including the manner of their disposal shall be maintained for a period of three years.

### **Gifts**

Gifts to the media centers shall be evaluated to determine their appropriateness before they are placed in any media center. The evaluation shall use the same criteria as for all other materials considered for inclusion in the media centers. Any items determined to be unacceptable shall be returned to the donor or disposed of at the discretion of the media specialist. The media centers shall have a list of desired items to give to prospective donors to aid them in their selection of materials to donate.

### **Challenges**

The parent of a student affected by a media selection, a District employee, or any other resident of the district may formally challenge the appropriateness of a media center selection by following the procedure outlined in this policy. The challenged material shall remain available throughout the challenge process.

Before any formal challenge can be filed, the individual contesting (hereinafter complainant) the appropriateness of the specified item shall request a conference through the principal's office with a licensed media center employee. The complainant shall be given a copy of this policy and the *Request for Formal Reconsideration Form* prior to the conference. The meeting shall take place at the earliest possible time of mutual convenience, but in no case later than five (5) working days from the date of the request unless it is by the choice of the complainant.

In the meeting, the media specialist shall explain the selection criteria and how the challenged material fits the criteria. The complainant shall explain his/her reasons for objecting to the selected material. If, at the completion of the meeting, the complainant wishes to make a formal challenge to the selected material, he/she may do so by completing the *Request for Formal Reconsideration Form* and submitting it to the principal's office.

To review the contested media, the principal shall select a committee of five (5) or seven (7) licensed personnel consisting of the principal as chair and at least one media specialist. The remaining committee members shall be personnel with curriculum knowledge appropriate for the material being contested and representative of diverse viewpoints. The task of the committee shall be to determine if the challenged material meets the criteria of selection. No material shall be withdrawn solely for the viewpoints expressed within it and shall be reviewed in its entirety and not selected portions taken out of context.

The principal shall convene a meeting after a reasonable time for the committee members to adequately review the contested material and the *Request for Formal Reconsideration Form* submitted by the complainant. The complainant shall be allowed to present the complaint to the committee after which time the committee shall meet privately to discuss the material. The committee shall vote by secret ballot to determine whether the contested material shall be removed from the media center's collection. A member from the voting majority shall write a summary of the reasons for their decision. A notice of the committee's decision and the summary shall be given (by hand or certified mail) to the complainant.

If the decision is to not remove the material, the complainant may appeal the committee's decision to the district Board of Directors by filing a written appeal to the Superintendent within 5 working days of the committee's decision or of written receipt of the decision. The Superintendent shall present the original complaint and the committee's decision along with the summary of its reasons for its position plus a recommendation of the administration, if so desired, to the Board within 15 days of the committee's decision. The Board shall review the material submitted to them by the Superintendent and make a decision within thirty (30) of receipt of the information. The Board's decision is final.

Last Revised:           October 11, 2004

#### **SPECIAL EDUCATION AND SECTION 504 (Policy 4.49)**

In accordance with the Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and Arkansas Statutes, the district shall provide a free appropriate public education and necessary related services to all children with disabilities who reside:

- Within the district boundaries; or
- Outside of the District boundaries but are enrolled in the District.

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

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

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

Cross Reference:      6.7—COMPLAINTS

Legal References:      34 C.F.R. part 300  
                                 20 U.S.C. §1400 et seq.  
                                 29 U.S.C. § 794  
                                 42 U.S.C. §12101 et seq.  
                                 A.C.A. § 6-41-102  
                                 A.C.A. § 6-41-103  
                                 A.C.A. § 6-41-201 et seq.

Date Adopted: June 11, 2009

Last Revised: June 29, 2017; May 11, 2020

#### **STUDENT ILLNESS/ACCIDENT/STUDENT MEDICATIONS      (Policy 4.35)**

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

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



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

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

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

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

### **Schedule II Medications**

Option 1: The only Schedule II medications that shall be allowed to be brought to the school are methylphenidate (e.g. Ritalin or closely related medications as determined by the school nurse), dextroamphetamine (Dexedrine), and amphetamine sulfate (e.g. Adderall or closely related medications as determined by the school nurse).

For the student's safety, no student will be allowed to attend school if the student is currently taking any other Schedule II medication than permitted by this policy.

Students who are taking Schedule II medications which are not allowed to be brought to school shall be eligible for homebound instruction if provided for in their IEP or 504 plans.

Students taking Schedule II medications not included in the previous sentence shall be allowed to bring them to school under the provisions of this policy and shall be permitted to attend and participate in classes **only** to the extent the student's doctor has specifically authorized such attendance and participation. A doctor's prescription for a student's Schedule II medication is **not** an authorization. Attendance authorization shall specifically state the degree and potential danger of physical exertion the student is permitted to undertake in the student's classes and extracurricular activities. Without a doctor's written authorization, a student taking Schedule II medications, other than those specifically authorized in this policy, shall **not** be eligible to attend classes, but shall be eligible for homebound instruction if provided for in their IEP or 504 plans.

### **Self-Administration of Medication**

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

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

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

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

The parent, legal guardian, or person standing in loco parentis of a student who is authorized to self-administer a stress dose medication shall sign an IHP developed by the school nurse for the school where the student is enrolled. The IHP shall include a requirement for the notification of appropriate staff following the self-administration of a stress dose medication, which shall include the school nurse, teacher of the classroom where the stress dose medication was administered, and a school administrator.

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

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

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

Students may possess and use a topical sunscreen that is approved by the United States Food and Drug Administration for OTC use to avoid overexposure to the sun without written authorization from a parent, legal guardian, or healthcare professional while the student is on school property or at a school-related event or activity. The parent or guardian of a student may provide written documentation authorizing specifically named District employee(s), in addition to the school nurse, to assist a student in the application of sunscreen. The District employee(s)

named in the parent or legal guardian's written authorization shall not be required to assist the student in the application of sunscreen.

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

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

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

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

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

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

### **Emergency Administration of Epinephrine**

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

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

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

The school nurse for each District school shall keep epinephrine auto-injectors on hand that are suitable for the students the school serves. The school nurse or other school employee

designated by the school nurse as a care provider who has been trained<sup>6</sup> and certified by a licensed physician may administer auto-injector epinephrine to those students who the school nurse, or other school employee certified to administer auto-injector epinephrine, in good faith professionally believes is having a life-threatening anaphylactic reaction.

### **Emergency Administration of Albuterol**

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

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

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

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

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

### **Emergency Administration of Emergency Adrenal Insufficiency Medication**

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

The parent of a student who has an authorizing IHP, or the student if over the age of eighteen (18), shall annually complete and sign a written consent form provided by the student's school nurse authorizing the nurse or other school employee(s) certified to administer an injectable emergency dose medication to administer an injectable emergency dose medication to the student when the employee believes the student is having an adrenal crisis due to adrenal insufficiency.

Students who have met the requirements to be authorized to self-administer a stress dose medication under this policy shall provide the school nurse an emergency injectable dose of the

student's medication. This emergency injectable dose will be used in the event the school nurse, or other school employee certified to administer an injectable emergency dose medication, in good faith professionally believes the student is having an adrenal crisis due to adrenal insufficiency.

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

Date Adopted: April 12, 2004

Last Revised: May 21, 2012

June 11, 2013

May 18, 2015

July 11, 2016; June 11, 2018; June 13, 2019; June 29, 2021; June 30, 2022

### **WELLNESS POLICY- (Policy 5.29)**

The Malvern School district is committed to the optimal development of every student. The MSD understands that the health and physical well-being of students directly affects their ability to learn and every student needs a positive, safe and health-promoting learning environment that fosters personal, academic, developmental and social success.

Childhood obesity increases the incidence of adult diseases occurring in children and adolescents such as heart disease, high blood pressure and diabetes. The increased risk carries forward into their adulthood. Research indicates that a healthy diet and regular physical activity can help prevent obesity and the diseases resulting from it. It is understood that the eating habits and exercise patterns of students cannot be magically changed overnight, but at the same time, the Board of Directors believes it is necessary to strive to create a culture in our schools that consistently promotes good nutrition and physical activity.

The problem of obesity and inactivity is a public health issue. The Board of Directors is keenly aware that it has taken years for this problem to reach its present level and will similarly take years to correct. The responsibility for addressing the problem lies not only with the schools and the Division of Elementary and Secondary Education (DESE), but with the community and its residents, organizations and agencies. Therefore, the District shall enlist the support of the larger community to find solutions that improve the health and physical activity of our students.

## **Wellness Committee**

To enhance the district's efforts to improve the health of our students, a School Nutrition and Physical Activity Advisory Committee (SNPAAC) shall be formed. It shall be structured in a way to ensure age-appropriate recommendations are made that correlate to the District's grade configurations. The SNPAAC shall have the powers and responsibilities delegated to it by statute and Rule and are incorporated into this policy by reference. The overarching goal of the committee shall be to promote student wellness by monitoring how well the District is doing at implementing this policy. The SNPAAC shall use modules 1, 2, 3, 4, 10, and 11 of the Centers For Disease Control' (CDC) School Health Index as a basis for annually assessing each school's progress toward meeting the requirements of this policy. The results of the annual assessment shall be included in the school district's support plan (SDSP), provided to each school's principal, and reported to the board. Goals and objectives for nutrition and physical activity shall also be included in the SDSP.

The SNPAAC shall be made up of Individuals from the following groups to the extent interested persons from each group desire to be included in the development, implementation, and periodic review of the District's wellness policy:

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

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

The SNPAAC will meet at least quarterly. Meeting dates for the SNPAAC will be placed on the District's calendar.

## **School Health Coordinator**

To assist the SNPAAC in ensuring that the District fulfills the requirements of this policy, a District level School Health Coordinator (Designated District Official) shall be appointed. In addition, a school level School Health Coordinator shall be appointed who shall be responsible for assisting the District level School Health Coordinator in ensuring that each school fulfills the requirements of this policy.

## **Goals**

In its efforts to improve the school nutrition environment, promote student health, and reduce childhood obesity, the District will adhere to the DESE Rules Governing Nutrition and

Physical Activity Standards And Body Mass Index For Age Assessment Protocols. To promote nutrition, physical activity, and other school based activities that will improve student wellness, the District, working with the SNPAAC, has established the following goals:

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

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

The District will ensure that drinking water is available without charge to all students throughout the school including, but not limited to, in the District's food service areas and from water bottle filling stations. Students are allowed to drink water from water bottles at their teacher's discretion

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

All food and beverages provided, but not sold, to students on the school campus during the school day by school administrators or school non-licensed or licensed staff (principals, coaches, teachers, club sponsors, etc.); students or student groups; parents or parent groups; or another person, company, or organization associated with the school shall meet the Federal Smart Snacks requirements and Arkansas Nutrition Standards at a minimum. These restrictions

include, but are not limited to, food and beverages provided in vending venues (machines, ice chests, cabinets) in school stores or as part of school fundraisers.

Up to a maximum of nine (9) times per school year, school administration may schedule school wide events where food and beverages provided to students are not required to meet the Federal Smart Snacks standards during the scheduled time. The schedule of the events shall be by school, approved by the principal, and shall be part of the annual school calendar.

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

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

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

### **Nutrition Education**

The District will teach, model, encourage, and support healthy eating for all students. Schools will provide age appropriate nutrition education and engage in nutrition education that:

- Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
- Is part of not only health education classes but also integrates into other classroom instruction;
- Promotes fruits, vegetables, whole grain products, low-fat and fat free dairy products and healthy food preparation methods;
- Emphasizes caloric balance between food intake and energy expenditure, promoting physical activity/exercise;
- Links with school meal programs, cafeteria nutrition promotion activities, other school foods and nutrition-related community services, and the Fresh Fruits and Vegetables Program;
- Teaches media literacy with an emphasis on food and beverage marketing; and
- Includes nutrition education training for teachers and other staff.

### **Essential Healthy Eating Topics in Health Education**

The District will include in the health education curriculum a minimum of 12 of the following essential topics on healthy eating:

- Relationship between healthy eating and personal health and disease prevention
- Food guidance from MyPlate
- Reading and using FDA's nutrition fact labels
- Eating a variety of foods every day
- Balancing food intake and physical activity
- Eating more fruits and vegetables
- Choosing foods that are low in fat, saturated fat, and cholesterol and do not contain *trans* fat
- Choosing foods and beverages with little added sugars
- Eating more calcium-rich foods
- Preparing healthy meals and snacks
- Risks on unhealthy weight control practices
- Accepting body size differences
- Food Safety
- Importance of water consumption



- Importance of eating breakfast
- Making healthy choices when eating at restaurants
- Eating disorders
- The Dietary Guidelines for Americans
- Reducing sodium intake
- Social influences on healthy eating, including media, family. Peers, and culture
- How to find valid information on services related to nutrition and dietary behavior
- How to develop a plan and track progress toward achieving a personal goal to eat healthfully
- Resist peer pressure related to unhealthy dietary behavior
- Influencing, supporting, or advocating for others' healthy dietary behavior

### **Advertising**

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

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

### **Physical Activity**

Children and adolescents should participate in some type of physical activity every day. Schools will ensure that varied physical activity opportunities are available, but do not substitute for physical education.

### **Physical Education**

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts and support essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

- All District elementary students in each grade will receive physical education for a minimum of 40 minutes per week throughout the school year.

- All District middle school students in each grade will receive physical education for the equivalent of no less than 40 minutes per week.
- All District high school students are required to take the equivalent of a ½ credit Health Education and a ½ credit of physical education.

### **Essential Physical Activity Topics in Health Education**

Health education is required in all grades in elementary, intermediate and middle schools. High school students are required to pass at least one health education course. The District will include in the health education curriculum a minimum of 12 of the following essential topics on physical activity:

- They physical, psychological, or social benefits of physical activity
- How physical activity can contribute to a healthy weight
- How physical activity can contribute to the academic learning process
- How an inactive lifestyle contributes to chronic disease
- Health-related fitness, that is, cardiovascular endurance, muscular endurance, muscular strength, flexibility, and body composition
- Differences between physical activity, exercise and fitness
- Phases of an exercise session, that is, warm up, workout and cool down
- Overcoming barriers to physical activity
- Decreasing sedentary activities, such as TV watching
- Opportunities for physical activity in the community
- Preventing injury during physical activity
- Weather-related safety, for example, avoiding heat stroke, hypothermia and sunburn while being physically active
- How much physical activity is enough, that is, determining frequency, intensity, time and type of physical activity
- Developing an individualized physical activity and fitness plan
- Monitoring progress toward reaching goals in an individualized physical activity plan
- Dangers of using performance-enhancing drugs, such as steroids
- Social influences on physical activity, including media, family, peers and culture
- How to find valid information or services related to physical activity and fitness
- How to influence, support, or advocate for other to engage in physical activity
- How to resist peer pressures that discourages physical activity

### **Physical Activity (Elementary)**

All elementary schools will offer at least 40 minutes of physical activity on all days during the school year. *This policy may be waived on early dismissal or late arrival days.* If physical activity is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built into the physical activity transition period/time frame before students enter the cafeteria.

**Outdoor physical activity** will be offered when weather is feasible for outdoor play. In the event that the school or district must conduct **indoor physical activity**, teachers and staff will follow the indoor physical activity guidelines that promote physical activity for students, to the extent practicable.

physical activity will complement, not substitute, physical education class. Physical activity monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

### **Classroom Physical Activity Breaks (Elementary and Secondary)**

The District recognizes that students are more attentive and ready to learn if provided with periodic breaks when they can be physically active or stretch. Thus, students will be offered **periodic opportunities** to be active or to stretch throughout the day on all or most days during a typical school week. The District recommends teachers provide short (3-5 minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks will compliment, not substitute, for physical education class, physical activity, and class transition periods. The District will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through the Alliance for a Healthier Generation, USDA, and GoNoodle.

### **Active Academics**

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible and do their part to limit sedentary behavior during the school day.

The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

### **Before and Afters School Activities**

The District offers opportunities for students to participate in physical activity either before and/or after the school day (or both) through a variety of methods. The District will encourage students to be physically active before and after school by: Little Rockers, Pee Wee football, basketball and volleyball; Boys’ and Girls’ Club after school programs and sports programs; and community organized leagues. Our School District offers Arkansas Activities Association (AAA) sports throughout the year, including (but not limited to) football, volleyball, basketball, baseball, softball, golf, tennis, track, and soccer.

### **Active Transport**

The District will support active transport to and from school, such as walking and biking. The district will encourage this behavior by engaging in six or more of the activities listed below, including but not limited to:

- Designated safe or preferred routes to school
- Secure storage facilities for bicycles and helmets (bike rack)
- Promotes safe routes program to students, staff, and parents via newsletters, websites, local news paper
- Use crossing guards
- Document the number of children walking and or biking to and from school

- Create and post maps of the school environment (e.g. sidewalks, crosswalks, roads, pathways, bike racks, etc.)

### **Other Activities that Promote Student Wellness**

The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues and physical activity facilities. The District will coordinate and integrate other initiatives related physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development, and strong educational outcomes.

All efforts related to obtaining federal, state, or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring the involvement of the DWC/SWC.

### **Staff Wellness and Health Promotion**

Schools in the District will implement strategies to support staff in actively promoting and modeling healthy eating and physical activity behaviors. Examples of strategies schools will use, as well as specific actions staff members can take, including Health and Wellness checkups during summer, CPR and First Aid training provided by a certified CPR instructor and/or the school nurse, weight loss challenges, and monthly self-care challenges. The District promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management that are accessible and free or low-cost.

### **Community Engagement**

The District will work with the SNPAAC to:

- Encourage participation in extracurricular programs that support physical activity, such as walk-to-school programs, biking clubs, after-school walking etc.;
- Encourage the implementation of developmentally appropriate physical activity in after-school childcare programs for participating children;
- Promote the reduction of time youth spend engaged in sedentary activities such as watching television and playing video games; and
- Encourage the development of and participation in family-oriented community-based physical activity programs.

The District will annually inform the public:

- Of the web address where the policy is located;
- Of any changes made to this policy since the previous year;
- Of the health and wellness priority goals in the District's SDSP;
- That a printed copy of the policy may be picked up at the District's central office; and
- The amounts and specific sources of funds received and expenditures made from competitive food and beverage contracts.

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

At least once every three years, with input from the SNPACC, the District shall assess both the District as a whole and individual schools' status in regards to the implementation and

compliance of the goals of this policy, including the health and wellness goals in the District's SDSP. The assessment shall be based, at least in part, on:

- The extent to which District schools are in compliance with this policy;
- The extent to which this policy compares to other model local school wellness policies;
- The annual reviews of this policy based on modules 1, 2, 3, 4, 10, and 11 of the CDC's School Health Index; and
- A description of the progress made in attaining the goals of this policy.

On the years the assessment occurs, the assessment results shall be reported to the public, including parents, students, and other members of the community as part of the District's annual report to the public.

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

### **District Website**

The District will place on its website:

- The name, District phone number, and District email address for the District Level School Health Coordinator;
- The names, district phone numbers, and district email addresses for the School Level School Health Coordinators;
- The names of the members of the SNPAAC;
- Meeting dates for the SNPAAC;
- Information on how community members may get involved with the SNPAAC;
- A copy of this policy;
- A copy of the annual review of this policy based on modules 1, 2, 3, 4, 10, and 11 of the CDC's School Health Index; and
- A copy of the most recent three (3) year assessment of this policy.

Legal References: Richard B. Russell National School Lunch Act 42 U.S.C. § 1751 et seq. as amended by PL 111-296 (Section 204) of 2010. (Section 204 is codified at 42 U.S.C. § 1758(b))  
Child Nutrition Act of 1966 42 U.S.C. § 1771 et seq.  
7 C.F.R. § 210.18; 7 C.F.R. § 210.31; A.C.A. § 6-20-709; A.C.A. §§ 20-7-133, 134, 135  
DESE Rules Governing Nutrition and Physical Activity Standards And Body Mass Index For Age Assessment Protocols; Allowable Competitive Foods/Beverages -  
Maximum Portion Size List for Middle, Junior High, and High School  
Commissioner's Memo CNU-17-010; Commissioner's Memo CNU-17-013  
Commissioner's Memo CNU-17-016; Nutrition Standards for Arkansas Public Schools

Date Adopted: August 14, 2006

Last Revised: May 9, 2016; June 29, 2017; June 13, 2019; June 30, 2022

## **STUDENT PARTICIPATION IN SURVEYS (Policy 5.24)**

**Section One:** No student shall be required to submit to a survey, analysis, or evaluation which is administered or distributed by a school, and is funded in whole or in part by any program administered by the U.S. Department of Education without the prior written consent of the parent/guardian that reveals information concerning the following:

1. political affiliations;
2. mental and psychological problems potentially embarrassing to the student or his family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating, and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

**Section Two:** No surveys shall be administered without the prior approval of the school principal. Any survey created by a third party, or funded, in whole or in part, as part of any US Department of Education administered program, containing one or more of the eight categories listed above shall be available to be inspected by a student's parent/guardian before the survey is administered or distributed by a school to a student. Parents/guardians shall have the right to deny permission for their child to participate in the taking of the survey. The school shall not penalize students whose parents/guardians exercise this option. The school shall take reasonable precautions to protect students' privacy during their participation in the administration of any survey, analysis, or evaluation containing one or more of the eight categories listed above.

**Section Three:** Parents or guardians wishing to inspect a survey, analysis, or evaluation shall be able to do so in the administrative office of the administering school where the surveys shall be available for inspection for a period of ten (10) days (regular school days when school is in session) after the notice of intent to administer the survey is sent. Included in the notice shall be information regarding how the survey or questionnaire will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey or questionnaire. Parents may refuse to allow their student to participate before or after reviewing the survey or questionnaire.

The requirements of sections one, two, and three of this policy do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

**Section Four:** Prior written parental permission is required before any survey or questionnaire (not including tests mandated by state or Federal law or regulation and standardized scholastic achievement tests) is administered to a student the responses to which are to be provided to a person or entity other than another public school, school district, or any branch of the Federal Government and which requests or requires a student to provide any of the eight (8) categories of information listed above and/or the following;

1. A student's name;
2. The name of the student's parent or member of the student's family;
3. The address, telephone number, or email address of a student or a member of a student's family;
4. A personal identification number, such as a social security number, driver's license number, or student identification number of a student or a member of the student's family;

5. Any information, the disclosure of which is regulated, or prohibited by any other state or federal law or regulation.

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

Last Revised:                      October 11, 2004

#### **TITLE I SCHOOL WIDE PROGRAM GRADES K – 6**

The Title I School Wide Program permits a school to use funds from Title I, Part A, and other Federal education program funds to raise academic achievement for all the students.

Title I is an educational program, not a poverty or welfare-assistance program. The purpose is to help students meet high academic standards or bring the student up to grade level in the areas of basic competencies connected with literacy and/or math and make a difference in academic performance.

The Malvern School District has a responsibility to keep parents informed and soliciting suggestions through shared responsibilities for high student performance. The District agrees to provide all students every opportunity to succeed in a supportive, drug and violence free environment. The District is committed to provide opportunities for parents to become involved in their child's education.

#### **TRANSPORTATION POLICY**

The Malvern School District will provide the best transportation program for the greatest number of students. The district only transports those students residing in the school district and who are attending school. Each student will receive the school district's transportation policy forms as they begin to be transported. The policy forms provide information that includes expectations, safety regulations, and consequences to inappropriate behavior. The director of transportation (Scott Jones, 332-7500) for the Malvern School District handles all inquires and discipline that pertains to school bus transportation.

#### **VOLUNTEERS IN MALVERN SCHOOLS**

Enlisting the support of volunteers is a way in which the District can expand the scope of resources and knowledge available to enrich the students' educational experiences, while strengthening the relationship between the school and the community. Volunteers can also perform non-instructional tasks that allow certified personnel more time to devote to instruction. In order for volunteers to best utilize their time, other family members should not be brought.

#### **WEB SITE PRIVACY POLICY (Policy 5.20.1)**

The Malvern School District operates and maintains a web site for the purpose of informing the citizens of the district about its activities. The web site does not use "cookies" or ISP addresses to collect or retain personally identifying information about visitors to its web site nor is any such information given to "third parties." Any data collected is used solely for the purpose of monitoring site activity to help the district improve the usefulness of the site to its visitors.

The site serves no commercial purpose and does not collect any information from individuals for such purpose. Photographs of students shall not be displayed on any page of the district's web site without the prior written consent of the parent (or the student if 18 or older).

Last Revised:                      October 11, 2004

#### **STUDENT ORGANIZATIONS/EQUAL ACCESS (Policy 4.12)**

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

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

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

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

Date Adopted: June 14, 2004

Last Revised: June 9, 2011

May 18, 2015

#### **PERMANENT RECORDS (Policy 4.38)**

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

Last Revised: April 12, 2004

#### **HOMELESS STUDENTS (Policy 4.40)**

The Malvern School District will afford the same services and educational opportunities to homeless children as are afforded to non-homeless children. The Superintendent or his/her



designee shall appoint an appropriate staff person to be the local educational agency (LEA) liaison for homeless children and youth whose responsibilities shall include, but are not limited to:

- Receive appropriate time and training in order to carry out the duties required by law and this policy;
- coordinate and collaborate with the State Coordinator, community, and school personnel responsible for education and related services to homeless children and youths;
- Ensure that school personnel receive professional development and other support regarding their duties and responsibilities for homeless youths;
- Ensure that unaccompanied homeless youths:
  - Are enrolled in school;
  - Have opportunities to meet the same challenging State academic standards as other children and youths; and
  - Are informed of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the LEA liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid;
- Ensure that public notice of the educational rights of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.

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

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

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

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

The District shall do one of the following according to what is in the best interests of a homeless child: Continue the child's or youth's education in the school of origin for the duration of homelessness:

- In any case in which a family becomes homeless between academic years or during an academic year; and
- For the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
  1. Enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

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

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

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

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

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

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

- A. Are:
  - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - Living in emergency or transitional shelters;
  - Abandoned in hospitals; or
  - 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
- D. Are migratory children who are living in circumstances described in clauses (a) through (c).

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

Date Adopted: April 12, 2004

Last Revised: June 28, 2016

## **STUDENT BEHAVIORAL INTERVENTION AND RESTRAINT (Policy 4.60)**

### **Definitions**

"Aversive behavioral intervention" means a physical or sensory intervention program that is intended to modify behavior through the use of a substance or stimulus that the intervention implementer knows will cause physical trauma, emotional trauma, or both, to a student, even when the substance or stimulus appears to be pleasant or neutral to others.

Examples of aversive behavioral interventions include, but are not limited to:

- Hitting;
- Pinching;
- Slapping;
- Using a water spray;
- Using noxious fumes;
- Requiring extreme physical exercise;
- Using loud auditory stimulus;
- Withholding meals; and
- Denying reasonable access to toileting facilities.

"Behavioral intervention" means the implementation of a service, support, or strategy to teach and increase appropriate behavior or substantially decrease or eliminate behavior that is dangerous, inappropriate, or otherwise impedes the learning of a student.

"Behavior Intervention Plan" (BIP) means a written plan that:

- Is developed by a problem-solving and intervention team and delineates emotional, social, or behavioral goals for a student and the steps that the school, student, parent of the student, and others will take to positively support the progress of the student towards the student's emotional, social, or behavioral goals;
- Is comprised of practical and specific strategies to increase or reduce a defined behavior or one (1) or more patterns of behavior exhibited by a student; and
- Includes the following at a minimum:
  - A definition or description of the desired target behavior or outcome in specific measurable terms;

- A plan for preventing and eliminating inappropriate student behavior by changing a condition that is triggering, motivating, underlying, or supporting that behavior as determined through a FBA;
- A plan for teaching a student to demonstrate appropriate social, emotional, or behavioral self-management, or a new method to address or meet the student's needs;
- A description of how a specific incentive or consequence will be used as needed to decrease or eliminate inappropriate student behavior and increase appropriate behavior;
- A plan for managing a crisis situation;
- A system to collect, analyze, and evaluate data about the student;
- The school personnel, resources, and training needed before implementation of the BIP; and
- The timeline for implementing different facets of an intervention, including without limitation when the intervention will be formally reviewed.

"Chemical restraint" means the use of a drug or medication to control the behavior of a student or restrict the free movement of the student; however, chemical restraint does not include the use of medication that is prescribed by a licensed physician, or other qualified health professional acting within the scope of the individual's professional authority under state law, for the standard treatment of a medical or psychiatric condition of a student and is administered as prescribed by the licensed physician or other qualified health professional acting within the scope of the individual's professional authority under state law.

"Crisis" means a situation in which a student engages in a behavior that threatens the health and safety of the student or others and includes without limitation a situation in which the student becomes aggressive or violent at school and is unable to regain self-control without posing a danger of injury to himself or herself or others.

"Crisis intervention" means the implementation of a service, support, or strategy to immediately stabilize a crisis and prevent the crisis from reoccurring after the crisis ends.

"Dangerous behavior" means the behavior of a student that presents an imminent danger of serious physical harm to the student or others; however, dangerous behavior does not include the following:

- Disrespect;
- Noncompliance;
- Insubordination; or
- Destruction of property that does not create an imminent danger.

"De-escalation" means the use of a behavior management technique that helps a student increase the student's control over the student's emotions and behavior and results in a reduction of a present or potential level of danger that in turn reduces the level of imminent danger of serious physical harm to the student or others.

"Emergency" means a serious and unexpected situation that requires immediate action and which may be dangerous.

"Functional Behavior Assessment" (FBA) means a problem analysis step that:

- Occurs within the context of data-based problem-solving and involves:
  - The review of existing records and other sources of information;
  - Diagnostic or historical interviews;
  - Structured academic or behavioral observations; and
  - Authentic, criterion-referenced, or norm-referenced tests; and
- Is performed with the goal of determining why a specific problem or situation is occurring in order to directly link a strategic intervention to an assessment and solve or resolve the specific problem or situation.

"Imminent danger" means an existing dangerous situation that could reasonably be expected to immediately cause death or serious physical harm.

"Mechanical restraint" means the use of a device or equipment to restrict the free movement of a student; however, mechanical restraint does not include a device that is used by trained school personnel or a student for a specific and approved therapeutic purpose or safety purpose for which the device was designed or prescribed or a vehicle safety restraint that is appropriately used in the manner for which it was designed during the transport of a student in a moving vehicle.

"Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of redirecting or inducing the student to move to a safe location.

"Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arm, leg, or head freely; however, physical restraint does not include a physical escort.

"Positive behavioral support" means the application of behavior analysis that:

- Is used to achieve socially important behavior change;
- Occurs at the:
  - Prevention level for all students in a school;
  - Strategic intervention level for a student who is not responding, from a social-emotional and behavioral perspective, to the prevention level; and
  - Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services; and
- Involves a planned and collaborative school-wide approach that is implemented with a goal:
  - Of establishing a positive and supportive school environment that:
    - Teaches and reinforces prosocial behavior in a student;
    - Holds a student positively accountable for meeting an established behavioral expectation; and

- Maintains a level of consistency throughout the implementation process; and
- That is accomplished by using positive behavioral programs, strategies, or approaches.

"Prone restraint" means restraining a student in a face-down position on the floor or another surface and applying physical pressure to the body of the student to keep the student in the prone position.

"Serious physical harm" means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"Supine restraint" means the restraint of a student in a face-up position on the student's back on the floor or another surface and with physical pressure applied to the body of the student to keep the student in the supine position.

### **Positive Behavioral Supports**

The District shall implement positive behavioral supports to be used at the:

1. Prevention level for each student in a school;
2. Strategic intervention level for a student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and
3. Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services.

The District's positive behavioral support shall include:

- a. The teaching and reinforcing of interpersonal, social, problem solving, conflict resolution, and coping skills to a student;
- b. Holding a student positively accountable for meeting an established behavioral expectation;
- c. Maintaining a high level of consistency through the implementation of the positive behavioral support process; and
- d. The following interrelated activities:
  - Providing a school-wide approach to the discipline and safety of each student rather than an approach to only the behavior problem of a single student;
  - Focusing on preventing the development and occurrence of problem behavior;
  - Regularly reviewing behavior data to adapt the District's procedures to meet the needs of every student; and
  - Providing a multitiered approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each student.

The following principles shall form the basis of the District's positive behavioral support system and conflict resolution or de-escalation approach:

1. A student has the right to be treated with dignity;
2. A student should receive necessary academic, social, emotional, and behavioral support that is provided in a safe and least-restrictive environment possible;

3. Positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, should be provided routinely to each student who needs the intervention or support;
4. Behavioral intervention should emphasize prevention as part of the District's system of positive behavioral support; and
5. Each student who exhibits an ongoing behavior that interferes with the student's learning or the learning of others, and who is nonresponsive to effectively implemented classroom or administrative intervention, should receive additional intensive behavioral intervention that is based on a FBA and data-based problem solving.

### **Problem Solving and Intervention Team**

A problem-solving and intervention team shall be established for each student who exhibits social, emotional, or behavioral difficulty that may escalate, if not addressed, to potentially dangerous behavior. The problem-solving and intervention team shall include at least one (1) member who is an academic and behavioral assessment and intervention professional.

A student's problem-solving and intervention team shall:

- a. Work with the teachers of a student to complete a FBA of the student and an assessment of any problematic situations involving the student;
- b. Consider the need for a BIP with the goal of preventing or resolving the social, emotional, or behavioral difficulty of the student and developing a response that will de-escalate and stabilize a potential emergency situation that approaches the danger level; and
- c. Regularly review the data on incidents involving the use of physical restraint on the student and adjust, as necessary, the procedures concerning the use of physical restraint on the student.

Special education procedures shall be followed if a student is suspected of having a disability that relates to behavioral concerns.

### **Physical Restraint**

Except in the case of a clearly unavoidable emergency situation in which a trained member of school personnel is not immediately available due to the unforeseeable nature of the emergency situation, the physical restraint of a student shall only be used by a member of school personnel who is appropriately trained to administer physical restraint.

When using physical restraint on a student, school personnel shall:

- use the least restrictive technique necessary to end imminent danger or serious physical harm to a student and others;
- Use the safest method available and appropriate to the situation;
- Consider the health and safety of a student, including without limitation whether the student has an existing medical condition that makes the use of physical restraint inadvisable;

- Not restrict the ability of a student to communicate unless the use of a less restrictive technique will not prevent imminent danger of serious physical harm to the student or others;
- Use only the amount of force that is reasonably necessary to protect a student or others from imminent danger of serious physical harm to the student or others;
- Not verbally abuse, ridicule, humiliate, taunt, or engage in any other similar action towards the student; and
- continuously and visually observe and monitor the student while the student is under physical restraint.

Physical restraint of a student shall only be used for a limited period of time and shall not be used:

- When imminent danger or serious physical harm to the student or others dissipates;
- If a medical condition occurs that puts the student at risk of harm;
- Unless the behavior of the student poses an imminent danger of serious physical harm to the student or others;
- After the threat of imminent danger of serious physical harm to the student or others dissipates; or
- In the following manner:
  - To punish or discipline the student;
  - To coerce the student;
  - To force the student to comply;
  - To retaliate against the student;
  - To replace the use of an appropriate educational or behavioral support;
  - As a routine safety measure;
  - As a planned behavioral intervention in response to behavior of the student that does not pose an imminent danger of serious physical harm to the student or others;
  - As a convenience for school personnel; or
  - To prevent property damage unless the act of damaging property committed by the student poses an imminent danger or serious physical harm to the student and others.

Even in an emergency, supine restraint shall not be used on a student except by a staff person who has been certified by a crisis intervention training program and the certified staff person determines that supine restraint is required to provide safety for the student and others.

At no time shall school personnel use the following on a student:

- Mechanical restraint;
- Chemical restraint;
- Aversive behavioral interventions that compromise health and safety;



- Physical restraint that is life-threatening or medically contraindicated; or
- Prone restraint or other restraint that restricts the breathing of a student.

Following the first incident of physical restraint used on a student, an FBA shall be conducted unless a previous FBA was conducted for the same behavior that was at issue when the physical restraint was used.

The use of physical restraint on a student as a planned behavioral intervention shall not be included in a student's IEP, 504 Plan, BIP, individual safety plan, or other individual planning document but may be considered as a crisis intervention if appropriate for the student. A student's IEP team or 504 Plan team shall consider whether an FBA should be performed; if a BIP should be developed for the student or if a student's existing BIP should be revised; and if additional behavioral goals and interventions should be included in the student's existing IEP or 504 Plan.

Parents may submit complaints regarding an incident involving the use of physical restraint on their student. A complaint shall be referred for review to the appropriate school personnel:

- The student's problem-solving and intervention team;
- The student's IEP team; or
- The student's 504 Plan team.

A complaint by a parent shall be handled by the appropriate District staff in the same manner as a debrief following the use of physical restraint on a student.

Use of a physical restraint technique that is abusive shall be reported to the Child Abuse Hotline and law enforcement.

### **Reports and Debriefing**

After the occurrence of an incident involving physical restraint of a student, the building principal, or the principal's designee, shall be notified of the incident as soon as possible but by no later than the end of the school day when the incident occurred.

The student's parent shall be notified of the incident of the use of physical restraint via verbal or electronic communication as soon as possible but by no later than the end of the school day when the incident occurred. In the event the student's parent is unable to be notified via verbal or electronic communication within twenty-four (24) hours after the incident occurred, then the parent shall be mailed written notification of the incident within forty-eight (48) hours after the incident occurred.

school personnel involved in the incident shall document the incident in a written report, which is to be completed within twenty-four (24) hours after the incident occurred. The written report of the incident shall:

1. Include all information contained in the Division of Elementary and Secondary Education (DESE) Physical Restraint or Seclusion Incident Record and Debriefing Report;
2. Be maintained in the student's education record; and

3. Be provided to the student's parent within one (1) school day of the completion of the report.

A debriefing meeting shall be held within two (2) school days after the incident occurred. The following school personnel shall be present at the debriefing meeting:

- a. A member of school personnel who was present during the incident;
- b. A member of school personnel who was in the proximity of the student on whom physical restraint was used immediately before and during the time of the incident;
- c. A school administrator; and
- d. Any other member of school personnel determined to be appropriate by the District.

The purpose of the debriefing meeting shall be to:

- Determine whether the procedures used during the incident were necessary;
- Evaluate the use of any behavioral supports and de-escalation techniques by school personnel before and during the incident;
- Evaluate the school district's positive behavioral supports system and prevention techniques in order to minimize future use of physical restraint; and
- If a trained member of school personnel was not immediately available due to the unforeseeable nature of the emergency situation when the incident occurred:
  - Reevaluate the training needs of school personnel;
  - Reevaluate the physical restraint policy and practices; and
  - Develop a plan to prevent a future incident.

At a debriefing meeting, school personnel shall:

1. Consider relevant information in the student's education record, including without limitation:
  - a. The concerns of the student's parent;
  - b. The student's social and medical history;
  - c. The student's FBA, if one exists; and
  - d. The student's BIP, if one exists;
2. Consider relevant information from the teachers, parents, and other District professionals;
3. Discuss whether positive behavior supports were appropriately implemented;
4. Discuss the duration and frequency of the use of physical restraint on the student;
5. Discuss appropriate action that may be taken to prevent and reduce the need for physical restraint;
6. Consider whether additional intervention and support is necessary for the student;
7. Consider whether additional intervention and support is necessary for school personnel; and
8. Consider how and when to debrief a person who was not present at the debriefing meeting, including without limitation:
  - a. The student;
  - b. The student's parent; and
  - c. Other school personnel or students who witnessed the incident.

DESE's Physical Restraint or Seclusion Incident Record and Debriefing Report, or an alternative report that includes the same information, shall be completed during the debriefing meeting. A copy of the report shall be:

- Submitted to the building principal;
- Mailed to the student's parent within two (2) days of the date on which the debriefing meeting was held; and
- Maintained as part of the student's education record along with other documents consulted during the debriefing meeting.

Cross Reference: 3.6 - Licensed Personnel Employee Training

Legal Reference: A.C.A. § 6-18-2401 et seq.

Date Adopted: June 14, 2021

Last Revised: June 30, 2022

### **SCHOOL MEAL MODIFICATIONS (Policy 4.50)**

The district only provides modified meal components on menus to accommodate students with a disability. A parent/guardian wishing to request dietary accommodations for their student with a disability must submit to the district's Director of Child Nutrition<sup>1</sup> a medical statement completed by a State licensed healthcare professional, which includes:<sup>2</sup>

- Physicians, including those licensed by:
  - The Arkansas State Medical Board;
  - The Arkansas State Board of Chiropractic Examiners (Chiropractors);
  - The Arkansas Board of Podiatric Medicine (Podiatrists);
- Nurse Practitioners (APRNs in family or pediatric practice with prescriptive authority);
- Physician Assistants (PAs who work in collaborative practice with a physician); and
- Dentists.

The medical statement should include:

1. A description of the student's disability that is sufficient to understand how the disability restricts the student's diet;
2. An explanation of what must be done to accommodate the disability, which may include:
  - a. Food(s) to avoid or restrict;
  - b. Food(s) to substitute;
  - c. Caloric modifications; or
  - d. The substitution of a liquid nutritive formula.

If the information provided in the medical statement is unclear, or lacks sufficient detail, the district's Director of Child Nutrition<sup>1</sup> shall request additional information so that a proper and safe meal can be provided.

When choosing an appropriate approach to accommodate a student's disability, the District will consider the expense and efficiency of the requested accommodations. The District will offer a reasonable modification that effectively accommodates the child's disability and provides equal

opportunity to participate in or benefit from the program, which may include a generic version of a product.

Parents may file a grievance regarding the request for accommodations with the District's 504 Coordinator<sup>3</sup>, who will schedule a hearing on the grievance to be held as soon as possible. The 504 coordinator shall provide a copy of the procedures governing the hearing, including that the parent has the right to be accompanied by counsel, and the appeal process upon request.

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

Legal References:      Commissioner's Memo FIN-09-044  
                                 Commissioner's Memo FIN-15-122  
                                 Commissioner's Memo CNU-17-051  
                                 7 CFR 210.10(g)

Date Adopted: June 11, 2009  
Last Revised: June 28, 2010  
                         March 14, 2016

#### **STUDENT HANDBOOK (Policy 4.42)**

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

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

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

Last Revised: June 11, 2013

#### **IMMUNIZATIONS (Policy 4.57)**

##### **Definitions**

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

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

### **General Requirements**

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

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

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

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

- A. Licensed physician;
- B. Health department;
- C. Military service;
- D. Official record from another educational institution in Arkansas; or
- E. An immunization record printed off of the statewide  
immunization registry with the Official Seal of the State of  
Arkansas.

The proof of immunization must include the vaccine type and dates of vaccine administration. Documents stating “up-to-date”, “complete”, “adequate”, and the like will not be accepted as proof of immunization. No self or parental history of varicella disease will be accepted as a history of varicella disease must be documented by a licensed physician, advanced practice nurse, doctor of osteopathy, or physician assistant. Valid proof of immunization and of immunity based on serological testing shall be entered into the student’s record.

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

- 1) Proof of immunization showing the student to be fully age appropriately vaccinated;

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

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

### **Temporary Admittance**

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

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

The District will not accept copies of applications requesting an exemption for the current school year that are older than two (2) weeks based on the date on the application. Students who submit a copy of an application to receive an exemption from the immunization requirements for the current year to gain temporary admittance have thirty (30) days from the admission date to submit either a letter from ADH granting the exemption or documentation demonstrating the student is in process and a copy of the immunization schedule. Failure to submit the necessary documentation by the close of the thirty (30) days will result in the student being excluded until the documentation is submitted.

### **Exclusion From School**

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

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

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

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

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

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

- The number of students in the District that were granted an exemption by the Department of Health from an immunization;
- The percentage of students in the District that were granted an exemption by the Department of Health from an immunization;
- The number of students within the District who have failed to provide to the public school proof of the required and have not obtained an exemption from ADH; vaccinations
- The percentage of students within the District who have failed to provide to the public school proof of the required and have not obtained an exemption from ADH; and vaccinations
- The percentage of a population that must receive an immunization for herd immunity to exist.

Cross References: 4.2—ENTRANCE REQUIREMENTS  
4.7—ABSENCES  
4.8—MAKE-UP WORK  
4.34—COMMUNICABLE DISEASES AND PARASITES

Legal References: A.C.A. § 6-18-702  
DESE Rules Governing Immunization Requirements in Arkansas Public Schools  
ADH Rules Pertaining to Immunization Requirements

Date Adopted: April 13, 2015  
Last Revised: June 13, 2019; June 30, 2020

## **FOOD SHARING AND ITS REMOVAL FROM FOOD SERVICE AREA (Policy 4.58)**

### **Food Sharing Table**

**Option 1:** In an effort to reduce wasted food and to provide students access to healthy foods when possible, the District shall have in the district cafeteria a food sharing table located at the end of the service line. Prior to leaving the service line, students may place on or retrieve items from the table, at no additional charge, any of the following:

- Raw whole fruit traditionally eaten without the peel (e.g. bananas and oranges);
- Raw whole fruit traditionally eaten with the peel provided the fruit is wrapped to prevent contamination (e.g. apples and grapes);
- Raw whole vegetables provided the vegetable is wrapped to prevent contamination (e.g. carrot sticks);
- Milk; and
- Juice.

Fruit and vegetables to be shared are to be placed into a designated container on the table. Milk and juice to be shared are to be placed in an ice-filled cooler. Milk and juice may not be taken by another student unless the carton is unopened and was completely covered by ice while in the cooler. A student may not return to the table to place an item for sharing after the student has left the service line.

At all times, the sharing table will be under the supervision of the food service staff. Remaining items should be discarded at the end of the meal period, and no item may remain on the table for longer than four (4) hours.

### **Removing Food Items From the Food Service Area**

**Option A:** At the end of the meal period, a student may leave the cafeteria with up to 2 school provided whole fruit or whole vegetable food items. Students may not remove from the cafeteria milk, juice, or any other item requiring a temperature controlled environment.

Except for food service workers as required by their job duties, District employees may only remove school provided food items from the food service area when required by a 504 plan or a student's IEP.

All items removed from the cafeteria must be consumed or taken home at the end of the school day. No items may be left in classrooms or lockers. The intent is to provide additional time to finish eating.

Date Adopted: April 13, 2015

## **FUND RAISING (Policy 6.6)**

All fund raising activities held in the District or in the name of the District must be pre-approved in writing by the Superintendent and affected school principal. Approval will be predicated on



the potential for return relative to the time and energy to be invested in the fund raising. Fund raising that conflicts excessively with and/or detracts from student or teacher instructional time in either the planning or the execution of the activity will not be approved.

Neither an individual school nor the District shall be liable for any contract between clubs or organizations and third parties.

Student participation in any fund raising activity shall:

- 1) Be voluntary. Students who choose not to participate shall not forfeit any school privileges. It shall not be considered discriminatory to reward those who participate; and
- 2) Not influence or affect the student's grade.

For purposes of this policy, "Door-to-door sales" means the selling of merchandise outside of the child's home and off the school grounds.

### **Secondary Schools**

Fund raising in the secondary schools may only be done by officially sanctioned student clubs, spirit groups, school PTAs, or parent booster clubs. Student clubs and spirit groups must receive written approval from their sponsor and the school principal before submitting the fund raising proposal to the Superintendent.

Door to door fundraising activities are generally discouraged. If approved, students wishing to participate who are under the age of eighteen (18) must return to their sponsor a signed parental notification and permission form.

### **Elementary Schools (K-6)**

Fund raising in the elementary schools may only be done by the school or a school sponsored organization. Door to door fundraising activities are generally discouraged, but there shall be no more than one such activity per school per school year.

Schools must provide written notification of the following to parents or legal guardians of elementary students who participate in fund raising programs.

- 1) Student participation in fund raising programs is voluntary;
- 2) Students who do not participate will not forfeit any school privileges;  
Students may not participate in fund raising programs without written parental permission returned to school authorities;
- 3) An elementary student who sells fund raising merchandise door to door must be accompanied by a parent or an adult; and
- 4) Unless the school provides supervision, parents must accept responsibility for appropriate adult supervision.

Date Adopted: October 11, 2004

Last Revised: April 13, 2015

#### **VISITORS TO THE SCHOOLS (Policy 6.5)**

Parents, grandparents, legal guardians, business, and community members are welcome and encouraged to visit District schools. To minimize the potential for disruption of the learning environment, visitors, for a purpose other than to attend an activity open to the general public, are required to first report to the school's main office. No one shall be exempt from this requirement. Visitors who are Level 3 or Level 4 sex offenders may only enter a school campus under the provisions listed in Policy 6.10.

Parents and legal guardians are encouraged to participate in regularly scheduled visitation events such as school open houses and parent/teacher conferences. Additional conferences are best when scheduled in advance. Conferences shall be scheduled at a time and place to accommodate those participating in the conference. Visits to individual classrooms during class time are permitted on a limited basis with the principal's prior approval and the teacher's knowledge.

Visitors, including parents wishing to speak with students during the school day shall register first with the office.

The District has the right to ask disruptive visitors to leave its school campuses. Principals are authorized to seek the assistance of law enforcement officers in removing any disruptive visitors who refuse to leave school property when requested to do so.<sup>1</sup>

Date Adopted: October 11, 2004

Last Revised: June 28, 2010

April 13, 2015

#### **STUDENT PROMOTION AND RETENTION (Policy 4.55)**

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

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

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

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

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

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

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

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

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

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

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

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

An SSP shall be created:

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

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

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

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

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

Date Adopted:        May 12, 2014  
Last Revised:        April 13, 2015  
                              May 18, 2015; June 29, 2017; June 13, 2019; May 11, 2020

## **ACADEMIC COURSE ATTENDANCE BY PRIVATE SCHOOL AND HOME SCHOOL STUDENTS (POLICY 4.59)**

The District allows private school and home school students whose parents, legal guardians, or other responsible adult with whom the student resides are residents of the District to attend academic courses offered in grades 7-12<sup>1</sup>. The District will place a list of courses that a private school or home school student may request to attend on its website by:<sup>2</sup>

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

A private school or home school student who desires to attend one or more of the available academic courses shall submit a written request to attend the academic course(s) to the superintendent, or designee, no later than:<sup>2</sup>

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

The District may reject a private school or home school student's request for attendance if the District's acceptance would:<sup>3</sup>

- Require the addition of staff or classrooms;
- Exceed the capacity of a program, class, grade level, or school building;
- Cause the District to provide educational services the District does not currently provide; or
- Cause the District to be out of compliance with applicable laws and regulations regarding desegregation.

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

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

- Indicate the course(s) the private school or home school student is interested in attending;
- If the course(s) the private school or home school student is interested in attending is being offered by the District in both a physical and a digital format, whether the private school or home school student intends to attend the physical course or the digital course;
- Agree to follow the District's discipline policies; and
- Submit immunization documentation required by Policy 4.57—IMMUNIZATIONS. In addition to the documentation methods provided in Policy 4.57, a home school student may submit a letter to the superintendent, or designee, stating an objection to immunizations and listing the immunizations the student has received, if any.

A private school or home school student who fails to attend an academic course by the eleventh (11) day of class shall be dropped from the course.

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

The opportunity provided to home school students under this policy is in addition to the opportunity provided in Policy 4.56.2—EXTRACURRICULAR ACTIVITY ELIGIBILITY FOR HOME SCHOOLED STUDENTS.

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

Legal References:     A.C.A. § 6-15-509  
                              A.C.A. § 6-18-232  
                              A.C.A. § 6-18-702  
                              A.C.A. § 6-47-401 et seq.  
                              ADE Rules Governing Distance and Digital Learning  
                              ADE Rules Governing Kindergarten Through 12<sup>th</sup> Grade Immunization Requirements in Arkansas Public Schools

Date Adopted: June 29, 2017

Last Revised:

#### **CONCURRENT CREDIT (POLICY 5.22)**

A ninth (9<sup>th</sup>) through twelfth (12<sup>th</sup>) grade student who successfully completes a college course(s) from an institution approved by the Division of Elementary and Secondary Education (DESE) shall be given credit toward high school grades and graduation at the rate of one (1) high school credit for each three (3) semester hours of college credit. Unless approved by the school's principal, **prior to enrolling for the course**, the concurrent credit shall be applied toward the student's graduation requirements as an elective.

As permitted by the DESE Rules Governing Grading and Course Credit, a student who takes a three (3) semester hour remedial/developmental education course shall receive a half (1/2) credit for a high school career focus elective. The remedial/developmental education course cannot be used to meet core subject area/unit requirements.

Participation in the concurrent high school and college credit program must be documented by a written agreement between:

- The student;
- The student's parent(s) or legal guardian(s) if the student is under the age of eighteen (18);
- The District; and
- The publicly supported community college, technical college, four-year college or university, or private institution of higher education the student attends to take the concurrent credit course.

Students are responsible for having the transcript for the concurrent credit course(s) they've taken sent to their school in order to receive credit for the course(s). Credit for concurrent credit courses will not be given until a transcript is received. Students may not receive credit for the course(s) they took or the credit may be delayed if the transcripts are not received at all or in a timely manner; this may jeopardize students' eligibility for extracurricular activities, and graduation.

Students will retain credit earned through the concurrent credit program that was applied toward a course required for high school graduation from a previously attended, accredited, public school.

A student eligible to receive free or reduced price meals shall not be responsible for any of the costs for the student's first six (6) concurrent credit hours so long as the concurrent credit courses are taught on the District grounds and by a teacher employed by the District.<sup>2</sup> Any and all costs of concurrent credit courses beyond the six (6) hours permitted, that are not taught on the District's campus, or are not taught by a teacher employed by the District are the responsibility of the student. Students who are not eligible to receive free or reduced price meals are responsible for any and all costs associated with concurrent credit courses.

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

Legal References:     A.C.A. § 6-15-902(c)(2)  
                              A.C.A. § 6-16-1201 et seq.  
                              A.C.A. § 6-18-232  
                              DESE Rules Governing Grading and Course Credit

Date Adopted: December 12, 2005  
Last Revised: June 30, 2020

#### **STUDENT MEDIA AND THE DISTRIBUTION OF LITERATURE (Policy 4.14)**

The Superintendent and the student media advisors(s) shall jointly develop administrative regulations for the implementation of this policy. The regulations shall include definitions of terms and the time(s), place(s), and manner(s) of the dissemination of student media, which shall include timelines for the review of materials.

#### **Definitions**

"School-sponsored media" means all student media that are:

- Supported financially by the school;
- Supported by the use of school facilities; or
- Produced in conjunction with a class.

“Student journalist” means a student who gathers, writes, edits, photographs, records, video tapes, or prepares information for dissemination in student media.

“Student media” means any means of communication that are:

- Prepared, substantially written, published, or broadcasted by a student;
- Distributed or generally made available, either free of charge or for a fee, to members of the student body; and
- Prepared under the direction of a student media advisor.

“Student media” does not include media that is intended for distribution or transmission solely in the classroom in which it is produced.

“Student media advisor” means an individual who is employed, appointed, or designated by the District to supervise or provide instruction with respect to student media.

### **Student Media**

While the District recognizes a student’s right of expression under the First Amendment of the Constitution of the United States, school-sponsored media does not provide an open public forum for public expression. Student media, as well as the content of student expression in school-sponsored activities, shall be subject to the editorial review of the District’s administration, whose actions shall be reasonably related to legitimate pedagogical concerns and adhere to the following limitations:

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



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

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

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

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

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

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

1. Be narrowly drawn to promote orderly administration of school activities by preventing disruption and may not be designed to stifle expression;
2. Be uniformly applied to all forms of non-school-sponsored materials;
3. Allow no interference with classes or school activities;
4. Specify times, places, and manner where distribution may and may not occur; and
5. Not inhibit a person's right to accept or reject any literature distributed in accordance with the regulations.

Students shall be responsible for the removal of excess literature that is left at the distribution point for more than days.

Cross References:     1.9—POLICY Formulation  
                              4.13—PRIVACY OF STUDENTS' RECORDS/ DIRECTORY INFORMATION  
                              4.43—BULLYING

Legal References:     A.C.A. § 6-18-514

A.C.A. § 6-18-1201 et seq.  
*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 14, 2004

Last Revised: May, 2008; June 13, 2019; May 11, 2020

**ADVANCED PLACEMENT, INTERNATIONAL BACCALAUREATE, and HONORS COURSES (Policy 5.21)**

Students in grades 7-12 who take advanced placement (AP) courses; International Baccalaureate (IB) courses; or honors or concurrent credit college courses; or other courses approved for weighted credit by the Division of Elementary and Secondary Education (DESE) shall be graded according to the following schedule:

A = 100 – 90  
B = 89 – 80  
C = 79 – 70  
D = 69 – 60  
F = 59 and below

For the purpose of determining grade point averages, the numeric value of each letter grade shall be:

A = 5 points  
B = 4 points  
C = 3 points  
D = 2 point  
F = 0 points

For a student to be eligible to receive weighted credit for an AP, or IB course:

- The course must be taught by an Arkansas licensed teacher who has received the appropriate training required by Arkansas statute and DESE Rule or, for an AP teacher, is in the process of completing an Additional Training Plan; and
- The student takes the applicable AP or IB examination after completing the entire course. Credit shall be given for each grading period during the course of the year, but shall be retroactively removed from a student's grade for any course in which the student fails to take the applicable exam. Students who do not take the applicable exam shall receive the same numeric value for the grade he/she receives in the course as if it were a non-AP or IB course.

“Honors Courses” are those courses that have been approved by DESE as honors courses. Honors courses must stress higher order learning and be offered in addition to curriculum offerings required by the Standards for Accreditation.

Students who transfer into the district will be given weighted credit for the IB courses; honors or concurrent credit college courses; and other courses approved by DESE for weighted credit that were taken for weighted credit at his/her previous school(s) according to the preceding scale.

Legal References: DESE Rules Governing Uniform Grading Scales for  
Public Secondary Schools  
DESE Rules for Advanced Placement and International Baccalaureate  
Diploma Incentive Program  
A.C.A. § 6-15-902  
A.C.A. § 6-16-806

Date Adopted: November 14, 2005

Last Revised: June 11, 2013; June 13, 2019

**MALVERN SCHOOL DISTRICT**  
Home of the Leopards  
“Where PASSION, PRIDE, & EXCELLENCE are expected.”

**Summer Learning Program**

The Malvern School District Summer Learning Program provides opportunities for students to receive academic interventions and credit recovery for grades K-12.

Any Malvern School District student who does not meet the criteria for promotion to the next grade level may attend the extended year program provided by the district in applicable content areas. A student who attends at least 80 percent of the extended year program days in the applicable content areas shall be promoted to the next grade level at the beginning of the school year but only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. Students who are required to attend the Summer Learning Program and do not make sufficient progress or do not attend shall be retained.

Promotion Criteria K-12

K	Kindergarten students shall be considered for retention if mastery of grade-level objectives is not reflected by assessment methods in Reading (Language Arts).
Grade 1	First grade students shall be considered for retention if mastery of grade level objectives is not reflected by assessments methods in Reading and/or Mathematics.
Grade 2	Promotion to the next grade shall be based on assessment progress on NWEA, Dibels, and nine week grade reports in Reading and/or Math.
Grade 3	Promotion to the next grade shall be based on assessment progress on NWEA, Dibels, and nine week grade reports in Reading and/or Math.
Grade 4	Promotion to the next grade shall be based on assessment progress on NWEA, Dibels, and nine week grade reports in Reading and/or Math.
Grade 5	Promotion to the next grade shall be based on assessment progress on NWEA, and nine week grade reports in English Language Arts and/or Math.
Grade 6	Promotion to the next grade shall be based on assessment progress on NWEA, and nine week grade reports in English Language Arts and/or Math.

Grade 7	Promotion to the next grade shall be based on assessment progress on NWEA, and nine week grade reports in core subject areas.
Grade 8	Promotion to the next grade shall be based on assessment progress on NWEA, and nine week grade reports in core subject areas.
Grade 9-12	Credits will be based on nine week grade reports. Summer Learning will consist of credit recovery, and additional assistance for those who do not meet progress on State Assessments and NWEA assessments.

Students must attend 80% of the extended year program and must demonstrate proficiency of the subject matter taught in order to be considered for promotion.

May Attend – means that a student is NOT REQUIRED to attend Summer School but is highly encouraged to ensure success at the next grade level.

Must Attend – means that a student IS REQUIRED to attend Summer School in order to have more time to gain the necessary skills for successful completion of the next grade level. Students who do not attend shall be retained.

**Summer Learning Chart K-4**

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>
<b>Kindergarten</b>	<b>Scored 88 or below on Dibels Next AND Fell below beginning of year mean on NWEA Reading</b>	<b>Y</b>		<b>Y</b>
	<b>Scored 89-118 on Dibels Next OR Scored MOY or below on NWEA Reading</b>	<b>N</b>	<b>Y</b>	

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>
----------------	-----------------	----------------------------	--	---

<b>Grade 1</b>	<b>Scored 111 or below on Dibels Next AND Scored 50<sup>th</sup> percentile or lower on NWEA Reading</b>	<b>Y</b>		<b>Y</b>
	<b>Scored 112-154 on Dibels Next OR Scored 51<sup>st</sup> to 60<sup>th</sup> percentile on NWEA Reading</b>	<b>N</b>	<b>Y</b>	

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>
<b>Grade 2</b>	<b>Scored 180 or below on Dibels Next AND Scored 50<sup>th</sup> percentile or lower on NWEA Reading</b>	<b>Y</b>		<b>Y</b>
	<b>Scored 181-237 on Dibels Next OR Scored 51<sup>st</sup> to 60<sup>th</sup> percentile on NWEA Reading</b>	<b>N</b>	<b>Y</b>	

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>
<b>Grade 3</b>	<b>Scored 280 or below on Dibels Next AND Scored 50<sup>th</sup> percentile or lower on NWEA Reading and/or Math</b>	<b>Y</b>		<b>Y</b>

	<b>Scored 281-329 on Dibels Next, OR Scored 51<sup>st</sup> to 60<sup>th</sup> percentile on NWEA Reading or Math</b>	<b>N</b>	<b>Y</b>	
--	---	----------	----------	--

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>
<b>Grade 4</b>	<b>Scored 330 or below on Dibels Next AND Scored 50<sup>th</sup> percentile or lower on NWEA Reading and/or Math</b>	<b>Y</b>		<b>Y</b>
	<b>Scored 331-390 on Dibels Next, OR Scored 51<sup>st</sup> to 60<sup>th</sup> percentile on NWEA Reading or Math</b>	<b>N</b>	<b>Y</b>	

Students must attend 80% of the extended year program and must demonstrate proficiency of the subject matter taught in order to be considered for promotion.

May Attend – means that a student is NOT REQUIRED to attend Summer School but is highly encouraged to ensure success at the next grade level.

Must Attend – means that a student IS REQUIRED to attend Summer School in order to have more time to gain the necessary skills for successful completion of the next grade level. Students who do not attend shall be retained.

#### **Summer Learning Program 5-6**

The Malvern School District Summer Learning Program provides opportunities for students to receive academic interventions and credit recovery for grades K-12.

Any Malvern School District student who does not meet the criteria for promotion to the next grade level may attend the extended year program provided by the district in applicable content areas. A student who attends at least 80 percent of the extended year program days in the applicable content areas shall be promoted to the next grade level at the beginning of the school year but only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level.

Students who are required to attend the Summer Learning Program and do not make sufficient progress or do not attend shall be retained.

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>
<b>Grade 5</b>	<b>Does not receive an average of 70 in three of the following: areas Language Arts, Math, Science, Social Studies AND scored 50<sup>th</sup> percentile or lower on NWEA Reading and/or Math</b>	<b>Y</b>		<b>Y</b>
	<b>Receive an average of 70 in three or more of the following areas: Language Arts, Math, Science, Social Studies, OR scored 60<sup>th</sup> percentile or lower on NWEA Reading or Math</b>	<b>N</b>	<b>Y</b>	

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>



<b>Grade 6</b>	<b>Does not receive an average of 70 in three of the following areas: Language Arts, Math, Science, Social Studies, AND scored 50<sup>th</sup> percentile or lower on NWEA Reading and/or Math</b>	<b>Y</b>		<b>Y</b>
	<b>Receive an average of 70 in three or more of the following areas: Language Arts, Math, Science, Social Studies, OR scored 60<sup>th</sup> percentile or lower on NWEA Reading or Math</b>	<b>N</b>	<b>Y</b>	

Students must attend 80% of the extended year program and must demonstrate proficiency of the subject matter taught in order to be considered for promotion.

May Attend – means that a student is NOT REQUIRED to attend Summer School but is highly encouraged to ensure success at the next grade level.

Must Attend – means that a student IS REQUIRED to attend Summer School in order to have more time to gain the necessary skills for successful completion of the next grade level. Students who do not attend shall be retained.

### **Summer Learning Program 7-8**

The Malvern School District Summer Learning Program provides opportunities for students to receive academic interventions and credit recovery for grades K-12.

Any Malvern School District student who does not meet the criteria for promotion to the next grade level may attend the extended year program provided by the district in applicable content areas. A student who attends at least 80 percent of the extended year program days in the applicable content areas shall be promoted to the next grade level at the beginning of the school year but only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. Students who are required to attend the Summer Learning Program and do not make sufficient progress or do not attend shall be retained.

<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>
<b>Grade 7</b>	<b>Failed English and/or Math</b>	<b>Y</b>		<b>Y</b>
	<b>Passed English and Math and Scored 50<sup>th</sup> percentile or lower on NWEA Reading and/or Math</b>	<b>N</b>	<b>Y</b>	<b>Y (or placed in a reading course AND/OR attends mandatory math tutoring)</b>
	<b>Scored between the 51<sup>st</sup> and 60<sup>th</sup> percentile on NWEA Reading and/or Math</b>	<b>N</b>	<b>Y</b>	
<b>Student</b>	<b>Scenario</b>	<b>Retention Candidate</b>	<b>May Attend (Optional) Summer School Program</b>	<b>Must Attend (Required) Summer School Program</b>

<b>Grade 8</b>	<b>Failed English and/or Math</b>	<b>Y</b>		<b>Y</b>
	<b>Passed English and Math and Scored 50<sup>th</sup> percentile or lower on NWEA Reading and/or Math</b>	<b>N</b>	<b>Y</b>	<b>Y(or placed in a reading course AND/OR attends mandatory math tutoring)</b>
	<b>Passed English and Math and scored between the 51<sup>st</sup> and 60<sup>th</sup> percentile on NWEA Reading and/or Math</b>	<b>N</b>	<b>Y</b>	

Students must attend 80% of the extended year program and must demonstrate proficiency of the subject matter taught in order to be considered for promotion.

May Attend – means that a student is NOT REQUIRED to attend Summer School but is highly encouraged to ensure success at the next grade level.

Must Attend – means that a student IS REQUIRED to attend Summer School in order to have more time to gain the necessary skills for successful completion of the next grade level. Students who do not attend shall be retained.

### **Summer Learning Program 9-12**

The Malvern School District Summer Learning Program provides opportunities for students to receive academic interventions and credit recovery for grades K-12.

Any Malvern School District student who does not meet the criteria for promotion to the next grade level may attend the extended year program provided by the district in applicable content areas. A student who attends at least 80 percent of the extended year program days in the applicable content

areas shall be promoted to the next grade level at the beginning of the school year but only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. Students who are required to attend the Summer Learning Program and do not make sufficient progress or do not attend shall be retained or lose credit for the class.

Student	Scenario	Retention Candidate	May Attend (Optional) Summer School Program	Must Attend (Required) Summer School Program
Grade 9	Failed Math or English	Y (Credit Recovery) Unless Algebra 1*		Y (In order to receive credit) Unless Algebra 1*
	Scored 50 <sup>th</sup> percentile or lower on NWEA Reading and/or Math and ACT Aspire Reading and/or Math	N		Y OR may be scheduled into Critical Reading 10 and/or scheduled for RTI Math
	Scored 60 <sup>th</sup> percentile or lower on NWEA Reading or Math	N	Y	N – Recommend enrollment into Online Summer Learning**

- Algebra 1 students will be required to repeat failed semesters – See Policy 13.0 of the MHS Student Handbook

Student	Scenario	Retention Candidate	May Attend (Optional) Summer School Program	Must Attend (Required) Summer School Program
Grade 10	Failed Math or English	Y (Credit Recovery)		Y (to receive credit)
	Scored 50 <sup>th</sup> percentile or lower on NWEA Reading and/or Math and ACT Aspire Reading or Math or Science	N		Y OR or may be scheduled into ACT Success Labs for English, Math, or Science
	Scored 60 <sup>th</sup> percentile or lower on NWEA Reading or Math	N	Y	N Recommend enrollment into Online Summer Learning**

\*\* Learning Path for Online Summer Learning will be determined through Program Administrator

Students must attend 80% of the extended year program and must demonstrate proficiency of the subject matter taught in order to be considered for promotion.

May Attend – means that a student is NOT REQUIRED to attend Summer School but is highly encouraged to ensure success at the next grade level.

Must Attend – means that a student IS REQUIRED to attend Summer School or participate in the the RTI period, ACT Success Lab or Online Summer Learning in order to have more time to gain the necessary skills for successful completion of the next grade level. Students who do not attend or participate in the required remediation will not receive credit.

**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 Malvern 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)

Last Revised: June 9, 2011

## MEDICATION ADMINISTRATION CONSENT FORM

Student's Name (Please Print)

---

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

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

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

Name of medication \_\_\_\_\_

Name of physician or dentist (if applicable) \_\_\_\_\_

Dosage \_\_\_\_\_

Instructions for administering the medication \_\_\_\_\_

Other instructions

---

---

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

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

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: April 12, 2004; June 13, 2019

## MEDICATION SELF-ADMINISTRATION CONSENT FORM

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

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

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

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

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

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

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

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

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

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

(FORM 4.35F3)

**GLUCAGON AND/OR INSULIN ADMINISTRATION CONSENT FORM**

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

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

The school has developed an individual health plan (IHP) acknowledging that my child has been diagnosed as suffering from diabetes. The IHP authorizes the school nurse to administer Glucagon or insulin to my child in an emergency situation.

In the absence of the nurse, trained volunteer district personnel may administer to my child in an emergency situation:

Glucagon\_\_\_\_\_

Insulin\_\_\_\_\_

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

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

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

Date \_\_\_\_\_

Date Adopted: May 21, 2012  
Last Revised: May 18, 2015



## EPINEPHRINE EMERGENCY ADMINISTRATION CONSENT FORM

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

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

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

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

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

Circumstances under which Epinephrine may be administered

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

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

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

Date \_\_\_\_\_

Date adopted: June 13, 2019

## ALBUTEROL EMERGENCY ADMINISTRATION CONSENT FORM

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

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

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

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

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

Circumstances under which albuterol may be administered

Other instructions

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

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

Date \_\_\_\_\_

Date adopted: June 13, 2019

#### **4.35F6—STRESS AND EMERGENCY DOSE MEDICATION ADMINISTRATION CONSENT FORM**

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

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

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

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

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

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

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

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

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

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

Date Adopted: June 14, 2021

Last Revised:

#### 4.35F7—STRESS DOSE MEDICATION SELF-ADMINISTRATION CONSENT FORM

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

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

The following must be provided for the student to be eligible to self-administer a stress dose medication. Eligibility is **only** valid for this school for the current academic year.

- a written statement from a licensed health-care provider who has prescriptive privileges that he/she has prescribed the stress dose medication 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 adrenal insufficiency 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 stress dose medication; and
  - Has been instructed on the details of his or her medical condition and the events that may lead to an adrenal crisis.

If the school nurse is available, the student shall demonstrate his/her skill level in administering the stress dose medication to the nurse.

Stress dose medication for a student's self-administration shall be supplied by the student's parent or guardian and be in the original container properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings. Students who self-carry stress dose medication shall also provide the school nurse with a dose of the stress dose medication to be used in emergency situations.

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

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

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

Date Adopted: June 14, 2021

Last Revised:

**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

\_\_\_\_\_

\_\_\_\_ Non-emergency, invasive physical examination as defined in Policy 4.41

Comments:

\_\_\_\_\_

\_\_\_\_\_

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

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

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

Last Revised: April 12, 2004

**(Form 4.51 F)**

To Parent(s)/Guardian(s):

In the event of a crisis situation that occurs in the schools, the Malvern School District has adopted the *Professional Crisis Management* program to ensure the safety of your child and the staff working with your child.

Professional Crisis Management is a system that uses both non-physical techniques and physical procedures to reduce the likelihood of crisis behaviors. Crisis behaviors are defined as continuous aggression, continuous self-injurious behavior, and continuous high magnitude disruptions. If your child is ever involved in any Professional Crisis Management procedure, you will be notified in writing or by a phone call depending on the severity of the crisis behaviors.

---

Parent Signature

---

Date

Last Revised: May 12, 2014

**HOME SCHOOLED STUDENTS' LETTER OF INTENT TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY  
AT RESIDENT DISTRICT**

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

Parent or Guardian's Resident Address Street \_\_\_\_\_  
Apartment \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Student's date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Last grade level the student completed \_\_\_\_\_

Student has demonstrated academic eligibility by obtaining a verifiable minimum test score of the 30<sup>th</sup> percentile or better in the previous 12 months on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test approved by the State Board of Education. \_\_\_\_\_

Name of test, Date taken, and score  
achieved \_\_\_\_\_

Extracurricular activity(ies) the student requests to participate in

\_\_\_\_\_

Course(s) the student requests to take at the school

\_\_\_\_\_

Proof of identity \_\_\_\_\_

Date Submitted \_\_\_\_/\_\_\_\_/\_\_\_\_

Parent's Signature \_\_\_\_\_

Date Adopted: June 29, 2017

Last Revised:

**HOME SCHOOLED STUDENTS' LETTER OF INTENT TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY  
AT NON-RESIDENT DISTRICT**

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

Parent or Guardian's Resident Address

Street \_\_\_\_\_ Apartment \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Student's date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Last grade level the student completed \_\_\_\_\_

Student has demonstrated academic eligibility by obtaining a verifiable minimum test score of the 30<sup>th</sup> percentile or better in the previous 12 months on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test approved by the State Board of Education. \_\_\_\_\_

Name of test, Date taken, and score  
achieved \_\_\_\_\_

Extracurricular activity(ies) the student requests to participate in \_\_\_\_\_

Course(s) the student requests to take at the school  
\_\_\_\_\_

Proof of identity \_\_\_\_\_

Date Submitted \_\_\_\_/\_\_\_\_/\_\_\_\_

Parent's Signature \_\_\_\_\_

As the superintendent of the above student's resident district, I agree that the above student may participate in extracurricular activities at \_\_\_\_\_ School District.

Resident Superintendent's Signature: \_\_\_\_\_

As the superintendent of the \_\_\_\_\_ School district, where the above student desires to participate in extracurricular activities, I agree to allow the student to participate in extracurricular activities at \_\_\_\_\_ School District.

Non-resident Superintendent's Signature: \_\_\_\_\_

Date Adopted: June 29, 2017

Last Revised:



## VISION/HEARING SCREENING

In Compliance with the Family Education Rights and Privacy Act (FERPA) (20 U.S.C § 123 g:34 CFR Part 99)

I, \_\_\_\_\_, give permission for my child,  
\_\_\_\_\_ 's

Personally identifiable information/student education records to be disclosed to a Third Party  
Billing

Agent for the purpose of billing Medicaid and/or private insurance.

\_\_\_\_\_  
Printed Name of Parent/Guardian

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date Signed

## Malvern School District

ADE SPED

JULY 2013

AGES 3-21

### **Parental Notice to Access Public Insurance**

This notice is to inform you of your rights and protections under Part B of the Individuals with Disabilities Education Act (IDEA), as a parent of a child with a disability, so that you can make an informed decision about whether you should give consent to allow the school district to access your or your child's public benefits or insurance, such as Medicaid, to help pay for health services provided by the school district. This notice must be provided before the school district obtains your consent for the first time and annually thereafter. These rights include:

1. **Your Child's Confidential Information Cannot be Disclosed Without Your Consent** – under the Family Educational Rights and Privacy Act (FERPA) and the IDEA, parental consent must be obtained before the school district discloses your child's personally identifiable information to the Department of Human Services, Division of Medical Services, Arkansas Medicaid, or Medicaid billing agencies, for the purpose of billing for Medicaid reimbursement. The personally identifiable information that may be disclosed could include: student's name, date of birth, social security number, Medicaid ID, disability, IEP and evaluations, type of service(s), times and dates services were delivered, and progress notes.
2. **Your Child Has a Right to Special Education and Related Services at No Cost to You** – this means that, with regard to services required to provide a Free Appropriate Public Education (FAPE) to an eligible child under IDEA, the school district:
  - May not require parents to sign up for, or enroll in, public benefits or insurance programs in order for their child to receive FAPE;
  - May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided, but may pay the cost that the parents otherwise would be required to pay;
  - May not use a child's benefits under a public benefits or insurance program if that use would:
    - Decrease available lifetime coverage or any other insured benefit;
    - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
    - Increase premiums or lead to the discontinuance of benefits or insurance; or
    - Risk loss of eligibility for home and community-based waivers, based on total health-related expenditures.
3. **You May Withdraw Consent at Any Time** – once you have given consent for disclosure of confidential information about your child to the Department of Human Services,

Division of Medical Services, Arkansas Medicaid, or Medicaid billing agencies, you have a legal right under the FERPA and IDEA regulations to withdraw that consent at any time.

4. **If You Refuse Consent, or Withdraw Consent, the School District Must Still Provide Required Services at No Cost to You** – if you refuse to provide consent for the disclosure of personally identifiable information for the purpose of billing Medicaid, or, if you give consent but then later withdraw consent, that does not relieve the school district of its responsibility to ensure that all required services under IDEA are provided at no cost to the parents.