

# Malvern High School

## STATEMENT OF RESPONSIBILITY

*This page is in the student packet and must be returned to school during the first week of school.*

We have received the Malvern High School Student Handbook for 2016 - 2017 and know that the regulations must be adhered to while a student is at school or at school sponsored events. 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. **Parental Involvement Plan**
5. **Smart Core**

**\*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 2016 - 2017 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 by...

- 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 adopted this handbook on July 11, 2016.**

**Malvern School District Board of Directors**

- Mrs. Connie Bane
- Mr. Kevin Carr
- Mr. Jesse Clark
- Mr. Brian Coston
- Mrs. Vonda Cranford
- Mr. Don Rash
- Ms. Deborah Smith

**Malvern High School Handbook Committee:**

<b>Faculty/Staff:</b>	<b>Parents:</b>	<b>Students – cont’d:</b>
Jennifer Shnaekel, Principal	Sara Bailey	Jaclyn Johnson
Manuel Bulhoes, Asst. Principal	Valancia Caradine	Briana Roupe
Benjamin Dial, Asst. Principal	Libby Slatton	Maddie Slatton
Fran Bailey, Lead Teacher	<b>Students:</b>	Carla Stovall
Kathy Clayton, Lead Teacher	Devon Crowley	Jace Turner
Ashley Nelson, PIV Chair/Teacher	Grace Davis	Princess Welch
	Kaley Golden	

## **MALVERN HIGH SCHOOL VISION STATEMENT**

The Malvern High School Vision is to create and maintain an environment that inspires students and staff to be lifelong learners. This vision is positively reinforced through district and community support programs that foster parent and student involvement, promote maximum student achievement, and graduate students who will be productive in society.

## **MALVERN HIGH SCHOOL MISSION STATEMENT**

The mission of Malvern High School is to create opportunities that prepare our students to meet the challenges of the future by focusing on the skills required for them to be college and career ready.

## **HANDBOOK DISCLOSURE**

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  
2016-2017 CALENDAR**

**FIRST SEMESTER**

First Day of School – August 15, 2016

August 15 – August 31, 2016 13 days

September 1 – September 30, 2016 21 days  
(Labor Day – September 5, 2016)

October 1 – October 31, 2016 20 days  
(Parent/Teacher Conferences/No Students – October 18, 2016)

November 1 – November 30, 2016 17 days  
(Thanksgiving – November 21-25, 2016)

December 1 – December 31, 2016 17 days  
(Holiday Break – December 26, 2016 – January 9, 2017)

\*\*\*\*\*End of 1<sup>st</sup> Semester – 88 days\*\*\*\*\*

**SECOND SEMESTER**

January 1 – January 31, 2017 15 days  
(Holiday Break – December 26, 2016 – January 9, 2017)  
(Professional Development Day/No Students – January 9, 2017)  
(Martin Luther King, Jr. Day – January 16, 2017)

February 1 – February 28, 2017 18 days  
(Presidents’ Day – February 20, 2017)  
(Parent/Teacher Conferences/No Students – February 21, 2017)

March 1 – March 31, 2017 18 days  
(Spring Break – March 20 – 24, 2017)

April 1 – April 30, 2017 19 days  
(Good Friday – April 14, 2017)

May 1 – May 26, 2017 20 days  
(Memorial Day – May 29, 2017)

Last Day of School – May 26, 2017

\*\*\*\*\*End of 2<sup>nd</sup> Semester – 90 days\*\*\*\*\*

The first inclement weather make-up day will be Presidents’ Day, February 20, 2017. The second inclement weather make-up day will be Parent/Teacher Conference Day, February 21, 2017. The third inclement weather make-up day will be Good Friday, April 14, 2017. All other inclement weather make-up days will be added to the end of the school calendar or at the discretion of the Malvern School District Board of Education.

**\*ATTENDANCE/GRADING PERIODS\***

1 <sup>st</sup> quarter	August 15	–	October 14	44 days
2 <sup>nd</sup> quarter	October 17	–	December 23	44 days
3 <sup>rd</sup> quarter	January 10	–	March 17	46 days
4 <sup>th</sup> quarter	March 27	–	May 26	44 days



**Malvern High School**  
**525 E. Highland Ave.**  
**Malvern, AR 72104**  
**501.332.6905 Fax: 501.332.7523**

*Home of the Leopards: Where Passion, Pride, and Excellence are Expected*

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**Jennifer Shnaekel, Principal \* Benjamin Dial, Assistant Principal \* Manuel Bulhoes, Assistant Principal**

Dear Students and Parents,

On behalf of the faculty and staff of Malvern High School, we would like to welcome you to the 2016-2017 school year. We are excited about the new academic offerings and the extracurricular activities at Malvern High School. We hope that you are ready for a great year. As we begin this new school year, it is important for you to understand that expectations and rigor are high. We are sure you are ready to meet the challenges ahead.

The MHS handbook clearly defines policies and procedures for Malvern High School. It is our hope that students and parents understand that these practices and policies must be followed in order to assure student safety and provide for a positive culture that promotes student success.

Your administrators, teachers, and staff members are here to help you achieve your educational goals, and prepare you for the future. We hope that you make it a priority to invest in the many opportunities that will be afforded to you at MHS.

Sincerely,

Jennifer Shnaekel, Principal  
Manuel Bulhoes, Assistant Principal  
Benjamin Dial, Assistant Principal

## TABLE OF CONTENTS

- 1.0 ACADEMIC LOAD
- 2.0 ACTIVITY PARTICIPATION
- 3.0 ASSEMBLIES
- 4.0 ATTENDANCE AT SCHOOL ACTIVITIES
- 5.0 ATTENDANCE POLICY
  - 5.1 Make-up Work
  - 5.2 Attendance Requirements for Students in Grades 9-12 (4.44)
    - 5.2.1 Enrollment Outside of District
    - 5.2.2 Extracurricular Classes
  - 5.3 Attendance Rules and Procedures/Absences (4.7)
    - 5.3.1 Check-in Procedure /Check-out Procedure
    - 5.3.2 Student Withdrawals
    - 5.3.3 Attendance Requirement for Driver's License
- 6.0 BULLYING (4.43)
- 7.0 CAFETERIA
- 8.0 CALLS FROM OFFICE
- 9.0 CAMPUS BOUNDARIES
- 10.0 CHANGE OF ADDRESS, TELEPHONE, OR TRANSPORTATION
- 11.0 COLLEGE OF THE OUACHITAS
- 12.0 CONCURRENT CREDIT POLICY (5.22)
- 13.0 CREDIT RECOVERY
- 14.0 DAILY SCHEDULE
- 15.0 DELIVERIES TO STUDENTS
- 16.0 DISCIPLINE (4.17)
  - 16.1 Behavioral Probation
    - 16.1.1 Behavioral and/or Academic Support
  - 16.2 Corporal Punishment (4.39)
  - 16.3 Expulsion (4.31)
  - 16.4 In-School Suspension (ISS)
  - 16.5 Extended ISS
  - 16.6 Saturday Alternative School
  - 16.7 Supervised Study Hall (SSH)
  - 16.8 Suspension from School (4.30)
- 17.0 PROHIBITED CONDUCT (4.18)
  - 17.1 Alcoholic Beverages
  - 17.2 Beepers and Cellular Phones (4.47)
  - 17.3 Bomb Threat
  - 17.4 Bullying
  - 17.5 Bus Misconduct
  - 17.6 Cheating (homework, class work, etc.)/Plagiarism
  - 17.7 Classroom Disruptions/Disrespect/Insubordination
  - 17.8 Conduct to and from School (4.19)
  - 17.9 Cursing and/or Profane Language
  - 17.10 Death Threats
  - 17.11 Disturbances and Unauthorized Demonstrations
  - 17.12 Emergency /Restroom Passes

- 17.13 Faculty Assault, Threat, or Cursing a Faculty Member/Student Assault or Battery (4.21)
- 17.14 Fighting and Violence
- 17.15 Fire Alarm
- 17.16 Fireworks and Stink Bombs
- 17.17 Food and Drink
- 17.18 Forgery
- 17.19 Gambling
- 17.20 Gangs, Gang Activity and Secret Organizations (4.26)
- 17.21 Hands Off Policy
- 17.22 Homework
- 17.23 Illegal Drugs (4.24)
- 17.24 Inappropriate Behavior Comments and Gestures
- 17.25 Indecent Exposure
- 17.26 Laser Pointers (4.28)
- 17.27 Littering
- 17.28 Lying to Faculty Members
- 17.29 Public Display of Affection
- 17.30 Public Sexual Indecency
- 17.31 School Field Trips
- 17.32 Scuffling
- 17.33 Stealing
- 17.34 Student Identification
- 17.35 Student Sexual Harassment (4.27)
- 17.36 Tardies (4.9)
- 17.37 Technology Ethics Policy
- 17.38 Threats
- 17.39 Tobacco (4.23)
- 17.40 Truancy/Loitering
- 17.41 Vandalism
- 17.42 Weapons and Dangerous Instruments (4.22)
- 17.43 Repeated Offenses / Incurable Behavior
- 18.0 DRESS CODE (4.25)
- 19.0 ELECTIONS
- 20.0 GED
- 21.0 GRADING AND REPORTING (5.21)
- 22.0 GRADUATION
  - 22.1 High School Student Classification and Plans
  - 22.2 SMART CORE Requirements for the Classes of 2017 – 2020
  - 22.3 SMART Core Requirements
- 23.0 HONOR GRADUATES
- 24.0 JAG
- 25.0 MATERIALS AND SUPPLIES
- 26.0 MOTOR VEHICLE REGISTRATION (4.33)
- 27.0 OPEN/CLOSED CAMPUS
- 28.0 ORGANIZATIONS
- 29.0 PARENT INVOLVEMENT

- 30.0 PROMOTION AND RETENTION (4.55)
- 31.0 SCHEDULING PROCEDURES
- 32.0 SCHOOL DANCES
- 33.0 SCHOOL FUNCTIONS
- 34.0 STUDENT ORGANIZATIONS/EQUAL ACCESS (4.12)
- 35.0 STUDENT PUBLICATIONS (4.14)
- 36.0 TEXTBOOKS
- 37.0 TRANSCRIPTS/IMMUNIZATION RECORDS
- 38.0 VIDEO SURVEILLANCE (4.48)
- 30.0 VISITORS (4.16)
- 40.0 WEB SITE PRIVACY POLICY

*Additional policies follow in a separate section.*

## **1.0 ACADEMIC LOAD**

Students must carry at least 6 academic subjects to be considered a full time student. Should a student be terminated from enough classes to drop him/her below the required 6, MHS reserves the right to adjust his/her schedule accordingly. A student may be assigned to a teacher, office, library, or guidance office one period a day as an aide provided he/she is in good academic standing and on track for graduation.

## **2.0 ACTIVITY PARTICIPATION**

No student may participate in any school activity (athletics, concerts, plays, etc.) or practice for such an event on a day when the student was absent due to illness or injury except through permission from a medical doctor.

A student may not represent the school in any school activity or athletics if he/she did not pass a minimum of four academic subjects and have a 2.0 grade point average the preceding semester. This requirement will be waived if a student attends a weekly night tutoring session for 100 minutes per week provided by the school. Regular attendance is required. A student may only participate in the tutoring sessions for 2 semesters and still remain eligible for activity participation. Ninth (9<sup>th</sup>) grade students and students with IEP's must pass 4 academic subjects to be eligible.

## **3.0 ASSEMBLIES**

Formal assembly programs are presented in the auditorium with students seated in assigned seats *according to class rank*. Students are to stand and be quiet for the opening of the assembly program regardless of whether they salute the flag or say the pledge of allegiance.

Pep assemblies are held in the gymnasium in most cases. Students who do not wish to attend are to report to the designated area. Study material must be taken.

## **4.0 ATTENDANCE AT SCHOOL ACTIVITIES**

Students who are too ill to attend school are not permitted to participate or attend school activities the afternoon or night of the absence. Violation of this policy will result in the student being asked to leave the event.

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 with the coach, or sponsor's permission, but not attend school-sponsored events or participate in events until the completion of their ISS assignment.

## **5.0 ATTENDANCE POLICY**

It is very important that students and parents understand that school attendance is necessary for appropriate educational objectives to be met by the students. We expect our students to attend school daily unless they have illnesses, accidents, or other unavoidable reasons that can be documented.

The Arkansas General Assembly feels that parental involvement is a necessary part of a student's education and that a student's parents, guardians, or persons in loco parentis (acting as parents) should be aware of excessive student absences and should bear certain responsibilities regarding their student absences.

### **General Information Concerning Attendance Policy:**

1. A student who enrolls after the first day of school must have a valid reason for late registration. The absences will be dealt with according to the attendance rules and procedures.
2. In order to earn credit in a class, a student must be in attendance until the end of the semester and must fulfill all unit requirements.
3. Students who miss more than fifteen (15) minutes during any part of class time will be counted as absent.
4. Absences due to cutting class and leaving campus without permission are treated as truancy. Make-up work will not be permitted and any grade taken will result in a zero.
5. Parents are encouraged to call the school when their child is absent from school and *must* send a parent note, doctor/dentist note, or court note to the attendance secretary within 5 days of the student's return to school. If the parent does not notify the school of their child's absence, as time allows, the school will attempt to call parents at home and/or work to insure parents are aware of the absence.
6. Students are to check in and out through the principal's office when arriving late or leaving early during the school day.
7. School trips and school functions, as approved by the principal, will not be considered absences.

Legal References: A.C.A. § 6-18-201, A.C.A. § 6-18-207, A.C.A. § 6-18-208, A.C.A. § 6-18-702  
A.C.A. § 6-15-504(f), A.C.A. § 9-27-103

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

#### **IT IS THE RESPONSIBILITY OF THE STUDENT TO SEE THAT WORK IS MADE UP.**

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

1. Students are responsible for asking the teachers of the classes they missed what assignments they need to make up.
2. Teachers are responsible for providing the missed assignments when asked by a returning student.
3. Students are required to ask for their assignments on their first day back at school or their first class day after their return.
4. Make-up tests are to be rescheduled at the discretion of the teacher, but must be aligned with the schedule of the missed work to be made up.
5. Students shall have one class day to make up their work for each class day they are absent.
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 absences in excess of the number of allowable absences in a semester **unless** the absences are part of a signed agreement as permitted by policy 4.7—ABSENCES.

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 Reference: 4.7—ABSENCES  
4.57—IMMUNIZATIONS

Date Adopted: June 14, 2004

Last Revised: April 13, 2015

## **5.2 ATTENDANCE REQUIREMENTS FOR STUDENTS IN GRADES 9 – 12 (Policy 4.44)**

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

### **Study Halls**

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

Legal References: A.C.A. § 6-18-210, 211

Adopted: October 11, 2004

### **5.2.1 Enrollment Outside of District**

Enrollment and attendance in vocational-educational training courses, college courses, school work programs, and other department-sanctioned educational programs with pre-approval by the principal may be used to satisfy the student attendance requirement. The district shall strive to assign students who have been dropped from a course of study during the semester into another placement or course of study.

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

a case-by-case basis, only when convinced the student meets the definition of proven financial hardships.

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

### **5.2.2 Extracurricular Classes**

Any student who is scheduled into more than one noncredit extra-curricular course during the day must also be scheduled into at least one online course that is scheduled outside of the regular school day. The online course must be completed with a passing grade by the last day of school in order for that student to be allowed to be scheduled into more than one noncredit extra-curricular course the following year. Any student who fails to complete an online course with a passing grade by the last day of school must complete an online course scheduled outside of the school day to be eligible to enroll in more than one noncredit extra-curricular course in subsequent years (years after the following year). After a student has completed two online courses with a passing grade outside of the school day, that student may enroll in more than one extra-curricular course during the school day without being required to enroll in an online course.

Any costs associated with completing this requirement will be the responsibility of the parent/guardian of the student. (The purpose of this requirement is to ensure that students who enroll in more than one noncredit extra-curricular course during the day are on course to graduate after that school year.)

### **5.3 ABSENCES (Policy 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 is essential to their social and cultural development and helps prepare them to accept responsibilities they will face as an adult. Interactions with other students and participation in the instruction within the classroom enrich the learning environment and promote a continuity of instruction which results in higher student achievement.

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

#### **Excused Absences**

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

1. Death or serious illness in their immediate family;
2. Observance of recognized holidays observed by the student's faith;
3. Attendance at an appointment with a government agency;
4. Attendance at a medical appointment;
5. Exceptional circumstances with prior approval of the principal;
6. Participation in an FFA, FHA, or 4-H sanctioned activity;
7. Participation in the election poll workers program for high school students.
8. 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.
9. 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).
10. 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.

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

### **Unexcused Absences**

Absences not defined above shall be considered unexcused absences. Students with 12 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, guardians, or persons 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.

When a student has 6 unexcused absences, his/her parents, guardians, or persons 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.

When a student has 9 unexcused absences, his/her parents, guardians, or persons 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. A phone conference or face to face conference will be held discussing future consequences for continued absences.

Whenever a student exceeds 12 unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, guardian, or persons in loco parentis shall be subject to a civil penalty as prescribed by law.

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

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.

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

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. § 6-18-220, 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),

Date Adopted: April 12, 2004

Last Revised: May 9, 2016; June 28, 2016

### **5.3.1 Check-in Procedure/Check out Procedure**

Upon return to campus from an absence, whether for one period or for a full day, students must check-in at the office to present documentation of their absence, including notes from parents, professional appointments, court, etc. Students who do not have documentation will be given the opportunity to contact their parents/guardians when they check-in to remind them to send written documentation. **Students who return to school the same day as an absence must check-in with the office or they may be marked absent for the remainder of the day.**

#### ***Check -out Procedure.***

The health card submitted at the time of enrollment is the document referred to each time a student is checked out of school.

These procedures must be strictly adhered to:

- An adult must present proper identification before a student is released including those in attendance at COTO.
- Students 18 and older, who live at home, may check themselves out once we have contacted a parent or guardian. If we do not get verification the student will not be allowed to check out.
- Students who are 18 and documented as living on their own have the right to check themselves out of school.
- Students who have their own transportation, and a parent wishes to check them out with an email, fax or written note, may be checked out only after verification.
- Armed forces recruiters may check out a student for an official purpose if they have documentation which includes parental consent.

### **5.3.2 Student Withdrawals**

Before a student withdraws from school, he/she should report his/her intention of withdrawing to the principal's office and receive a withdrawal form, which will be presented to each teacher. The teacher will fill out the student's grade up to the time of withdrawal. All money owed to the school must be paid and all school property must be returned. Records will not be forwarded unless the above procedure is followed.

### **5.3.3 Attendance Requirement for Driver's License**

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

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

## **6.0 BULLYING (4.43)**

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

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

### **Definitions:**

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Blocking access to school property or facilities,
8. Deliberate physical contact or injury to person or property,
9. Stealing or hiding books or belongings, and/or
10. Threats of harm to student(s), possessions, or others,
11. Sexual harassment, as governed by policy 4.27, is also a form of bullying,
12. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: "Slut") or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: "You are so gay." "Fag" "Queer").

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

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

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

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

Copies of this policy shall be available upon request.

Legal Reference: A.C.A. § 6-18-514

A.C.A. § 5-71-217

Last Revised: June 27, 2013

## **7.0 CAFETERIA**

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 \$1.25 and hot lunches are served for \$2.25 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 (40 cents per carton) if you wish.

Some children are eligible for reduced price breakfast (\$.30) or lunch (\$.40) or free breakfast or lunch. To determine your child's eligibility, complete the form sent to you.

Students may pay for their lunch each day, or you may pay with a check in advance. If paying with a check, please make checks payable to Malvern School District Cafeteria, or make payments on line by going to [www.mypaymentsplus.com](http://www.mypaymentsplus.com)

It is the policy of the Malvern School District Child Nutrition Department to allow students to charge meals **only on occasion** when money is unavailable and the student would miss meal service. This is a courtesy extended to the student and should not occur on a regular basis.

Charges of more than \$10.00 will be considered excessive and will not be permitted. When a student's charges reach \$10.00 they will be offered an "alternative lunch" as suggested by Arkansas Department of Education Child Nutrition Unit. This will continue until all charges are collected. Any student having excessive charges will be encouraged to apply for free or reduced priced meals. Anyone with questions about charges and/or cafeteria procedures may call the Food Service Director.

Parents, grandparents, etc., are welcome to eat lunch with their children. You must sign in and receive a visitors pass. The cost for an adult lunch is \$3.50. Please call the school office before 9:00 a.m. or send a note if you are eating at school.

### **School Cafeteria – Chartwell’s 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 Chartwell's to meet the goals of a well, healthy community.

### **8.0 CALLS FROM OFFICE**

Student use of the office phone should be limited to calling for parental permission to sign out. Students are not to leave class to make personal calls. If a personal call must be made, a student may come to the office between classes, log their call, and request permission from office personnel to use the phone. Any student missing instructional time to make a call will receive an emergency pass. Due to the large number of students and the instructional time involved, the office cannot deliver telephone messages or call students to the telephone. An exception is made for valid emergency messages.

### **9.0 CAMPUS BOUNDARIES**

Students are required to report to the bus lane or cafeteria upon arrival in the mornings before school. Students are not to be dropped off for school before 7:30. The school will not be responsible for students who arrive on campus before 7:30. Campus will be closed at lunch for ninth (9<sup>th</sup>) and tenth (10<sup>th</sup>) grade students. The boundaries for those students at lunch are the cafeteria and the bus lane.

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

Parents/guardians are to notify the high school office of any change during the school year of address, telephone numbers, or transportation of their student.

### **11.0 COLLEGE OF THE OUACHITAS**

A Malvern Public School bus will provide transportation to **COTO**. Students will be required to ride the bus to and from **COTO** from MHS. A record of students riding will be kept. In order to be marked present for class at **COTO**, students must ride the bus and be present in class.

The bus will depart from and return to MHS. The bus driver will be in charge of students until they are released. Students are to **remain in the lobby**. Bus will:

<u>Leave</u>	<u>Return</u>
Beginning of 1 <sup>st</sup> period	End of 2 <sup>nd</sup> period
Beginning of 3 <sup>rd</sup> period	End of 4 <sup>th</sup> period
Beginning of 6 <sup>th</sup> period	End of 7 <sup>th</sup> period

A student arriving late to the bus will be marked tardy.

### **12.0 CONCURRENT CREDIT (Policy 5.22)**

A ninth through twelfth grade student who successfully completes a college course(s) from an institution approved by the Arkansas Department of Education shall be given credit toward high school grades and graduation at the rate of one 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.

A student, who takes a three-semester hour remedial/developmental education course, as permitted by the ADE Rules Governing Concurrent College and High School Credit, shall be the equivalent of one-half unit of credit for a high school career focus elective. The remedial/developmental education course cannot be used to meet the core subject area/unit requirements in English and mathematics.

Participation in the concurrent high school and college credit program must be documented by a written agreement between:

- The District's student, and his or her parent(s) or guardian(s) if the public school student is under the age of eighteen (18);
- The District; and
- The publicly supported community college, technical college, four-year College or university, or private institution the student attends to take the concurrent credit course.

Students are responsible for having the transcript for the concurrent credit course(s) they've taken sent to their school in order to receive credit for the course(s). Credit for concurrent credit courses will not be given until a transcript is received. Transcripts for students who take concurrent credit courses as partial fulfillment of the required full day of class for students in grades 9 - 12 are to be received by the school within twenty school days of the end of the semester in which the course is taken. Students may not receive credit for the course(s) they took or the credit may be delayed if the transcripts are not received in time, or at all. This may jeopardize students' eligibility for extracurricular activities and graduation.

Students will retain credit earned through the concurrent credit program which was applied toward a course required for high school graduation from a previously attended, accredited, public school.

Any and all costs of higher education courses taken for concurrent credit are the student's responsibility.

Legal Reference: A.C.A. § 6-15-902(c)(2)  
Arkansas Department of Education Rules and Regulations: Concurrent College and High School Credit for Students Who Have Completed the Eighth Grade

Date Adopted: December 12, 2005

Last Revised: June 11, 2013

### **13.0 CREDIT RECOVERY**

Credit Recovery is an opportunity for a student to retrieve credit for courses they have failed. Any student interested in the Credit Recovery program will need to see the counselor. Credit Recovery courses will be those developed by *Plato*. The grade achieved for a Credit Recovery class will be placed on the student transcript. This grade will not replace the F previously earned. The credit recovery program is not available to students who fail either semester of Algebra I. This class will be added to the student's class schedule and must be repeated during the next school year. Algebra I is a class in which the student gains the foundation for all other math classes and it is necessary to repeat the class to give your child the best chance of being successful in his/her future math classes.

#### **14.0 DAILY SCHEDULE**

Students are not to arrive on campus before 7:30 A.M. Hall doors are opened at 7:30 A.M. for students to enter the building to go to the cafeteria and restroom. Students should not loiter in the halls or restrooms.

##### **Bell Schedule**

	<i>Regular</i>	<i>“Z” Schedule</i>	<i>Ext. “Z”</i>	<i>Pep Assembly</i>
Period 1	8:00-8:48	8:00-8:44	8:00-8:42	8:00-8:44
Period 2	8:52-9:40	8:48-9:32	8:46-9:28	8:48-9:32
Assembly	None	9:36-10:04	9:32-10:16	None
Period 3	9:44-10:32	10:08-10:52	10:20-11:02	9:36-10:20
Period 4	10:36-11:24	10:56-11:40	11:06-11:48	10:24-11:08
Lunch A	11:24-11:59	11:40-12:15	11:48-12:23	11:08-11:43
Period 5A	11:28-12:16	11:44-12:28	11:52-12:34	11:12-11:56
Period 5B	12:03-12:51	12:19-1:03	12:27-1:09	11:47-12:31
Lunch B	12:16-12:51	12:28-1:03	12:34-1:09	11:56-12:31
Period 6	12:55-1:43	1:07-1:51	1:13-1:55	12:35-1:19
Period 7	1:47-2:35	1:55-2:39	1:59-2:41	1:23-2:07
Period 8	2:39-3:27	2:43-3:27	2:45-3:27	2:11-2:55
Pep Assembly	None	None	None	2:55-3:27

#### **15.0 DELIVERIES TO STUDENTS**

Deliveries of food, drinks, balloons, flowers, etc. to students are prohibited. If a student forgets to bring their lunch, the parents may bring them lunch money for the cafeteria.

#### **16.0 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; going to and from school or a school activity. **Discipline consequences may range from a minimum of a student conference to a maximum of expulsion.**

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

The District's licensed personnel policy committee shall review the student discipline policies annually and may recommend changes in the policies to the 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 or legal guardian shall sign and return to the school an acknowledgement form documenting that they have received the policies.

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

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

Date Adopted: February 8, 2010

Last Revised: May 21, 2012

## **16.1 BEHAVIORAL PROBATION**

A student who has more than 3 referrals to ISS in a semester, suspended from school or placed in extended ISS, will be placed on behavioral probation for the remainder of the semester.

Any further misbehavior can result in a five (5) or ten (10) day suspension unless a longer suspension is otherwise specified in this handbook. A student who has been expelled for the remainder of the semester will be reinstated on academic and behavioral probation.

**Chronic violators will *either* be referred to counseling, ALE, have a FINS petitions filed with the court, extended ISS, *or* may be recommended for expulsion.**

### **16.1.1 Behavioral and/or Academic Support**

As a result of behavioral referrals, poor academic standing, or the return of a student from clinical facility and at the request of a parent, staff member, or administrator, a conference shall be held for a student in need of assistance with behavioral or academic performance issues. Conferences will establish a protocol for staff members, students, and/or parents to ensure proper school/classroom behavior and/or to ensure the academic progress of students. As a result of the conference, a signed written protocol report will be completed by campus administration. The report will include but is not limited to detailed precautions to reduce issues, steps to be taken to ensure the behavioral and/or academic progress of the involved student, and/or communication (types and duration) to be utilized to inform all parties involved of the student's progress.

## **16.2 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 his/her designated staff members who are required to have a state-issued certificate as a condition of their employment.

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

All corporal punishment shall be administered privately, 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 certified staff member employed by the District.

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

Last Revised: May 21, 2012

### **16.3 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, or where the student's continued attendance at school would disrupt the orderly learning environment or would pose an unreasonable danger to the welfare of other students or staff.

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

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

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

During the hearing, the Superintendent, or designee, or representative will present evidence, including the calling of witnesses, which 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.

The Superintendent shall recommend the expulsion of any student for a period of not less than one (1) year for possession of any firearm or other weapon prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of a student enrolling from another school after the expiration of an

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

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

Legal Reference: A.C.A. § 6-18-507

Adopted: June 9, 2008

### **Second Chance Program**

Purpose of the Program: To ensure each student of the MSD has an opportunity to receive and achieve academic and personal success on a school campus by providing additional support and educational services in a positive and fitting learning environment despite previous personal, or educational choices and/or challenges.

Population of the Program: The Leopard Way Alternative Program will be offered to students ranging from the 5<sup>th</sup> grade to 12<sup>th</sup> grade. Students referred to this program have exhausted their traditional classroom setting opportunities and would benefit from an alternative method of instruction and personal goals in order to attain academic success.

Setting: The setting of the program will at the determination of the administration. Students will be assigned to either one of our alternative learning environments or to a more isolated classroom for more one on one instruction.

### **16.4 IN-SCHOOL SUSPENSION (ISS)**

Students in ISS are suspended but have been given the opportunity to stay in this alternative learning setting in order to keep up with their class work. Violations of school/ISS rules while in this setting may result in additional days of ISS and or out of school suspension. Students may be assigned to ISS for up to 10 days. Students will be required to make up the time missed. Students assigned to ISS may not attend school-sponsored events until the completion of their ISS assignment. Students who are involved in an extra-curricular activity may be allowed to attend practices after school (no games or performances) if the adult in charge of the activity requests and the administration approves.

- 1<sup>st</sup> offense: 1 additional day of ISS
- 2<sup>nd</sup> offense: 1 day out of school suspension
- 3<sup>rd</sup> offense: 3 days out of school suspension

### **16.5 EXTENDED IN-SCHOOL SUSPENSION**

Students will be assigned to extended ISS for continual\excessive misconduct. Time missed as a result of an absence will result in the student making up a like amount of time. Minor offenses will be dealt with as determined by the principal and could result in corporal punishment by an administrator or additional days of extended ISS. Major offenses could result in suspension and or expulsion.

**16.6 SATURDAY ALTERNATIVE SCHOOL**

Saturday School is not available to students who are involved with the following offenses: drugs, alcohol, fighting, employee abuse and other serious offenses.

Saturday Alternative School will be held in the MHS building in room 37 of the main building and students will enter through the third hall of the bus lane. It will be scheduled on an “as needed” basis. Failure to attend Saturday School without prior approval will result in re-scheduling for the first offense and 3 days of ISS for the second offense.

**MHS Saturday Alternative School Contract**

Saturday Alternative School is conducted at the Malvern High School in room 37.

**THE FOLLOWING PROCEDURES WILL BE OBEYED:**

1. **Students will arrive** no later than 7:50 a.m. **NO ENTRANCE ALLOWED AFTER 8:00 a.m.**
2. Saturday Alternative School will be in session from 8:00 a.m. to 12:00 noon. **Students will be released promptly at 12:00 noon.**
3. Computers **will not** be used in Saturday School. **Students are responsible** for having in his/her possession upon arrival MHS class assignments (no library books and/or novels, or magazines) and writing instruments (pencils and pens). **There will be no borrowing from other students or from the school official.**
4. **Students will sit** according to the supervisor’s direction and will remain seated.
5. **Students will not talk, write notes or communicate in any way with others.**
6. **Students will not sleep,** have head on desk or cover face. **Students must sit up.**
7. **Students will not have food or gum or any edible thing in his/her mouth.**
8. **Students will not cause** disruption or disturbance of any kind.
9. **Students will work to the satisfaction** of the school supervisor and follow all directions. Students will **work** on school assignments.
10. One (1) restroom break will be at 10:00 a.m. **There will be no other breaks.**
11. Emergency phone calls will only be made by the supervisor.
12. The student must leave Saturday School when told by the supervisor.
13. The rules of this contract and **all rules of the Student Handbook will be in effect.**

Violation of the above rules may result in the student being removed from Saturday School and placed in ISS. The parent/guardian will be notified as soon as possible if the student is removed from Saturday School. The contact number left during sign in will be the primary method for contacting parent or guardian.

Any absence from Saturday School, due to illness or other unavoidable circumstances, **must be supported by a doctor slip or other official documentation.** All absences will be evaluated by the administration on an individual basis.

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

Administrator Signature \_\_\_\_\_ Date \_\_\_\_\_

**NOTICE TO PARENT: This contract must be signed by the parent/guardian and returned to the Saturday School Director at the time that the student checks in.**

If a student is dismissed from Saturday School, the supervisor will attempt to notify the parent/guardian as soon as possible to remove the student from the campus. Notification will be sent to parents/guardians on each Saturday School assignment.

**16.7 SUPERVISED STUDY HALL (SSH)**

SSH will be held during lunch. Students arriving late to SSH will *be allowed to enter, the day will not count, and will not count as an SSH violation.* When assigned to SSH students will be given a written notice to be carried home to parents. A student who fails to report for SSH (unexcused), does not bring or use appropriate study materials, talks to other students, or by their behavior disrupts SSH, will be subject to the following:

NUMBER OF OFFENSES	DISCIPLINARY ACTION
1 <sup>st</sup> offense	2 additional days SSH
2 <sup>nd</sup> offense	1 day ISS
3 <sup>rd</sup> offense	3 days ISS
4 <sup>th</sup> offense	1 day Suspension
5 <sup>th</sup> offense	3 day Suspension

After the 3<sup>rd</sup> offense the administrator will close the student's open campus for the remainder of the semester. Students may not sign out during the lunch period if they have been assigned SSH unless the student has a medical excuse.

**16.8 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 which:

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

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

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

It is the parents' or legal guardians' responsibility to provide current contact information to the district, which the school shall use to immediately notify the parent or legal guardian upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

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

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

During the period of their suspension, students serving out-of-school suspensions are not permitted on campus except to attend a student/parent/administrator conference.<sup>3</sup>

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

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

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

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: March 14, 2016; June 28, 2016

### **17.0 PROHIBITED CONDUCT (Policy 4.18)**

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

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

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

Cross References:

Prohibited Conduct #1—Policy # 3.17; Prohibited Conduct #2— Policy # 4.20; Prohibited Conduct #3— Policy # 4.21, 4.26; Prohibited Conduct #4— Policy # 4.22; Prohibited Conduct #5— Policy # 4.23; Prohibited Conduct #7—Policy 4.47; Prohibited Conduct #8— Policy # 4.24; Prohibited Conduct # 13— Policy # 4.25; Prohibited Conduct # 14— Policy # 4.21; Prohibited Conduct # 15— Policy # 4.7; Prohibited Conduct # 16 — Policy # 4.9; Prohibited Conduct # 17— Policy # 4.43; Prohibited Conduct # 19— Policy # 4.12; 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. § 6-18-506; 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

**Behavior Not Covered**

The following is merely a listing of the more common offenses in many secondary schools. Also, it should be noted that the list is not all inclusive but provides only examples of problems and probable consequences:

**17.1 Alcoholic Beverages**

Possession or use--Any student who has been drinking alcoholic beverages and attends school or school functions; or possesses such beverages will result in an expulsion from school for the remainder of the semester or 90 days at the discretion of the principal and criminal charges being filed.

Sale or distribution--The sale and/or distribution of such beverages will result in expulsion from school for the remainder of the semester or 90 days at the discretion of the principal and criminal charges being filed

Legal Reference: Ark. Department of Education Drug Free Workplace

**17.2 Cellular Phones and Similar Electronic Devices:**

**POSSESSION AND USE OF CELL PHONES AND OTHER ELECTRONIC DEVICE (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 state originated tests that are administered as part of the Arkansas Comprehensive, Testing, Assessment and Accountability Program (ACTAAP), no electronic device, as defined in this policy, shall be accessible by a student at any time during test administration unless specifically permitted by a student's IEP or individual health plan. This means that when a student

is taking an ACTAAP 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.

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

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

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

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

Before and after normal school hours, possession of 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.

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 which is in motion and on school property. Violation may result in disciplinary action up to and including suspension.

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

Date Adopted: July 13, 2006  
 Last Revised: March 14, 2016

NUMBER OF OFFENSES	DISCIPLINARY ACTION
1 <sup>st</sup> offense	3 Instructional days confiscation or Saturday School
2 <sup>nd</sup> offense	5 Instructional days confiscation or 3 days ISS
3 <sup>rd</sup> offense	15 Instructional days confiscation or 10 days of ISS
4 <sup>th</sup> offense	30 Instructional days confiscation

- Consequences for cell phone violations will be tracked separately from other electronic devices.
- Malvern High School will not be responsible for stolen cell phones or other electronic devices.
- Students may use their Electronic devices outside the building and in the cafeteria.

**17.3 Bomb Threat**

Any student guilty of communication of a bomb threat to any Malvern Public school will be suspended for 2 semesters and a warrant for his or her arrest will be sworn.

**17.4 Bullying**

Bullying will not be tolerated. Any student guilty of bullying will receive disciplinary action ranging from a conference to expulsion. (See Bullying Policy 7.0)

**17.5 Bus Misconduct**

**Transportation policies and procedures will be handled through the transportation office. Each driver will distribute bus rules of conduct and behavior as students ride the bus.**

Bus misconduct will be dealt with by the transportation director, Michael Bane at 332-7503, according to the rules established for that purpose.

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

**17.6 Cheating (homework, class work, etc.)/Plagiarism**

Cheating is not permitted. Any student guilty of cheating or knowingly assisting another in doing so may be punished.

## PLAGIARISM

Plagiarism – the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work. Examples include: Using a quotation that is not cited (when credit is not given to the source of the quotation this is plagiarism), paraphrasing another’s idea or thought without giving credit to the source is considered plagiarism. Teachers are recommended to use the following punishments for cheating/plagiarism:

First offense--Zero on work, parent contact, and documentation sent to the office

Second offense--Zero on the work, 2 days in SSH, a parent/teacher conference, and documentation sent to the office

Third offense--Zero on the work, Saturday School, a parent/teacher conference, and documentation sent to the office

## 17.7 Classroom Disruptions/Disrespect/Insubordination

### **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.

Legal Reference: A.C.A. § 6-18-511

Date Adopted: April 12, 2004

Misconduct or disruptive behavior that prevents the teacher from teaching or a student from learning will be classified as disrespect/insubordination. The student shall be immediately removed from the classroom if his or her behavior or misconduct prevents the teacher from teaching or a student from learning. If a student is removed from the classroom administrative discretion will be used based upon the nature of the offense. **Student disruptions, disrespect, or insubordination will be subject to disciplinary action. This includes, but not limited to, behaviors that occur in or out of the classroom. If these behaviors occur in the classroom, the student will be sent to ISS for the remainder of the period.**

**1<sup>st</sup> Offense: 1 day SSH assigned by the classroom teacher**

**2<sup>nd</sup> Offense: 2 days SSH and a parent contact from the classroom teacher**

**3<sup>rd</sup> Offense: 1 day of ISS and a parent conference set by the administrator**

**4<sup>th</sup> Offense: 3 days of ISS**

**5<sup>th</sup> Offense: 5 days of ISS**

**6<sup>th</sup> Offense: 3 days of out of school suspension**

**Subsequent offenses will result in further suspension. The nature of the offense may also fall under other areas of the discipline policy, in which case the consequences for those offenses will be added to those mentioned above.**

**Criminal charges may be filed at the administration's discretion.**

Legal Reference: A.C.A. § 6-18-511

### **17.8 Conduct to and from School (4.19)**

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

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

Legal Reference: A.C.A. § 6-19-119 (b)

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

Date Adopted: April 12, 2004

### **17.9 Cursing and/or Profane Language**

Cursing or profane language, verbal, written or signaled, will not be tolerated. The use of vulgar or provocative language is equally unacceptable. Violation of this policy will result in the following consequences.

1<sup>st</sup> offense: 3 days of SSH

2<sup>nd</sup> offense: Saturday School

3<sup>rd</sup> offense: 3 days of ISS

4<sup>th</sup> offense: 3 days suspension

Subsequent offenses will result in further suspension and recommendation for extended ISS

### **17.10 Death Threats**

Communicating a death threat concerning a school employee or student is a Class D Felony. Any student issuing a death threat concerning another student or school employee (verbal, written, or signaled) will be recommended for expulsion and may have criminal charges filed against him or her. Administrators will use discretion in each situation.

### **17.11 Disorderly Conduct, Disturbances and Unauthorized Demonstrations**

Any student who provokes or contributes to disorderly conduct, deliberate disturbances, and/or unauthorized demonstrations at school or school functions may result in suspension/expulsion up to a semester, criminal charges being filed and referral to Extended ISS.

### **17.12 Emergency Passes**

Students are allowed nine (9) Emergency passes per nine (9) weeks. Students who use more than

nine (9), will be assigned the following consequences.

- 1<sup>st</sup> Offense: 1 day of SSH
- 2<sup>nd</sup> Offense: 2 days of SSH
- 3<sup>rd</sup> Offense: 3 days of SSH
- 4<sup>th</sup> Offense: Saturday School

Students with a medical condition which could require additional emergency passes must provide medical documentation from a physician.

### **17.13 Faculty Assault, Threat, or Cursing a Faculty Member(4.21)**

Any person who shall use profane, violent, vulgar, abusive or insulting language toward any public school employee during the course of his or her duties shall be guilty of a misdemeanor and upon conviction be liable for a fine of not less than one hundred (\$100.00) or more than one thousand five hundred dollars (\$1,500.00). Each school district shall report to the Department of Education any prosecutions within the school districts under this section.

Any student guilty of striking a faculty member or any school employee will be expelled from school for a year and criminal charges will be filed. Any student guilty of threatening or cursing a faculty member or school employee (verbal, written, or signaled) will be recommended for expulsion for the remainder of the semester or ninety (90) days at the discretion of the administration and the school board, referred to Extended ISS, and criminal charges may be filed. Administrators will use discretion in each situation.

### **17.14 Fighting and Violence**

Acts of violence will not be tolerated on campus or at school sponsored functions. A student who physically strikes(or attempts to strike) another with malice will receive 5 to 10 days suspension and, at the administrator's discretion, file a report with the police with possible charges resulting for the first offense. A student who violates this policy for a second time will receive 10 days suspension and, at the administrator's discretion, file a report with the police with possible charges resulting and *may be recommended for expulsion*. A student using a weapon while involved in a fight with another student will be suspended for the semester pending school board approval and criminal charges being filed. A student has the right to defend himself/herself without being suspended, provided the student is the target of a physical attack which he/she did not provoke and the student did not have the opportunity to "break off" the attack. The student must be able to justify such actions to the satisfaction of the administration. The "word" of a few buddies, in most cases, will not be sufficient to justify such acts.

Students who do not disperse after being instructed to do so may be subject to punishment under the insubordination rule.

Students are encouraged to report threats and harassments by other students to the counselor and/or teacher in an effort to prevent hostile acts such as fighting.

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

Legal Reference: A.C.A. § 6-17-106(a)

Adopted: April 12, 2004

### **17.15 Fire Alarm**

The activation of the school fire alarm by a student for other than its intended purpose will result in **10 days ISS** to a maximum of a suspension. Criminal charges will be filed for turning in a false fire alarm.

### **17.16 Fireworks and Stink Bombs**

Fireworks and stink bombs are not to be brought to school or to school functions. A student possessing, igniting, or throwing ignited fireworks, “poppers”, or stink bombs will result in a minimum of Saturday School to a maximum of expulsion.

### **17.17 Food and Drink**

Food and drink will not be permitted except in designated areas. Students are allowed to have **commercially packaged** bottled water in the classroom. All other food or drinks are not allowed in the classroom. Violation will result in 2 days SSH. **Food deliveries to students will not be permitted.**

### **17.18 Forgery**

Forging a **note, parent/guardian signature**, corridor pass or knowingly being in possession of a forged corridor pass will result in 5 days SSH for the first offense. Subsequent offenses will result in a minimum **3 days of ISS to a maximum of suspension.**

Forging or being in possession of a forged note for a court appearance, medical appointment, etc. will result in 5 days ISS for the first offense and subsequent offenses will result in *a suspension*.

### **17.19 Gambling**

Students shall not possess cards or dice and shall not participate in any activity that may be termed gambling or wagering where the stakes are money or any other object(s) of value.

- **1<sup>st</sup> Offense: 5 days SSH**
- **2<sup>nd</sup> Offense: 3 days of ISS**
- **3<sup>rd</sup> Offense: 5 days of ISS**
- **4<sup>th</sup> Offense: 3 days of Out of School Suspension with a referral for counseling**

### **17.20 Gangs, Gang Activity and Secret Organizations (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 occurred on school grounds.

This policy specifically applies to organizations associated with drugs, violence, devil worship, and racial prejudice. It does not apply to traditional school organizations that have on file a locally or otherwise constitution or charter.

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

Adopted: June 28, 2010

### **17.21 Hands Off Policy**

Students are to keep their hands to themselves. The hands-off policy includes the use of feet, throwing of objects or any other type of physical contact *that could result in a disruption*.

**1<sup>st</sup> Offense: 2 days of SSH**

**2<sup>nd</sup> Offense: 3 days SSH**

**3<sup>rd</sup> Offense: 5 days SSH**

**4<sup>th</sup> Offense: 1 day ISS**

**Throwing of objects will be dealt with administration discretion based upon the severity of the offense.**

School officials retain the legal right to physically remove a student from a class, school building, campus grounds, or school functions when **necessary**.

### **17.22 Homework**

Students will be responsible for completing their assigned homework and class work on time. Teachers will contact parents/guardians of a student who begins to habitually fail to complete assignments. If the behavior persists, the student may be required to attend study sessions within the school day as prescribed by the teacher to avoid losing credit for the assignment.

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

(Narcotics, stimulants, depressants, hallucinogens, inhalants to include liquid paper, non-prescribed drugs and marijuana).

An orderly and safe school environment that is conducive to promoting student achievement requires a student population free from the harmful 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; is en route to or from school or any school sponsored activity.

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

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

Any student guilty of possession, sale (accepting money or property), being under the influence of, or distribution in any manner of controlled substances (illegal drugs), marijuana or other substances expressly prohibited by federal, state, or local laws or the sale, distribution, abuse or use of prescription or imitation drugs and the sale or distribution of patent (non-prescription) drugs at school, or on school property, or at school functions shall be subject to a minimum of ISS to a maximum of an expulsion (based on the chart below) for the remainder of the semester or 90 days at the discretion of the administration and the school board.

Legal Reference: Ark. Department of Education Drug Free Workplace

### Consequences

	<b>Possession</b>	<b>Sale</b>	<b>Distribution</b>	<b>Use or Abuse</b>	<b>Under Influence</b>
<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	

Possession of such items and claiming to not know what the items are, is not excusable. Students are not to have such items in their possession if they do not know definitely what they are.

The abusive use of patent (non-prescription) or possession of drug paraphernalia will lead to suspension for the remainder of the semester or ninety (90) days at the discretion of the

administration and the school board. Prescription drugs and medicine must be brought to the office by the parent/guardian and left with the secretaries in the office and taken as scheduled in the office.

Any student suspended or expelled in accordance with this policy shall be required to seek professional counseling prior to readmission to school. Readmission is contingent upon completion and proof of counseling and/or an alcohol/drug treatment program.

Date Adopted: April 12, 2004

Last Revised: May 21, 2012

#### **17.24 Inappropriate Comments and Gestures**

Ethnic slurs and sexually suggestive comments and gestures, as well as “panting”, will not be tolerated and will result in the following consequences.

**1<sup>st</sup> Offense: 3 days ISS**

**2<sup>nd</sup> Offense: 5 days ISS**

**3<sup>rd</sup> Offense: 3 days Suspension**

**4<sup>th</sup> Offense: 5 days suspension**

#### **17.25 Indecent Exposure**

The first offense will result in 5 days suspension with referral to Extended ISS placement.

#### **17.26 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. A student in possession of a pointer will be assigned 3 days of SSH.

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

Adopted: April 12, 2004

#### **17.27 Littering**

Any student guilty of littering may be assigned to clean up an area of the campus. Refusal to clean up would result in **2 days** SSH.

#### **17.28 Lying and Obstructing an Investigation**

Lying to faculty, or obstructing an investigation will result in 3 days of ISS.

#### **17.29 Public Display of Affection**

There is to be no public physical display of affection (including but not limited to: embracing, kissing, etc.) at school or at school-sponsored events.

**1<sup>st</sup> Offense: 2 days of SSH**

**2<sup>nd</sup> Offense: 3 days SSH**

**3<sup>rd</sup> Offense: 5 days SSH**

**4<sup>th</sup> Offense: 1 day ISS**

### **17.30 Public Sexual Indecency**

Any student found committing public sexual indecency at school or at any school-sponsored events, will be suspended from school for ten (10) days for the first offense. Subsequent offenses will result in progressive consequences up to expulsion, which will be determined by an administrator.

### **17.31 School Field Trips**

School trips must be educational. **Students with questionable grades, attendance, or behavior may be restricted from school trips.** Students who misbehave on school trips will receive appropriate disciplinary actions according to the handbook policies and will lose the privilege to attend future 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 **field** trips. If the parent/guardian chooses to take their child home in their own vehicle after the trip, they must have made arrangements with the school prior to the trip.

### **17.32 Scuffling**

Bickering, shoving, scuffling, etc. are dangerous and could lead to fights.

Bickering or arguing:

**1<sup>st</sup> Offense: 2 days SSH**

**2<sup>nd</sup> Offense: 5 days SSH**

**3<sup>rd</sup> Offense: 1 day ISS**

**4<sup>th</sup> Offense: 3 days of ISS**

Scuffling or shoving:

**1<sup>st</sup> Offense: 3 days ISS**

**2<sup>nd</sup> Offense: 5 days ISS**

**3<sup>rd</sup> Offense: 3 days Suspension**

Administrative discretion will be used in determining punishment above the levels mentioned.

### **17.33 Stealing**

Any student guilty of stealing public or private property will be assigned ISS. Subsequent offenses may result in suspension. Any articles on campus that one considers lost are to be left alone and reported to the nearest teacher. Students are not to have any item in their possession that they are not authorized to have. Possession alone may be grounds for suspension.

**1<sup>st</sup> Offense: 5 days ISS**

**2<sup>nd</sup> Offense: 10 days ISS**

**Subsequent Offenses will result in out of school suspension.**

### **17.34 Student Identification**

All students must, upon request, properly identify themselves to school authorities. Failure to do so will result in 3 days ISS.

### **17.35 Student Sexual Harassment (Policy 4.27)**

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

Believing that prevention is the best policy, the District will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and

the possible redress that is available. The information will stress that the district does not tolerate sexual harassment and that students can report inappropriate behavior of a sexual nature without fear of adverse consequences. The information will take into account and be appropriate to the age of the students.

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

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

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

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

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

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

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

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

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

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

Last Revised: June 28, 2010

### **17.36 Tardies (Policy 4.9)**

Promptness is an important character trait that students should develop. 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.

Adopted: April 12, 2004

Students who are tardy must report to the attendance office and receive a tardy slip. Tardies will be tracked in the office. Students arriving at school late due to alleged car trouble will receive one excuse. Subsequent events will result in an unexcused tardy and sent to class. A student who misses more than fifteen minutes of a class will be counted absent. This Policy will be based on semesters at MHS according to the following table:

#### **Unexcused Tardies**

Tardy	MHS
#1	Warning
#2	2 days SSH
#3	5 days SSH
#4	Saturday School
#5	3 days ISS
#6	5 days ISS
#7	3 day suspension

*Students are to be in the classroom adhering to procedures when the tardy bell rings.*

### **17.37 Technology Ethics Policy**

Failure to comply with the spirit and intent of this policy will result in appropriate disciplinary action as determined by school administrators. Any action to include tampering (changing backgrounds, settings, properties, and adding or deleting programs, etc.), theft, damage, vandalism or “hacking” will be dealt with by total and permanent revocation of privileges to use technology equipment and possible criminal charges filed.

**Students who violate the computer use agreement as outlined in student policy 4.29F will be subject to the following consequences:**

- **1<sup>st</sup> offense: loss of computer privileges for 2 weeks**
- **2<sup>nd</sup> offense: loss of computer privileges for 9 weeks**

- **3<sup>rd</sup> offense: loss of computer privileges for the semester**  
**Any viewing or printing of sexually explicit material will result in 3 days suspension as well as a loss of computer privileges. Further violations will result in progressive consequences.**

A standing review committee made up of the system operators from MHS, two secondary administrators and the district technology coordinator is appointed. The review committee will serve as a body to hear appeals of individuals who lose technology privileges. Requests to appear before the review committee must be submitted through the respective building principals in writing.

Legal References: 20 USC 6801 et seq. (Children’s Internet Protection Act: PL 106-554)  
 A.C.A. § 6-21-107, A.C.A. § 6-21-111

**17.38 Threats**

Threats of bodily harm, explicit or implied will result in 10 days ISS. A threat assessment will be performed for all threats.

This policy and procedure consists of the following steps:

1. Student making threat (spoken, written, or gestured) will be isolated from other students and will be seen by the Threat Assessment Team which is made up of the following school officials: Principal or Assistant Principal, School Counselor, School Based Mental Health Counselor, Resource Office if appropriate
2. The Threat Assessment Team will evaluate the situation and determine the results of the assessment.
3. If the threat is determined to be legitimate, parents will be notified and further action will be necessary. Further action may include the involvement of law enforcement.

**\*\* Threat assessment is different and separate from discipline. Even if a threat is found to be unsubstantial by the assessment team, the student involved in making the threat could still receive discipline according to the MHS handbook.**

**17.39 Tobacco (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

Last Revised: June 27, 2013

**Tobacco promotion**

Tobacco promotional items, including clothing, bags, lighters, and other personal articles, are not permitted on school grounds, in school vehicles, or at school-sponsored events. Tobacco

advertising is prohibited in all school-sponsored publications and at all school-sponsored events.

**Possession /Use of Chewing or Smoking Tobacco, Skoal, Lighters, Matches, or Snuff on Campus or in a School Vehicle ---**

- 1<sup>st</sup> offense: 3 days ISS
- 2<sup>nd</sup> offense: 5 days ISS
- 3<sup>rd</sup> offense: 10 days ISS
- 4<sup>th</sup> offense: 3 days out of school suspension

**17.40 Truancy/Loitering**

A truant is defined in Webster's Seventh Collegiate Dictionary as one who stays out of school without permission. A student who leaves a class or other assigned area, including being found in the cafeteria during a lunch period other than his or her own, without permission will be considered truant. Students who leave class **with** permission but do not return a timely manner, will be considered in violation of truancy/loitering.

- **1st Offense: 3 days SSH**
- **2<sup>nd</sup> Offense: Saturday School**
- **3<sup>rd</sup> Offense: 3 days ISS**
- **4<sup>th</sup> Offense: 5 days ISS**

A student who is off campus during school hours without permission is also considered truant. A student guilty of this type truancy will be held to the same standards listed above but will also lose open campus privileges for 30 days on the first offense. Any following off-campus truancy offenses will result in a loss of open campus privileges for the remainder of the school year.

**Failure to sign in may result in being marked absent for the entire day.**

**17.41 Vandalism**

Any student guilty of willful damage to or destruction of property as well as technology equipment will be placed in Saturday School, ISS, suspended, or recommended for expulsion if the situation warrants and students will be required to pay for the damages. Any student damaging or destroying property through horseplay or other such actions that could have been avoided will receive appropriate disciplinary action and be required to pay for damages as well.

**17.42 Weapons and Dangerous Instruments (Policy 4.22)**

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

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

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

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of not less than one 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. 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. § 6-18-502 (c) (2)(A)(B); A.C.A. § 6-18-507 (e) (1)(2); A.C.A. § 6-21-608; A.C.A. § 5-4-20; A.C.A. § 5-4-401; A.C.A. § 5-27-210; A.C.A. § 5-73-119(b)(e)(8)(9)(10); 20 USC § 7151

Date Adopted: April 12, 2004

Last Revised: June 28, 2010; April 13, 2015

## **18.0 DRESS CODE (4.25)**

The Malvern 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.

Appropriate dress and good grooming are known to be positive factors for student behavior and attitude. Dress and personal grooming should not present health or safety problems or cause actual disruption of the educational process. Since one of the goals of education is preparing students for the workplace, rules for student dress should contain guidelines that define and promote attire that is acceptable in the business world. In addition, students will be expected to maintain appropriate dress that exhibits pride in self, school, and community.

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).

#### **THE FOLLOWING SPECIFIC ITEMS ARE INAPPROPRIATE AND PROHIBITED FOR SCHOOL DRESS AND APPEARANCE:**

- Any outer garment that reveals undergarments (boxers, panties, brassieres, shorts, etc...)
- Sleepwear (pajamas pants, loungewear, *house shoes*, etc.)
- Bare midriffs, low-cut blouses, racer back tops, strapless tops or strapless dresses, tank tops, or spaghetti strapped tops and dresses.
- Dresses, skirts and shorts with a bottom hem that *is less than mid-thigh all the way around*
- Pants or shorts with holes may not expose skin or undergarments (boxers, panties, etc.) above mid-thigh
- Clothing, jewelry or other accessories concerning drugs, alcohol, tobacco, sex, vulgar language, double meanings, or that contain symbols or slogans that are offensive to particular groups, appear to be gang or satanic related or contain anything that could be inflammatory in nature
- Leggings may NOT be worn *if the outer garment/top does not cover the buttocks and crotch.*
- Hats, head coverings and sunglasses are not to be worn in the school building during normal school hours. Caps worn outside must be worn either straight forward or straight back.

And will be subject to the following consequences:

- 1<sup>st</sup> Offense: Warning
- 2<sup>nd</sup> Offense: 2 days SSH
- 3<sup>rd</sup> Offense: Saturday School
- 4<sup>th</sup> Offense: 3 days ISS

Legal Reference: Tinker v Des Moines Independent Comm. School Dist. 393 U.S. 503 (1969); Act 835 of 2011; A.C.A. § 6-18-502(c)(1); A.C.A. § 6-18-503(c)

Last Revised: June 9, 2011

*Exceptions to the dress code policy will be made when items are worn as a part of an approved school uniform such as cheerleaders, drill team, athletics, majorettes, etc*

## **19.0 ELECTIONS**

Candidates for a position or office are determined according to one of the following procedures:

- a. Two candidates seeking a particular office—Voting is by written secret ballot. A majority of the votes cast [50% of the votes cast plus one (1)] determines the winner.
- b. More than two candidates—Voting is by secret ballot. If a candidate does not receive 50% plus one vote then a runoff between the two candidates receiving the most votes will be held. In the runoff, the candidate with a majority [50% plus one (1)] is declared the winner.
- c. Election of club and homeroom officers will usually be by show of hands and requires a majority, [50% plus one (1)] depending on individual constitutions.

Candidates sign up for office prior to the election. In order that proper leadership may be assured to the various clubs, homerooms, classes or other organizations, candidates for any school office must meet the following qualifications:

1. Must have a 2.0 or better GPA.
2. Must display qualities of leadership.
3. Citizenship must be satisfactory. **For 1<sup>st</sup> semester elections** a student may not run for office if he/she has been suspended or served **3 or more days** of ISS during the **previous semester**. **For 2<sup>nd</sup> semester elections, a student may not run for office if he/she has been suspended or served 3 or more days of ISS during the current school year.** The office clears citizenship and scholarship.
4. **Must be enrolled one full semester prior to the semester the student will serve.**

## **20.0 HSE**

HSE is an acronym for High School Equivalency. The State of Arkansas, for demonstrated competence in required educational areas, awards it. It is the equivalent of a high school diploma. Students between the age of 16 and 18, when recommended by the placement committee or building principal may be placed in the HSE program as part of an alternative learning opportunity. **The Superintendent will have the final approval for the HSE program.**

## **21.0 GRADING, REPORTING, and SEMESTER EXAMS**

Report cards are issued at the end of each of the four (4) nine week grading periods. At the end of the semester grading periods the student is given a cumulative grade determined by averaging the two (2) nine-week periods, and the semester exam. This grade is recorded on the student's permanent record. The grades at the end of the first and third nine-week periods are progress reports. Interested parents/guardians may call the school at any time for a grade check.

MHS has an on-line grade checking system available. Parents may check grades via the Internet whenever they wish with the student ID number and a password. With this system, parents may request email notification if their student's grade falls below a certain percentage.

### **Semester Exams**

*Comprehensive* semester exams are given at the end of each semester. **ALL students will be**

**required to take semester exams first semester.** Students may be exempt from 2<sup>nd</sup> semester exams provided they meet the requirements for exemptions listed below. Exam schedules will be posted two weeks prior to the testing event. Students must remain in the classroom until the bell rings at the end of the period. **All exams must be taken during scheduled exam times, unless approved by administration.**

#### **Exemptions for Second Semester Exam**

A student with an “A”, “B”, or “C” average will be exempt from second semester exams with no more than three (3) absences during the semester. School business and medical documented days will not be counted as an absence. All other absences from class (court appearances, ISS, suspension, etc...) will be counted in the three (3) days for exemption.

*Any student transferred from another school to the Malvern School District within fifteen (15) days of the semester exam will be required to take semester exams for the regular classroom subjects.*

Legal References:           A.C.A. § 6-15-902 State Board of Education: Standards of Accreditation 12.02  
Arkansas Department of Education Rules and Regulations Governing Uniform  
Grading Scales for Public Secondary Schools

## **22.0 GRADUATION**

Only students who have completed all graduation requirements (or an individual education plan for special education students) may participate in the graduation ceremony.

Our diploma acknowledges individual proficiency and bestows a significant distinction on the student who earns it. The diploma will not be issued until all requirements are completed.

Should circumstances warrant the withdrawal of a student from school, he/she may earn credit to graduate with his/her class by taking correspondence work and/or attending summer school, provided the deficiency does not exceed 2 units. If the withdrawal from school occurs in the second semester of the senior year, the student will not participate in the graduation exercises but will receive his/her diploma from the principal when he/she has completed the necessary work.

Students who participate in the Cooperative College Program described in this handbook will be eligible to participate in the graduation ceremony provided all requirements have been met prior to the ceremony. They will be designated as honor graduates if all criteria for honors are met.

Accelerated grades will not be permitted for college courses except in cases where course descriptions clearly indicate a degree of difficulty commensurate with MHS advanced courses.

Special education students may have a disability, which makes participation in a course required for graduation inappropriate, unduly difficult or meaningless. In such cases, the student’s IEP team may recommend a substitute course. The IEP will then serve as a graduation plan for the handicapped student. Students with disabilities will receive a high school diploma if they fulfill these individual education plans.

Graduation ceremonies are formal ceremonies designed to recognize the accomplishments of the graduating seniors. Graduating seniors will be expected to act in a respectful manner and **adhere to the MHS handbook Dress Code (policy 4.25) for the graduation ceremony. Failure to**

comply with the dress code, and standards set for the graduation ceremony may result in removal from the event.

Suggested dress:

*Young Men - dark slacks, white shirt, tie, and dress shoes*

*Young Women - dark slacks and light blouse/dark dress, and dress shoes*

**22.1 Student Classifications:**

Freshman – Promoted from 8<sup>th</sup> grade; 1<sup>st</sup> year high school student

Sophomore – 2<sup>nd</sup> year high school student

Junior – 3<sup>rd</sup> year high school student

Senior – 4<sup>th</sup> year high school student with at least 16 credits

**\*\* All graduates with a 2.75 or higher GPA at the time of graduation will receive an Arkansas State Department of Education seal on his/her diploma.**

Legal Reference: State Board of Education; Standards of Accreditation 14.03

## 22.2 MHS Graduation Plans for the Class of 2017 and Beyond

<b><u>Honor Graduate</u></b>	<b><u>Smart Core</u></b>	<b><u>Core</u></b>
<b>24 Total Credits</b> 3.50 GPA at time of graduation  Minimum of 6 Pre-AP or AP courses, three of which must be AP and must include AP English Language or AP English Literature.	<b>24 Total Credits</b>	<b>24 Total Credits</b>
<b>English – 4 credits</b>	<b>English – 4 credits</b>	<b>English – 4 credits</b>
English 9 English 10 English 11 or AP English Language English 12, Composition, or AP English Literature	English 9 English 10 English 11 or AP English Language English 12, Composition, or AP English Literature	English 9 English 10 English 11 or AP English Language English 12, Composition, or AP English Literature
<b>Mathematics – 4 credits</b>	<b>Mathematics – 4 credits</b>	<b>Mathematics – 4 credits</b>
Algebra I Geometry Algebra II Pre-Calculus or AP Statistics	Algebra I Geometry Algebra II Math beyond Algebra II	Algebra I Geometry Algebra II Math beyond Algebra II
<b>Science – 3 credits</b>	<b>Science – 3 credits</b>	<b>Science – 3 credits</b>
Biology Chemistry Physics	Physical Science or Physics Biology Chemistry	Physical Science Biology Science elective
<b>Social Studies – 3 credits</b>	<b>Social Studies – 3 credits</b>	<b>Social Studies – 3 credits</b>
Civics (½ credit) World History U.S. History Economics (½ credit)	Civics (½ credit) World History U.S. History Economics (½ credit)	Civics (½ credit) World History U.S. History Economics (½ credit)
<b>Foreign Language – 2 credits</b>		
Foreign Language I Foreign Language II		
<b>Other requirements – 2 credits</b>	<b>Other requirements – 2 credits</b>	<b>Other requirements – 2 credits</b>
Phys. Ed. or Personal Fitness (½ credit) Health (½ credit) Oral Communication or Debate (½ credit) Fine Arts (½ credit)	Phys. Ed. or Personal Fitness (½ credit) Health (½ credit) Oral Communication or Debate (½ credit) Fine Arts (½ credit)	Phys. Ed. or Personal Fitness (½ credit) Health (½ credit) Oral Communication or Debate (½ credit) Fine Arts (½ credit)
<b>Electives – 6 career focus* credits</b>	<b>Electives – 8 credits (6 career focus*)</b>	<b>Electives – 8 credits (6 career focus*)</b>
Elective            Elective Elective            Elective Elective            Elective	Elective            Elective            Elective 1/2 Elective            Elective            Elective Elective            Elective  Keystone ½ local elective credit (taken freshman year)	Elective            Elective            Elective 1/2 Elective            Elective            Elective Elective            Elective  Keystone ½ local elective credit (taken freshman year)

**Career Focus Electives** are defined as any ADE-approved elective course beginning with a course code of 4 or 5. Act 1280 of 2013 requires all students in the Class of 2018 and beyond to complete one digital learning course. Courses that meet this requirement are listed in the Malvern High School Registration Catalog. Graduation requirements are subject to change based on ADE updates.

## **22.3 SMART CORE CURRICULUM AND GRADUATION REQUIREMENTS FOR THE CLASSES OF 2017 AND BEYOND (4.45 and 4.45.1)**

### **GRADUATION REQUIREMENTS**

The number of units that students must earn to be eligible for high school graduation is to be earned from the categories listed below. A minimum of 22 units is required for graduation for a student participating in either the Smart Core or Core curriculum. In addition to the 22 units required for graduation by the Arkansas Department of Education, the district requires an additional two (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.

Unless exempted by a student's IEP, all students must successfully pass all state-mandated assessments or meet the remediation required for the assessment to receive academic credit for the applicable course and be eligible to graduate from high school.

### **SMART CORE**

Smart Core is Arkansas's college- and career-ready curriculum for high school students. College and career readiness in Arkansas means that students are prepared for success in entry-level, credit-bearing courses at two-year and four-year colleges and universities, in technical postsecondary training, and in well-paid jobs that support families and have pathways to advancement. To be college and career ready, students need to be adept problem solvers and critical thinkers who can contribute and apply their knowledge in novel contexts and a variety of situations. Smart Core is the foundation for college and career-readiness. All students should supplement additional rigorous coursework within their career focus.

*Parents or guardians may waive the right for a student to participate in Smart Core and instead to participate in the Core curriculum. The parent must sign the separate Smart Core Waiver Form to do so.*

### **SMART CORE CURRICULUM**

#### **English – 4 units**

- English 9th grade
- English 10th grade
- English 11th grade
- English 12th grade or Transitional English 12

#### **Mathematics – 4 units (or 3 units of math and 1 unit of Computer Science\*) At least one MATH unit must be taken in Grade 11 or Grade 12.**

- Algebra I (or Algebra A & Algebra B - Grades 7-8 or 8-9)
- Geometry (or Geometry A & Geometry B - Grades 8-9 or 9-10)
- Algebra II
- fourth math - Advanced Topics and Modeling in Mathematics, Algebra III, Calculus, Computer Science and Mathematics, Linear Systems and Statistics, Transitional Math Ready, Mathematical Applications and Algorithms, Pre-Calculus, or an Advanced Placement

mathematics - Comparable concurrent credit college courses may be substituted where applicable.

**Science – 3 units with lab experience (or 2 units with lab experience and 1 unit of Computer Science\*)**

- Biology – 1 unit (All students must have 1 unit in Biology, IB Biology, ADE Biology, ADE Approved Biology Honors, or Concurrent Credit Biology.)
- Physical Science, Chemistry, or Physics – 2 units

**Social Studies – 3 units**

- Civics - ½ unit
- World History - 1 unit
- U.S. History - 1 unit
- other social studies - ½ unit

**Oral Communications – ½ unit**

**Physical Education – ½ unit**

**Health and Safety – ½ unit**

**Economics – ½ unit** (may be counted toward Social Studies or Career Focus)

**Fine Arts – ½ unit**

**Career Focus – 6 units**

**\*Computer Science – (optional)** A flex unit of Computer Science and Mathematics, Essentials of Computer Programming, AP Computer Science, or IB Computer Science may replace the 4th math requirement or the 3rd science requirement. Two distinct units of the computer science courses listed above may replace the 4th math requirement and the 3rd science requirement. If the 4th math requirement and the 3rd science requirement have been met through other coursework, any of the computer science courses listed above may be used for career focus credit.

**Beginning with the entering 9th grade class of the 2014 – 2015 school year, each high school student shall be required to take at least one digital learning course for credit to graduate. (Act 1280 of 2013)**

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

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

Legal References: Standards of Accreditation 9.03 – 9.03.1.9, 14.02  
ADE Guidelines for the Development of Smart Core Curriculum Policy  
ADE Rules Governing the Digital Learning Act of 2013  
Smart Core Informed Consent Form 2015  
Smart Core Waiver Form 2015  
A.C.A. § 6-16-1406

Date Adopted: May 12, 2014; Revised: May 3, 2016

### **23.0 HONOR GRADUATES and HONOR ROLL (5.17)**

To be classified as an **honor graduate**, students must satisfy the following requirements:

- a. Minimum weighted GPA of 3.50
- b. Minimum of six Pre-AP or AP courses, three of which must be at AP level and must include either AP English Language or AP English Literature
- c. Pre-Calculus or AP Statistics
- d. Physics
- e. Two years of the same foreign language
- f. Additional Smart Core graduation requirements as determined by the Arkansas Department of Education

Malvern High School shall recognize honor graduates in one of three categories:

- **Summa Cum Laude** (cumulative weighted GPA of 4.00 or above) will be recognized with a stole and a white ribbon with a medal.
- **Magna Cum Laude** (cumulative weighted GPA of 3.75 – 3.99) will be recognized with an orange ribbon with a medal.
- **Cum Laude** (cumulative weighted GPA of 3.50 – 3.74) will be recognized with a black ribbon with a medal.

### **Honor Roll**

The Honor Roll is made up at the end of each semester and is based solely on the grade point average (GPA) in general and advanced academic subjects with no academic grade below a 3.00. The roll is made up of two groups as follows:

- 1) Students with a 4.00 or better
- 2) Students with a 3.50 to 4.00.

Parents or guardians of a student, or a student eighteen (18) years of age or older, who choose to not have the student publicly identified as an honor roll or honor graduate student must submit a written request that the student not be so identified.

Legal References: A.C.A. § 6-18-101 (a) (1); A.C.A. § 6-18-101 (a) (2); A.C.A. § 6-18-101 (b); A.C.A. § 6-18-101 (e); A.C.A. § 6-61-217 (a)

Last Revised: May 18, 2015; June 28, 2016

### **24.0 JOBS FOR AMERICA'S GRADUATES (JAG)**

JAG is a school-to-career program. JAG's mission is to keep young people in school through graduation and provide work-based learning experiences that will lead to career advancement opportunities or to enroll in a postsecondary institution that leads to a rewarding career. Services provided include: Classroom instruction; Employability Skills; Adult Mentoring; Advisement and Support; Summer Employment Training; Student-Led Leadership Development; Job and Postsecondary Education Placement Services; Linkages to School and Community-Based Services; 12-Month Follow-up Services; and Motivation.

- **Students who are not in compliance with the attendance policy, will not be eligible for early release.**

### **25.0 MATERIALS AND SUPPLIES**

Malvern Public Schools do not charge fees for any course. However, some courses and activities require students to provide their own materials and supplies. Examples of such courses and activities are: Art, Band, FACS, Physical Education, Athletics, and Computer Technology.

## **26.0 MOTOR VEHICLE REGISTRATION/STUDENTS' VEHICLES (Policy 4.33)**

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

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

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

Last Revised: May 21, 2012

Each student who drives any type of motor vehicle to school must register that vehicle with the office. The vehicle permit must hang from the inside mirror with the numbers clearly visible and facing front of the vehicle. Motorcycle riders must have a parking decal to park on campus. The following information will be required:

1. Type of vehicle (automobile, motor bike, etc.)
2. Make, model, and color of vehicle
3. Vehicle license number
4. Proof of Insurance

On registering the vehicle and presenting the above information and evidence, the student will be issued a permit at a cost of **\$5.00**.

## **27.0 OPEN/CLOSED CAMPUS (Policy 4.10)**

**"Open Campus" for 11<sup>th</sup> and 12<sup>th</sup> graders at MHS is considered a privilege. Students may lose this privilege for disciplinary offenses, truancy, and at the request of the parent.**

Most 11<sup>th</sup> and 12<sup>th</sup> grade students may have the privilege to leave at certain times (their lunch period) under specified conditions. This does not mean students may come and go as they please.

Students who have lost their open campus privileges for any reason are restricted the MHS cafeteria for the first 20 minutes of lunch. Following the first 20 minutes, students are limited to the cafeteria, MHS bus lane between halls 1 and 5 only, and use of the restroom by the cafeteria. They are not allowed in the parking lot or in front of the school without specific approval from a MHS principal. **It is the student's responsibility to check in with the duty teacher during lunch and sign in.** Failure to comply by these rules will result in the student being considered truant and those consequences will apply.

Parents may request that a student not be given open campus privileges. The student must abide by closed campus rules. **The administration may close campus in the event of a crisis or severe weather.**

**Malvern High School is considered a closed campus for 9<sup>th</sup> and 10<sup>th</sup> grade students. Any 9<sup>th</sup> or 10<sup>th</sup> grader who leaves campus during lunch or any other time without permission will be considered truant and fall under the disciplinary consequences listed in the truancy policy.**

A junior or senior who facilitates and/or engages in the act of carrying a 9<sup>th</sup> or 10<sup>th</sup> grade student off campus during lunch or any other time without permission will be assigned to Saturday School and lose his/her off-campus privileges for the remainder of the semester (30 day minimum). Subsequent offenses will result in a minimum of ISS and a loss of open campus privileges for two (2) semesters to a maximum of suspension.

## **28.0 ORGANIZATIONS**

Art Club  
Athletics  
Band  
Beta Club  
Cheerleaders  
Choir  
Family, Career and Community Leaders of America (FCCLA)  
Fellowship of Christian Athletes (FCA)  
Fishing Club  
4-H Club  
Future Business Leaders of America (FBLA)  
National Honor Society  
Science Club  
Skills USA  
Spanish Club  
Student Council

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

## **29.0 Parent Involvement Compact and Summary**

Malvern high School is a non-title I school for grades 9-12. 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.

### **School Responsibilities**

1. Malvern High School will provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating children to meet the State's student achievement standards. SpringBoard curriculum and standards-based mathematics is taught in all grades. When students are not meeting the required proficiency level, remediation is provided through small groups, one-on-one remediation, and computer lab software.

All students at Malvern High School receive a comprehensive literacy program and a standards-based mathematics program. When students do not meet the expected proficiency level, remediation will be provided in small groups, one-on-one tutoring and with appropriate remediation software.

## **Malvern High School Mission Statement:**

The mission of Malvern High School is to create opportunities that prepare our students to meet the challenges of the future by focusing on the skills required for them to be college/career ready.

- 2. Hold parent-teacher conferences during which this compact will be discussed as it relates to the individual child's achievement.**

All high school teachers will communicate with the parents or guardians of each student as needed throughout the school year. Contact may be made through parent-teacher conference, telephone conference, email, or a home visit. Each teacher also has a daily conference period through which a parent-teacher conference may be scheduled.

October 20, 2015 is the scheduled conference date for the fall semester.  
February 23, 2016 is the scheduled conference date for the spring semester.

- 3. Provide parents with frequent reports on their children's progress.**

Progress reports will be sent home every three weeks. Also, teachers have web pages available on the internet <http://malvernleopards.org>. Parents may also check student grades through the Home Access Center (HAC). Parents are given the web address, user name, and password to retrieve their student's grades as they are updated. The email address of each teacher and all administrators is also available on this web site.

- 4. Provide parents reasonable access to staff.**

Parents are always welcome to visit the school. Parents should check in through the office upon each visit. Parents may call the school office and leave a message for a teacher to return their call. Phone messages will be returned to parents in a timely manner. AlertNow phone system is also available for administrators and teachers to send messages to parents.

- 5. Provide parent opportunities to volunteer and participate in their child's class and to observe classroom activities.**

Enlisting the support of volunteers is a way in which MHS can expand the scope of resources and knowledge available to enrich the students with educational experiences, while strengthening the relationship between the school and community. Volunteer opportunities are coordinated through various clubs and organizations at MHS. Volunteers are welcome to assist teachers, guest speak, and help with specific events.

## **Parent Responsibilities**

**We, as parents, will support our children's learning in the following ways:**

- Support the teachers and interventionist as they teach my child.
- Monitor attendance. My child cannot learn if he/she is not in attendance.
- Make sure that homework is completed.

- Monitor the amount of television my child watches.
- Volunteer at the school
- Participate, as appropriate, in decisions relating to my child's education
- Promote positive use of my child's extracurricular time
- Stay informed about my child's education and communicate with the school by promptly reading all notices from the school or the school district either received by my child or by mail and responding, as appropriate
- Serve, to the extent possible, on policy advisory groups, such as Health and Wellness, Parent Involvement, School Improvement or other school advisory or policy groups

### **Student Responsibilities**

**I, as a student, will share the responsibility to improve my academic achievement and achieve the State's high standards. Specifically, I will**

- Do my homework every day and ask for help when I need to.
- Read at least 30 minutes every day outside of school time.
- Give to my parents or the adult who is responsible for my welfare all notices and information received by me from my school every day.

### **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.

Legal References: State Board of Education Standards of Accreditation 12.04.1, 12.04.2, and 12.04.3 A.C.A. § 6-15-1702(b)(3)(B)(ii)

Date Adopted: June 9, 2005

Last Revised: April 13, 2015

### **30.0 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 or guardians shall be kept informed concerning the progress of their student(s). Notice of a student's possible retention or required retaking of a course shall be included with the student's grades sent home to each parent/guardian or the student if 18 or older. Parent-teacher conferences are encouraged and may be held as necessary in an effort to improve a student's academic success.

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 academic progress and/or absences. 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.

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

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

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

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

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

All students must successfully pass all end-of-course (EOC) assessments they are required to take unless exempted by the student's individualized education program (IEP). To receive academic

credit on his/her transcript in a course requiring a student to take a EOC assessment, the student must either receive a passing score on the initial assessment or successfully participate in the remediation program identified in his/her individualized Academic Improvement Plan (IAIP), which shall focus on the areas in which the student failed to meet the necessary passing score. Additionally, the lack of credit could jeopardize the student's grade promotion or classification.<sup>5</sup>

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

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

In addition to the possibility of retention or withholding of course credit, students who either refuse to sit for a State assessment or attempt to boycott a State assessment by failing to put forth a good faith effort on the assessment as determined by the assessment administrator/proctor, or whose parents do not send their student to school on the dates the assessments are originally administered or scheduled as make-up days shall not be permitted to participate in any non-curriculum related extracurricular activity, including school dances, prom, homecoming, senior events, and may be prevented from walking or participating in graduation exercises. The student shall remain ineligible to participate until the student takes the same or a following State mandated assessment, as applicable, or completes the required remediation for the assessment the student failed to put forth a good faith effort on. The Superintendent or designee may 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.

- Cross References:      3.27—PARENT-TEACHER COMMUNICATION  
                                 4.56—EXTRACURRICULAR ACTIVITIES - SECONDARY SCHOOLS  
                                 4.56.1—EXTRACURRICULAR ACTIVITIES - ELEMENTARY
- Legal References:      A.C.A. 6-15-433; A.C.A. § 6-15-2001; A.C.A. § 6-15-2005; A.C.A. § 6-15-2009; A.C.A. § 9-28-205  
                                 ADE Rules Governing the Arkansas Comprehensive Testing, Assessment, and Accountability Program and the Academic Distress Program  
                                 ADE Rules Governing Public School End-Of-Course Assessments and Remediation  
                                 Murphy v. State of Ark., 852 F.2d 1039 (8<sup>th</sup> Cir. 1988)

Date Adopted:            May 12, 2014  
Last Revised:            April 13, 2015; May 18, 2015

### **31.0 SCHEDULING**

Pre-registration will take place in the spring. Each student will have an individual academic conference with his/her counselor. Course request verification sheets will be sent home with the student. Parents must sign the form, and students must return the form to the guidance office by the

deadline indicated on the verification sheet. Student schedules will be picked up at open house held each August.

Schedule changes will not be considered for students who are scheduled into eight periods of their chosen courses, alternates included. In the rare occasion that a student is scheduled into a class that he/she did not choose as a regular request or an alternate, a student or parent initiated change may be considered. All other school initiated schedule changes approved by administration will be made.

### **32.0 SCHOOL DANCES**

School dances or parties sponsored by school groups must be approved by the principal and placed on the MHS activity calendar. The student group requesting such an event must submit the name of the faculty sponsor. The sponsoring organization is responsible for securing appropriate adult chaperons. The selection of a band will be made jointly by the principal, sponsor and a student committee.

All school rules will apply and the following regulations for dances are as follows:

1. No one is allowed but students from Malvern High School and their approved dates. Students must register their out of school dates in the office, secure a date form and return it prior to 2:30 p.m., the day before most dances. Out of school dates for the junior-senior prom must be turned in two weeks prior to the event.
2. School dances will be held from 8:00-11:00 p.m. EXCEPTION: Homecoming Dance-- 9:45-11:30 p.m. and the Junior- Senior Prom --8:00 – 11:30.
3. Two policemen will be employed. All tickets for the prom must be bought one (1) week in advance of the dance. A list of all people going must be presented to the principal's office two (2) weeks prior to the dance. This includes the guest list.
4. Chaperones for the junior-senior prom will consist of six (6) couples. Three (3) couples will be coordinated by the senior class and three (3) by the junior class.
5. No one may leave the dance and return.
6. Any student who brings a guest will be held responsible for the guest's behavior.
7. Dates who do not attend MHS must submit a completed prom date form from the dates administrator, college instructor, or employer. The form must be submitted by the deadline requested.

### **Prom Dress Code**

All dresses should be tasteful. The following guidelines should be followed. Anyone wearing a dress that does not adhere to the Prom Dress Code will not be allowed to enter the prom. Putting on a jacket or shawl does NOT make a dress appropriate. No alterations will be done on site. You should come to the prom properly attired.

1. The three B's should be covered. No boobs, butts, or bellies should be exposed.
2. No slits above mid thigh.
3. No cutouts below the waist – the natural waist not the hip bones.
4. Dress length should be no shorter than mid thigh.

### **33.0 SCHOOL FUNCTIONS**

Students are subject to school authority at school functions on and off the campus. As an example, a student who breaks school rules at an out of town football game is subject to punishment as prescribed in the handbook.

### **34.0 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.

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

Date Adopted: June 14, 2004

Last Revised: May 18, 2015

### **35.0 STUDENT PUBLICATIONS (Policy 4.14)**

In accordance with the "Arkansas School Publications Act", Malvern Public Schools has adopted the following policy regarding student publications on campus:

Students have a right to self-expression in written publications. Through the journalism department, students are taught to use basic skills of good journalism in their publications--truth, fairness, accuracy, and responsibility. Under the direction of faculty advisors, students may publish the Leopard Prints--a MHS newsletter and the Mirror--a MHS yearbook. The contents of these publications will be closely monitored by the faculty advisors to insure adherence to good journalism standards and to the regulations set forth in the school's policy on publications.

Malvern Schools will not authorize student publications of the following types.

- 1) Publications that are obscene as to minors.
- 2) Publications that are slanderous.
- 3) Publications that constitute an unwarranted invasion of privacy.
- 4) Publications that incite unlawful acts on school premises, the violations of school regulations or material, or the disruption of the orderly operation of the school.

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

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

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

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

Adopted: May 2008

### **36.0 TEXTBOOKS**

State owned textbooks are issued free of charge to students. Students are responsible for the proper care of textbooks. Students must compensate for abused or lost books. Students will be charged \$1.00 or more for slightly abused books and up to the entire cost of books, which must be replaced due to abuse. Lost books must be paid for at the replacement price. Students/parents need to be aware that some books replacement cost may be in excess of \$100. Books are not to be written in or on. Students are not to borrow textbooks from other students. Possession of another student's book without prior approval will be considered stealing. Students will be issued books to take home, while a classroom set will be available at school.

### **37.0 TRANSCRIPTS/IMMUNIZATION RECORDS**

Graduates may receive two (2) transcripts/immunization records free of charge within the first year after graduation. Additional records are available at a cost of \$2.00 per document.

### **38.0 VIDEO SURVEILLANCE (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.

Legal References: 20 USC 1232; 20 USC 7115; 34 CFR 99.3, 4, 5, 7, 8, 10, 12, 31

Last Revised: April 21, 2010

*Due to FERPA regulations, If the education records of a student contains information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.*

### **39.0 VISITORS TO THE SCHOOLS (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.**

Cross References: For non-adult visitors see Policy 4.16—STUDENT VISITORS  
For Level 3 and Level 4 sex offenders see Policy 6.10—SEX OFFENDERS  
ON CAMPUS (MEGAN'S LAW)

Legal References: A.C.A. § 6-21-606; A.C.A. § 6-21-607

Date Adopted: October 11, 2004; Last Revised: April 13, 2015

### **STUDENT VISITORS (Policy 4.16)**

The board strongly believes that the purpose of school is for learning. Social visitors, generally, disrupt the classroom and interfere with learning that should be taking place. Therefore, visiting with students at school is strongly

discouraged, unless approved by the principal and scheduled in advance. This includes visits made by former students, friends, and/or relatives of teachers or students. Any visitation to the classroom shall be allowed only with the permission of the school principal and all visitors must first register at the office.

Cross References: For adult visits see Policy 4.15—CONTACT WITH STUDENTS WHILE AT SCHOOL and Policy 6.5—VISITORS TO THE SCHOOLS

Date Adopted: June 14, 2004

#### **40.0 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).

Legal Reference: 15 U.S.C. § 6501 (COPPA)

Adopted: October 11, 2004

### **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 South Main Street  
(501) 332-7500  
Website: <http://malvernleopards.org>  
Brian Golden, Superintendent  
Janet Blair, Assistant Superintendent  
Jace Roberts, Chief of Staff

### Malvern Elementary School

#### Grades K - 4

1807 West Moline Street  
(501) 467- 3166  
Meredith McCormack, Principal  
Lillian Harper, Assistant Principal  
Mike Scarbrough, Administrative Assistant

### Wilson Intermediate School

#### Grades 5 - 6

614 West Moline Street  
(501) 332-6452  
Tina Hobbs, Principal  
Darryl Baker, Administrative Assistant

### Malvern Junior High School

#### Grades 7 - 8

1910 Sulton Street  
(501) 332- 7530  
Velda Keeney, Principal  
Cleveland Gordon, Administrative Assistant

### Malvern Senior High School

#### Grades 9 – 12

525 East Highland Avenue  
(501) 332-6905  
Jennifer Shnaeckel, Principal  
Manuel Bulhoes, Assistant Principal  
Benjamin Dial, Assistant Principal

### Malvern Learning Academy

#### Grades 7 - 12

1517 S. Main  
(501) 332- 7500  
Michael Bane, ALE Director

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.

Legal References: Arkansas Department of Education Rules and Regulations Governing Uniform Grading Scales for Public Secondary Schools  
ADE Rules Governing Advanced Placement Courses in the Four Core Areas in High School  
A.C.A. § 6-15-902(c)(1)

## **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. It can allow a student to move through the traditional educational setting more rapidly, based on assessed readiness, capability and motivation. At the same time, the Board understands that acceleration is not a replacement for gifted education services or programs.

Generally, acceleration can occur through one of two broad categories: content based and grade based. Grade based acceleration shortens the number of years a student would otherwise spend in K-12 education, while content based acceleration occurs within the normal K-12 time span. Either form of acceleration can be triggered by 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<sup>1</sup> Gifted and

Talented Program Coordinator who shall convene the individuals necessary to make an informed decision which shall include the student's parents or guardians.

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

The District's Gifted and Talented Program Coordinator<sup>1</sup> 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<sup>1</sup> 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: ADE Gifted and Talented Rules  
Date adopted: June 11, 2013

### **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.

Legal Reference(s): The ADE's Complaint Resolution Procedures (Commissioner's Memo LS-07-013).

### **ALTERNATIVE LEARNING ENVIRONMENT (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.

The team is to be comprised of the following:

- a school counselor from the referring school;
- the ALE administrator and/or ALE teacher;

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

Students who are placed in the ALE shall exhibit at least two of the following characteristics through I:

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

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

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

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

No later than one (1) week after a student begins alternative education interventions, the Alternative Education Placement Team shall assess the student's current functioning abilities and all relevant social, emotional, academic, career, and behavioral information and develop an SAP outlining the intervention services to be provided to the student that is in compliance with the Arkansas Department of Education (ADE) 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 ADE Rules. ALE students will meet state graduation requirements for graduation.

Legal References: A.C.A. § 6-20-2305(b)(2)

A.C.A. § 6-48-101 et seq.  
ADE 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

Last Revised: May 12, 2014

### **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 332.7516.

### **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 ~~hee~~ 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.

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

Legal References: A.C.A. § 6-18-702  
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:  
Janet Blair, 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 referred 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 Jace Roberts, Equity Coordinator, 332-7500.

**COMPULSORY ATTENDANCE REQUIREMENTS (Policy 4.3)**

Every parent, guardian, or other person having custody or charge of any child age five (5) through seventeen (17) years on or before September 15 of that year who resides, as defined by policy (RESIDENCE REQUIREMENTS), within the District shall enroll and send the child to a District school with the following exceptions.

1. The child is enrolled in private or parochial school.

2. The child is being home-schooled and the conditions of policy (HOME SCHOOLING) have been met.
3. The child will not be age six (6) on or before August 15 of that particular school year and the parent, guardian, or other person having custody or charge of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Department of Education must be signed and on file with the District administrative office.
4. The child has received a high school diploma or its equivalent as determined by the State Board of Education.
5. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
6. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).

Legal Reference: A.C.A. § 6-18-201

Last Revised: June 30, 2010

### **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<sup>1</sup>; therefore, it is the policy of the District to protect each electronic device with Internet filtering software<sup>2</sup> 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<sup>3</sup> 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<sup>4</sup> 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.

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

Last Revised: May 12, 2014

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

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

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

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

4. 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
2. electronic device unless the Student and his/her parent or guardian have read and signed this agreement.

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

3. Penalties for Improper Use: If the Student violates this agreement and misuses the Internet, the Student shall be subject to disciplinary action. [Note: A.C.A. § 6-21-107 requires the district to have “...provisions for administration of punishment of students for violations of the policy with stiffer penalties for repeat offenders, and the same shall be incorporated into the district’s written student discipline policy.” You may choose to tailor your punishments to be appropriate to the school’s grade levels.]

4. “Misuse of the District’s access to the Internet” includes, but is not limited to, the following:
  - a. using the Internet for other than educational purposes;
  - b. gaining intentional access or maintaining access to materials which are “harmful to minors” as defined by Arkansas law;
  - c. using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
  - d. making unauthorized copies of computer software;
  - e. accessing “chat lines” unless authorized by the instructor for a class activity directly supervised by a staff member;
  - f. using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
  - g. posting anonymous messages on the system;
  - h. using encryption software;
  - i. wasteful use of limited resources provided by the school including paper;
  - j. causing congestion of the network through lengthy downloads of files;
  - k. vandalizing data of another user;
  - l. obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
  - m. gaining or attempting to gain unauthorized access to resources or files;
  - n. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization;
  - o. invading the privacy of individuals;

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

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

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

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

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

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

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

Date Adopted: October 11, 2004

Last Revised: May 21, 2012

May 12, 2014

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

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

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or

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

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

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

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

Date Adopted: April 12, 2004

Last Revised: May 9, 2016

## **USE OF COPYRIGHTED MATERIALS (Policy 5.8)**

### **Use of Copyrighted Work in Face-to-Face Classroom**

The Board of Education encourages the enrichment of the instructional program through the proper use of supplementary materials. To help ensure the appropriate use of copyrighted materials, the Superintendent, or designee, will provide district personnel with information regarding the "fair use" doctrine of the U.S. Copyright Code as detailed in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions with Respect to Books and Periodicals" and "Guidelines for Educational Uses of Music."

The District will not be responsible for any employee violations of the use of copyrighted materials.

### **Use of Copyrighted Works in Digital Transmissions**

#### **Definitions**

"Class session"<sup>2</sup> means the length of time provided for students to access the materials necessary for the completion of course assignments and tests. Depending on the copyrighted work's overall importance to the course, which can vary from a single assignment to an entire course focusing on the copyrighted work, the class session will end on:

- The date set by the teacher for an assignment to be submitted; or
- The date on the school calendar for the end of classes.

"Course packs" are premade compilations of book excerpts; newspaper, magazine, and journal articles; and instructor-authored materials.

"Mediated Instructional activities" includes textbooks, workbooks, and course packs.

"Transmission" is the remote accessing, whether on or off campus, by students of a copyrighted work by means of a closed circuit television, an educational television channel, or in a digital format on a password protected secure webpage.<sup>3</sup>

The District recognizes that advances in technology have resulted in the need for guidelines for the use of copyrighted materials that are transmitted to students through a digital network. While the requirements to use a copyrighted work in a digital transmission have many similarities to those required to use a copyrighted work in a face-to-face classroom, Federal law places several additional requirements on the District's teachers, IT staff, and librarians for the use of a digitally transmitted copyrighted work. The District is dedicated to providing the tools necessary for teachers, IT staff, and librarians to meet these additional Federal requirements.

The District shall make sure the server where materials are stored is secured, whether the server is located locally or remotely.

The District's Informational Technologies staff shall develop the proper protocols and train teachers on their use in order to ensure:

1. The transmission of the copyrighted work is limited to only the students enrolled in the course;
  - Each student shall have a unique ID and password for accessing digital courses/materials<sup>4</sup>;  
or
  - Each course shall have a unique password to access course materials; and
  - The password to access the course materials shall be changed immediately following the close of the course.
2. To prevent students from retaining or further disseminating the copyrighted work for more than one class session;
  - The print function will be disabled;
  - A transparency shall be placed over any literary work, sheet music, or photograph;
  - Audio and video transmissions will be set to be streamed; and
  - The link to the webpage with a copyrighted work shall be deactivated at the end of the applicable class session.

Teachers who wish to provide copyrighted works to students through a digital transmission as part of a digital course as well as teachers wishing to supplement a face-to-face classroom course with a digital transmission must meet applicable copyright statutes and policy 5.11—DIGITAL LEARNING COURSES as well as the following requirements in order to use a copyrighted work:

- A. The use of the copyrighted work(s), whether in whole or in part, must be a part of regular classroom instruction and must be directly related and of material assistance to the course content;
- B. The extent of a copyrighted work that is used must comply with one or more of the following criteria:
  - The entirety of a non dramatic literary or musical work may be used. A non dramatic literary work includes poems and short stories. A non dramatic musical work covers all music that is not part of an opera or musical and does not cover the use of the music video format of a song.
  - Dramatic literary and musical works as well as videos may only be used in limited portions. Dramatic literary and musical works may only be used in the same amount as set forth in the requirements for a face-to-face classroom while videos, including music videos, may only have the portion used that is directly related to the subject of the class session and may not be transmitted in their entirety.

- Still images or slides that a teacher would have used in the ordinary course of a face-to-face classroom session on a projector or a transparency may be used in a transmission.
  - Works primarily produced or marketed for use in the digital education market may not be transmitted.
  - Works the teacher had knowledge or reasonably believes to be unlawfully made or acquired may not be used.
  - Mediated Instructional activities may not be transmitted.
- C. A statement that works may be subject to copyright shall be placed in at least one of the following areas to provide notice to students of copyright status:<sup>5</sup>
- Course syllabus;
  - Home webpage for the course;
  - Webpage for the particular class session; and/or
  - webpage with the copyrighted work.

The teacher and the District librarian shall work together when making digital copies of copyrighted work from physical or analog versions and shall fulfill the following requirements:

- I. The amount converted is only the amount allowed by law; **and**
- II. The District has no digital copy of the copyrighted work available; **or**
- III. The District's digital copy of the copyrighted work that is available has technological protections that prevent the use of the copyrighted work in the manner prescribed by law.

The District will not be responsible for any employee violations of the use of copyrighted materials.

Cross Reference: 5.11—DIGITAL LEARNING COURSES  
 Legal Reference: 17 USCS § 101 to 1010(Federal Copyright Law of 1976)  
 Last Revised: May 12, 2014

### **CORPORAL PUNISHMENT**

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

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

All corporal punishment shall be administered privately, 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 certified staff member employed by the District.

Legal Reference: A.C.A. § 6-18-505 (c) (1);A.C.A. § 6-18-503 (b)  
 Last Revised: May 21, 2012

### **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
3. Technology-based materials that require the use of electronic equipment in order to be used in the learning process.

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

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

### **Digital Course Offerings**

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

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

As an approved digital learning provider, the District shall annually determine what District created digital learning courses it will provide to our students. The District may also choose to provide digital learning courses by contracting with outside providers of such courses, who have been pre-approved by the Arkansas Department of Education (ADE). 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 ADE.

District created digital courses and any digital courses the district purchases from outside providers shall adhere to the guidelines for the use of digitally transmitted copyrighted materials set forth in Policy 5.8—USE OF COPYRIGHTED MATERIALS as well as applicable statutory requirements.

The District shall require all outside providers to incorporate Policy 5.8 as a condition of the service contract. Failure of the outside provider to abide by Policy 5.8 shall constitute a breach of contract and the outside provider shall be responsible for any costs resulting from such breach.

A student may elect to take any or all of his/her scheduled courses digitally. The student's attendance in his/her digital course(s) shall be determined by the online attendance and time the student is working on the course rather than the student's physical presence at school.

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  
4.45.1—SMART CORE CURRICULUM AND GRADUATION  
REQUIREMENTS FOR THE CLASS OF 2018 AND THEREAFTER  
4.45.4—SMART CORE CURRICULUM AND GRADUATION  
REQUIREMENTS FOR THE CLASS 2017  
5.8—USE OF COPYRIGHTED MATERIALS

Legal References: A.C.A. § 6-16-1401 et seq.  
ADE RULES GOVERNING DISTANCE AND DIGITAL LEARNING

Date Adopted: May 12, 2014

Last Revised: May 9, 2016

### **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 web site by establishing guidelines for their construction and operation.

The Malvern School District web site 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 web site shall not use "cookies" to collect or retain identifying information about visitors to its web site 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 web site 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.

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 web site by establishing guidelines for their construction and operation.

The Malvern School District web site 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 web site shall not use "cookies" to collect or retain identifying information about visitors to its web site 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.

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

- 1) All pages on the District's web site may not contain advertising and links may only be 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 or their parents if the student is under the age of 18.
- 4) The District's web server shall host the Malvern District's web site.
- 5) No web page on the District web site may contain public message boards or chat rooms.
- 6) All web pages on the District web site 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 Malvern School District.
- 9) Included on the District's web site shall be:
  - 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.

Legal References: A.C.A. § 6-11-129; 20 U.S.C. § 1232 g; 15 U.S.C. § 6501 (COPPA)

Date Adopted: April 12, 2004

Last Revised: April 13, 2015

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

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

The District shall annually conduct an active shooter drill and school safety assessment for all District schools in collaboration with local law enforcement and emergency management personnel. The training will include a lockdown exercise with panic button alert system training. 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 Panic Button Alert System. 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

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: May 18, 2015

#### **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.

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

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

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

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

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

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

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

1. The parent, guardian, or other responsible person shall furnish the child's social security number, or if they request, the district will assign the child a nine (9) digit number designated by the department of education.
2. The parent, guardian, or other responsible person shall provide the district with one (1) of the following documents indicating the child's age:
  - a. A birth certificate;
  - b. A statement by the local registrar or a county recorder certifying the child's date of birth;
  - c. An attested baptismal certificate;
  - d. A passport;
  - e. An affidavit of the date and place of birth by the child's parent or guardian;
  - f. United States military identification; or
  - g. Previous school records.
3. The parent, guardian, or other responsible person shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. The Board of Education reserves the right, after a hearing before the Board, not to allow any person who has been expelled from another school district to enroll as a student until the time of the person's expulsion has expired.
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:

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

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

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

"Eligible child" means the children of:

- active duty members of the uniformed services;
- members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

- members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

An eligible child as defined in this policy shall:

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

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

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

Date Adopted: February 8, 2010

Last Revised: April 13, 2015

### **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.

For further information on notice of non-discrimination or to file a complaint, visit <http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>; for the address and phone number of the office that serves your area, or call 1-800-421-3481.

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

Date Adopted: April 12, 2004

Last Revised: March 14, 2016

## **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 Arkansas Department of Education (ADE). Any of the courses for which concurrent high school credit is earned may be from an institution of higher education recognized by ADE. If a student passes an academic course offered on a block schedule, the course can be counted twice toward meeting the requirement for students to pass four (4) academic courses per semester as required by this policy.

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

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

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

“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.

A student who enrolls in the district and meets the definition of "eligible child" in Policy 4.2 ENTRANCE REQUIREMENTS shall be eligible to tryout 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.

### **Interscholastic Activities**

#### **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:     State Board of Education Standards for Accreditation 10.05 and 10.06  
                          Arkansas Activities Association Handbook  
                          A.C.A. § 6-4-302

Date Adopted: May 12, 2014

Last Revised: May 9, 2016

## **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 regulations of the Arkansas Activities Association that is outside the regular curriculum of the school district, such as an athletic activity, fine arts program, or a special interest group or club.

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

as permitted by this policy. 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 activity without discrimination.

To be eligible to try out and participate in interscholastic activities, the student or the parent of a student shall mail or hand deliver the student's request to participate to the student's school's principal before the signup, tryout or participation deadline established for traditional students. Additionally, the student shall demonstrate academic eligibility by obtaining a minimum test score of the 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 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.

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.

Legal References:       A.C.A. § 6-15-509  
                                  Arkansas Activities Association Handbook  
Last Revised:            May 12, 2014

## **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 two (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.

Legal References: Commissioner's Memo FIN 08-076

Commissioner's Memo FIN 15-052

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.

Legal References: A.C.A. § 6-18-1102; A.C.A. § 6-18-1104

Date Adopted: October 11, 2004

Last Revised: April 13, 2015

### **Grading Policy (5.15)**

Parents or guardians shall be kept informed concerning the progress of their student. Parent-teacher conferences are encouraged and may be requested by parents, guardians, 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-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 effect 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 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 other grades 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), International Baccalaureate (IB), and approved honor courses shall be one point greater than for regular courses with the exception that an F shall still be worth 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 40 days. A student transferred in with a grade of 83% earned in 10 days at the previous school. The student had a grade of 75% in our district's school earned in the remaining 30 days of the grading period. 10 days is 25% of 40 days while 30 days is 75% of 40 days. Thus the final grade would be  $.25 (83) + .75 (75) = 77\%$ .

Legal References:     A.C.A. § 6-15-902  
                              State Board of Education: Standards For Accreditation 12.02  
                              Arkansas Department of Education Rules and Regulations Governing  
                              Uniform Grading Scales for Public Secondary Schools

Date Adopted: April 12, 2004

Last Revised: May 9, 2016

### **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 grade and achieve success according to their own personal ability.

In addition to education and vocational concerns, guidance is involved in serving students who have personal problems.

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.

### **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.

### **HEALTH SERVICES (Policy 5.18)**

The Board believes that healthy children promote a better learning environment, are more capable of high student achievement, and will result in healthier, more productive adults. Therefore, the goal of the District's health services is to promote a healthy student body. This requires both the education of students concerning healthy behaviors, as well as providing health care services to pupils.

While the school nurse is under the supervision of the school principal, the delegation of health care duties shall be in accordance with the Arkansas Nurse Practice Act and the Arkansas State Board of Nursing Rules and Regulations Chapter Five: Delegation of Nursing Care.

Date Adopted: October 11, 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.

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

Date Adopted: April 12, 2004

Last Revised: March 14, 2016; June 28, 2016

### **HOME SCHOOLING (Policy 4.6)**

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

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

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

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

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

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

Last Revised: May 21, 2012

### **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.

Legal Reference: State Board of Education Rules & Regulations: Accreditation Standards 10.07  
Date Adopted: April 12, 2004

#### **4.57—IMMUNIZATIONS**

##### **Definitions**

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

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

##### **General Requirements**

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

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

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

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

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

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

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

- 1) Proof of immunization showing the student to be fully age appropriately vaccinated;

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

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

### **Temporary Admittance**

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

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

The District will not accept copies of applications requesting an exemption for the current school year that are older than two (2) weeks based on the date on the application. Students who submit a copy of an application to receive an exemption from the immunization requirements for the current year to gain temporary admittance have thirty (30) days from the admission date to submit either a letter from ADH granting the exemption or documentation demonstrating the student is in process and a copy of the immunization schedule. Failure to submit the necessary documentation by the close of the thirty (30) days will result in the student being excluded until the documentation is submitted.

### **Exclusion From School**

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

Students who are excluded from school are not eligible to receive homebound instruction unless the excluded student had a pre-existing IEP or 504 Plan and the IEP/504 team determines homebound

instruction to be in the best interest of the student. To the extent possible, the student's teacher(s) shall place in the principal's office a copy of the student's assignments:

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

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.

Cross References: 4.2—ENTRANCE REQUIREMENTS

4.7—ABSENCES

4.8—MAKE-UP WORK

Legal References: A.C.A. § 6-18-702

ADE Rules Governing Kindergarten Through 12<sup>th</sup> Grade Immunization Requirements In Arkansas Public Schools

ADH Rules and Regulations Pertaining to Immunization Requirements

Date Adopted: April 13, 2015

### **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 uses implementing a uses a parent notification system – *Blackboard Connect*– 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.

Legal References: 20 USC § 1232h (c) [NCLB Act of 2001, Part F, Section 1061 (c) (1)(E), (2)(A)(C)(i), (4)(A), (5)(A)(i)(B), (6)(C)(E)]

Adopted: 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.

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

Adopted: April 12, 2004

### **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.

Legal Reference: A.C.A. § 6-18-106

Date Adopted: June 9, 2011

#### **PLEDGE OF ALLEGIANCE (Policy 4.46)**

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

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

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

Legal Reference: A.C.A. § 6-16-108

Adopted: November 14, 2005

#### **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.<sup>4</sup> "Directory information" includes, but is not limited to, a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, dates of attendance,<sup>5</sup> his/her placement on the honor role (or the receipt of other types of honors), as well as his/her participation in school clubs and extracurricular activities, among others. If the student participates in inherently public activities (for example, basketball, football, or other interscholastic activities), the publication of such information will be beyond the control of the District. "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: Family Policy Compliance 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: April 13, 2015

**OBJECTION TO PUBLICATION OF DIRECTORY INFORMATION (Policy 4.13F)**  
**(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.

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Name of student (Printed)

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

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

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

### **RESIDENCE REQUIREMENTS (Policy 4.1)**

Definitions:

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

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

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

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

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

In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the District's schools separate and apart from his or her parents, guardians, or other persons having lawful control of him or her under an order of a court, the person must actually reside in the District for a primary purpose other than that of school attendance.<sup>2</sup> However, a student previously enrolled in the district who is placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty may continue to attend district schools. 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.

Cross References: Policy 4.40—HOMELESS STUDENTS

Policy 4.52—STUDENTS WHO ARE FOSTER CHILDREN

Legal References: A.C.A. § 6-18-202 ; A.C.A. § 6-18-203; A.C.A. § 6-27-102, 112 ;A.C.A. § 9-28-11

Last Revised: June 9, 2011

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

### **Standard School Choice**

#### **Definition**

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

### **Transfers Into the District**

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

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

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

### **Application Process**

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

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 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 either fails to initially enroll under the timelines and provisions provided in this policy or who chooses to return to his/her resident district voids the transfer and must reapply if, in the future, the student seeks another school choice transfer. A subsequent transfer application will be subject to the capacity standards applicable to the year in which the application is considered by the District.

A present or future sibling 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.

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

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

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

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

- Academic Distress under either A.C.A. § 6-15-430(c)(1) or A.C.A. § 6-18-227; or
- Facilities Distress under A.C.A. § 6-21-812.

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

### **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 distress;
- The student is not required to meet the June 1 application deadline; and
- The student's resident district is responsible for the cost of transporting the student to this District's school.

### **Opportunity School Choice Transfers Into or Within the District**

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

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

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

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

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

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

The District may, but is not obligated to provide transportation to and from the transferring district. Transfers out of, or within, the District

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

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.

Legal References:      A.C.A. § 6-1-106; A.C.A. § 6-13-113; A.C.A. § 6-15-430(b);  
                                 A.C.A. § 6-18-227; A.C.A. § 6-18-510; A.C.A. § 6-18-1901 et seq.  
                                 A.C.A. § 6-21-812

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

Date Adopted: June 11, 2013

Last Revised: April 13, 2015

**SEARCH, SEIZURE, AND INTERROGATIONS (Policy 4.32)**

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

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

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

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

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

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

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

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

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

Date Adopted: April 12, 2004

Last Revised: April 13, 2015

### **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 schools' 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.

Legal Reference: A.C.A. § 6-25-101 et seq.

Adopted: October 11, 2004

## **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

## **SPECIAL EDUCATION (Policy 4.49)**

The district shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals With Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and Arkansas Statutes.

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

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

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

The coordinator for the Malvern School District is: Laura Loy

1620 S. Main

Malvern, AR 72104

501-332-7521; Fax: 501-332-4839

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

Date Adopted: June 11, 2009.

### **STUDENT ILLNESS/ACCIDENT(Policy 4.36)**

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

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

Adopted: April 12, 2004

### **STUDENT MEDICATIONS (Policy 4.35)**

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

Unless authorized to self-administer, students are not allowed to carry any medications, including over-the-counter medications or any perceived health remedy not regulated by the 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 over-the-counter medications to the extent giving such medications are included in the student's IHP.

#### **Option One**

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.

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

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

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

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

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

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

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

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

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

- A. The time scheduled for a dose of insulin in the student's IHP; and

- B. Glucagon or non-scheduled insulin administration once other staff have relieved him/her from other duties until a parent, guardian, other responsible adult, or medical personnel has arrived.

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

#### Emergency Administration of Epinephrine

The school nurse or other school employees designated by the school nurse as a care provider who have been trained<sup>1</sup> and certified by a licensed physician may administer an epinephrine auto-injector in emergency situations to students who have an IHP developed under Section 504 of the Rehabilitation Act of 1973 which provides for the administration of an epinephrine auto-injector in emergency situations.

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

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

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>1</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.

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

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

Date Adopted: April 12, 2004

Last Revised: June 28, 2016

## MEDICATION ADMINISTRATION CONSENT FORM (Policy 4.35F)

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

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

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

Name(s) of medication(s) \_\_\_\_\_

Name of physician or dentist (if applicable) \_\_\_\_\_

Dosage \_\_\_\_\_ Duration \_\_\_\_\_

Instructions for administering the medication (including times) \_\_\_\_\_

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

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

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

Date Adopted: April 12, 2004

Last Revised: May 18, 2015

## 4.35F2—MEDICATION SELF-ADMINISTRATION CONSENT FORM

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

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

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

- a statement from the prescribing health-care provider that the student possesses the skill and responsibility necessary to use and administer the asthma inhaler and/or auto-injectable epinephrine.

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

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

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

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

Date Adopted: July 13, 2006  
 Last Revised: May 18, 2015

**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

### **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.

Legal References: 20 USC § 1232h (a), (b), (c) [NCLB Act of 2001, Part F, Section 1061 (c) (1)(A)(i)(ii)(B), (2)(A)(i)(ii)(B)(C)(ii), (5)(A)(ii)(B), (6)(C)(F)(G)] ACA § 6-18-1301 et seq.

Adopted: October 11, 2004

### **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.

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

Date Adopted: April 12, 2004

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

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

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

Any student transferring from a school accredited by the Department of Education to a school in this district shall be placed into the same grade the student would have been in had the student remained at the former school. Any 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 home school or a school that is not accredited by the Department of Education to a District school shall be evaluated by District staff to determine the student's appropriate grade placement.

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

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

Legal References: A.C.A. § 6-18-316; A.C.A. § 6-18-510; A.C.A. § 6-15-504 (f)  
A.C.A. § 9-28-113(b)(4); A.C.A. § 9-28-205  
State Board of Education Standards of Accreditation 12.05

Date Adopted: June 11, 2009

Last Revised: April 13, 2015

### **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 Arkansas Department of Education (ADE), and individuals involved with each foster child to ensure that he/she is able to maintain his/her continuity of educational services to the fullest extent that is practical and reasonable.

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

The District, working with other individuals and agencies shall, unless the presiding court rules otherwise, ensure that the foster child remains in his/her 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.

Cross References: 4.1—RESIDENCE REQUIREMENTS; 4.2—ENTRANCE REQUIREMENTS; 4.7—ABSENCES  
Legal Reference: A.C.A. § 9-28-113  
Date Adopted: June 9, 2011; Last Revised: May 18, 2015

### **TEACHERS' REMOVAL OF STUDENT FROM CLASSROOM Policy 3.49)**

Note and advisement: This policy is adopted by the Board of Directors in order to bring the District into compliance with ADE rules concerning student discipline, and to incorporate the provisions of A.C.A. § 6-18-511. However, teachers should be aware that federal law governing a student's Individual Education Program (IEP) or 504 plan, or status as an individual with a disability will supersede Arkansas law. In many cases, removing a student from a classroom due to behavioral problems, will violate a student's IEP, violate a student's 504 plan, or constitute discrimination against the student due to a disability that affects the student's ability to conform his or her behavior. Teachers have been successfully sued for IEP and 504 plan violations in other jurisdictions, and teachers need to understand that violating a student's rights is outside of the scope of his or her employment, and no insurance is available or provided by the school district for either legal defense or to pay a money judgment. Teachers who rely on this law and this policy to exclude a student with special needs or a disability are assuming a grave personal risk.<sup>1</sup>

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. Place the student into the District's alternative learning environment; in accordance with Policy 5.26—ALTERNATIVE LEARNING ENVIRONMENTS;
4. Return the student to the class; or
5. 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.

Legal References: A.C.A. § 6-18-511  
Arkansas Department of Education Guidelines for the Development, Review  
and Revision of School District Student Discipline and School Safety Policies  
Date Adopted: June 27, 2013; Last Revised: April 13, 2015

### **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 (Michael Bane, 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.

### **WELLNESS POLICY (Policy 5.29)**

The health and physical well-being of our students directly affects their ability to learn. Childhood obesity increases the incidence of adult diseases occurring in children and adolescents such as heart disease, high blood pressure and diabetes. The increased risk carries forward into their adulthood. Research indicates that a healthy diet and regular physical activity can help prevent obesity and the diseases resulting from it. It is understood that the eating habits and exercise patterns of students cannot be magically changed overnight, but at the same time, the Board of Directors believes it is necessary to strive to create a culture in our schools that consistently promotes good nutrition and physical activity.

The problem of obesity and inactivity is a public health issue. The Board of Directors is keenly aware that it has taken years for this problem to reach its present level and will similarly take years to correct. The responsibility for addressing the problem lies not only with the schools and the Arkansas Department of Education (ADE), but with the community and its residents, organizations and agencies. Therefore, the District shall enlist the support of the larger community to find solutions which improve the health and physical activity of our students.

### **Goals**

In its efforts to improve the school nutrition environment, promote student health, and reduce childhood obesity, the District will adhere to the ADE Rules Governing Nutrition and Physical Activity Standards And Body Mass Index For Age Assessment Protocols. To promote nutrition, physical activity, and other school based activities that will improve student wellness, the District has established the following goals.

1. Appoint a district school health coordinator (designated district official) who shall be responsible for ensuring that each school fulfills the requirements of this policy;
2. Implement a grade appropriate nutrition education program that will develop an awareness of and appreciation for nutrition and physical activity throughout the curriculum;
3. Enforce existing physical education requirements and engage students in healthy levels of vigorous physical activity;
4. Strive to improve the quality of physical education curricula and increase the training of physical education teachers;
5. Follow the Arkansas Physical Education and Health Education Frameworks in grades K-12;
6. Not use food or beverages as rewards for academic, classroom, or sports performances;
7. Ensure that drinking water is available without charge to all students;
8. Establish class schedules and bus routes that do not directly or indirectly restrict meal access;
9. Provide students with ample time to eat their meals in pleasant cafeteria and dining areas;
10. Establish no more than nine (9) school wide events that permit exceptions to the food and beverage limitations established by Rule. The schedule of the events shall be by school, approved by the principal, and shall be part of the annual school calendar;
11. Abide by the current allowable food and beverage portion standards;
12. Meet or exceed the more stringent of Arkansas' or the U.S. Department of Agriculture's Nutrition Standards for reimbursable meals and a la' carte foods served in the cafeteria;
13. Restrict access to competitive foods as required by law and Rule;
14. 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.
15. Provide professional development to all district staff on the topics of nutrition and/or physical activity;
16. Utilize the School Health Index available from the Center for Disease Control (CDC) to assess how well the district is doing at implementing this wellness policy and at promoting a healthy environment for its students;

### **Advisory 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 that ensures age-appropriate recommendations are made that correlate to our 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, and 8 of the CDC's School Health Index as a basis for annually assessing each school's progress toward meeting the requirements of this policy. The results of the annual assessment shall be included in each school's ACSIP, provided to each school's principal, and reported to the board. Goals and objectives for nutrition and physical activity shall also be included in the ACSIP.

Members of the District's Board of Directors, school administrators, school nutrition personnel, teacher organizations, parents, students, professional groups (such as nurses), and community members shall be included in the development, implementation, and periodic review of the District's wellness policy to the extent interested persons from each group desire to be included.

The SNPAAC shall provide recommendations to the school district 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 District will work with the SNPAAC to:

- A. Encourage participation in extracurricular programs that support physical activity, such as walk-to-school programs, biking clubs, after-school walking etc.;
- B. Encourage the implementation of developmentally appropriate physical activity in after-school childcare programs for participating children;
- C. Promote the reduction of time youth spend engaged in sedentary activities such as watching television and playing video games; and
- D. Encourage the development of and participation in family-oriented community-based physical activity programs.

The District shall periodically assess, with input from the SNPACC, the District and individual schools' status regarding implementing this policy. 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; and
- a description of the progress made in attaining the goals of this policy.

The assessment results along with the content of ~~the~~ this policy shall be periodically reported to the public, including parents, students, and other members of the community.

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

Date Adopted: August 14, 2006

Last Revised: May 9, 2016

### **SCHOOL LUNCH SUBSTITUTIONS (Policy 4.50)**

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

- 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 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  
7 CFR 210.10(g)

Date Adopted: June 11, 2009; Last Revised: May 9, 2016

### **PHYSICAL RESTRAINT (Policy 4.51)**

There are times when it becomes necessary for staff to use reasonable restraint to protect others from harm. Reasonable restraint is defined as immobilization of the individual's opportunity for movement by staff members(s) through direct contact. Any person employed by the district may, within the scope of their employment, including involvement in extracurricular activities, use and apply such amount of force as is reasonable and necessary to accomplish the following purposes:

- To restrain a student from an act of wrongdoing;
- To quell a disturbance threatening physical injury to self or others;
- To obtain possession of weapons or other dangerous objects which are within the control of a student; and
- To protect self or others.

An act of a teacher or other employee will not be considered child abuse if the act was performed in good faith and in compliance with this policy. Such acts will not be construed to constitute corporal punishment.

In the case of a student with a disability, any restraint used beyond the four specific situations listed above will be identified on the Individual Education Plan (IEP) as a form of intervention.

The school employee using physical restraint will:

- A. Immediately, or as soon thereafter as possible, notify the principal of the incident;
- B. Provide a written report of the situation indicating why such action was deemed necessary; and
- C. The principal and his/her designee will inform the parent/legal guardian of the incident using the appropriate disciplinary form.

Date Adopted: June 28, 2010

Last Revised:

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 \_\_\_\_\_

Date Adopted: June 28, 2010  
Last Revised:

## **MANDATORY DRUG TESTING**

### **MISSION STATEMENT:**

The Malvern School District recognizes that drug abuse is a significant problem for students, detrimentally affecting the overall health, behavior, learning ability, reflexes, and development of each individual. Drug abuse includes, but is not limited to, the use of illegal drugs, alcohol, and the misuse of legal drugs and medications.

### **DEFINITIONS:**

- Drug:** Any substance considered illegal by Arkansas statutes or which is controlled by the Food & Drug Administration unless prescribed by a licensed physician.
- Activity Programs:** Any activity that meets the guidelines of the Arkansas Activities Association or is sponsored by the Malvern School District. This includes all school-sponsored academic, athletic/spirit and student groups for grades 7-12.
- School Year:** From the first day of classes in the fall, unless the activity begins prior to the first day of classes, in which event, from the first day of practice through the last day of classes in the spring.

### **POLICY STATEMENT:**

The Malvern School District is conducting a mandatory drug-testing program for students who choose to participate in an activity program sponsored by the Malvern School District or who choose to purchase a parking permit and drive on any Malvern School District campus. Its purpose is threefold: (1) to provide for the health and safety of students who drive on any Malvern School District campus or participate in an activity program in grades 7-12; (2) to undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs; and (3) to encourage students who use drugs to participate in drug treatment programs.

### **PROCEDURES FOR STUDENTS:**

**Consent:** Each student wishing to participate in any activity program or drive on any Malvern School district campus and the student's custodial parent or guardian shall consent in writing to drug testing pursuant to the district's drug testing program. Written consent shall be in the form attached to this policy as FORM A. No student shall be allowed to participate in any activity program or drive on any Malvern School District campus absent such consent.

Students not involved in activities or choosing to drive on a Malvern School district campus may be allowed to participate voluntarily in the testing pool with a consent form signed by the parent.

**Student Selection:** At the option of the district, all students in activity programs may be drug tested **during the** school year. In addition, random testing will be conducted monthly during the school year beginning in September. Students will be selected at random by an independent company who has been selected by the Malvern Board of Directors to conduct the random drug tests. Students will be selected from a “pool” of all students who have participated in an activity program or obtained a driving permit at anytime during the school year. A single test can be required by a principal from a student for reasonable suspicion. The superintendent or his designee shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the selection process.

**SAMPLE COLLECTION:**

Samples will be collected by the company chosen by the Board of Directors on the same day a representative of that company appears in the district for the purpose of administering monthly random drug tests. If a student is unable to produce a sample at any particular time, the student will be allowed time and opportunity to provide the sample. The student will not be allowed to leave the testing area until the sample is collected. All students providing samples will be given the option of doing so alone in an individual room with the door closed.

**TESTING AGENCY:**

The Board of Directors will choose a qualified agency for the purpose of processing sample results and maintaining privacy with respect to test results and related matters.

**PRESCRIPTION MEDICATION:**

Students who are taking prescription medication may provide a copy of the prescription or a doctor’s verification, which will be considered in determining whether a “positive” test has been satisfactorily explained. That documentation will be forwarded to the testing company to consider the student’s use of such medication to assure the accuracy of the result. Students who refuse to provide verification and test positive will be subject to the actions specified below for “positive tests.”

**SCOPE OF TESTS:**

The drug screen tests for one or more illegal **and prescription** drugs. The superintendent or his designee shall decide which illegal drugs shall be screened, but in no event shall that determination be made after selection of students for testing. Student samples will not be screened for the presence of any substances other than an illegal drug or for the existence of any physical condition other than drug intoxication. As a quality control measure, the school reserves the right to send any urine sample that appears unusual in color and/or consistency to a laboratory for testing and confirmation or non-confirmation.

**LIMITED ACCESS TO RESULTS:**

The results will be reported only to the superintendent or his designee.

**PROCEDURES IN THE EVENT OF A POSITIVE RESULT:**

Whenever a student’s test result indicates the presence of illegal drugs (“positive test”), the following will occur:

If the sample tests positive, a custodial parent or legal guardian will be notified and a meeting will be scheduled with the superintendent or his designee, the student, the custodial parent or legal guardian, and the student’s coach or sponsor, if available and applicable.

**FIRST POSITIVE RESULT:**

For a positive result, the student will be placed on probation and not be allowed to participate in competitions, presentations, and activities of Malvern Schools for a period of twenty (20) school days. A student may practice or attend an organization’s meetings, but may not compete, dress out for competition, take part in a club’s scheduled event beyond meetings or drive on campus. The student will be recommended for counseling; if any charge is incurred, it will be the responsibility of the parents.

On day twenty-one (21), the student will be allowed to be retested (at the expense of parent-guardian). If the test results are found to be negative, the student will again become eligible for driving on campus, competitions, presentations, and activities relating to Malvern Schools. However, the student must submit to a mandatory drug screen or lab test on a monthly basis at the expense of the parent/guardian for the next three consecutive months when school is in session.

**SECOND POSITIVE RESULT:**

A second positive result following the first positive test will result in the student being suspended from participating in activities and driving on campus for 6 months (120 consecutive school days). Once again the student will be recommended for counseling and may be retested on school day 121 following his/her suspension from participation in activities and driving on campus. All costs associated with counseling or retesting will be the responsibility of the parent/guardian. If the retest is found to be negative, the student will again be eligible for driving on campus, competitions, presentations, and activities relating to Malvern Schools. The student must submit to mandatory drug screen or lab test on a monthly basis at the expense of the parent/guardian for the next six consecutive months when school is in session.

**THIRD POSITIVE RESULT:**

For the third positive result, the student will be suspended from participation in activities and driving on campus for the remainder of his/her enrollment with the school district.

**NON-PUNITIVE NATURE OF POLICY:**

No student shall be penalized academically for testing positive for illegal drugs. The results of drug tests pursuant to this policy will not be documented in any student’s academic records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the district shall not solicit. In the event of service of any such subpoena or legal process, the student and the student’s custodial parent or legal guardian will be notified as soon as possible by the district.

**OTHER DISCIPLINARY MEASURES:**

By accepting this policy the district is not precluded from utilizing other disciplinary measures set forth in the Student Discipline Policy. Likewise, this policy does not preclude the district from following its disciplinary procedure and resulting action when founded upon reasonable belief and suspicion that a student has participated in drug-related activities.

**DRUG TESTING POLICY  
GENERAL AUTHORIZATION FORM A**

I understand that my performance as a participant and the reputation of my school are dependent, in part, on my conduct as an individual. I have read and understand the contents of the Malvern

School District Drug Testing Policy. I hereby agree to accept and abide by the policies, standards, rules, and regulations set forth by Malvern School District Board of Education and the sponsors for the activity in which I participate.

I also authorize Malvern School District to conduct a breath scan or a urinalysis to test for drugs and/or alcohol use. I also authorize Malvern School District to conduct random tests during the school year(s). I authorize the release of information concerning the results of such a test to the Malvern School District and to the parents and/or guardians of the student.

This shall be deemed a consent pursuant to the Family Education Right to Privacy Act for the release of above information to the parties named above.

\_\_\_\_\_  
Student Name (Printed)

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

Signatures indicate permission given to be tested during the year(s) the student is involved in activities designated for drug testing.

**Drug Testing Policy  
Notification of Violation of  
Drug Screen Testing Policy**

I, \_\_\_\_\_, am the custodial  
parent/legal guardian of \_\_\_\_\_,  
a student in the Malvern School District. I have been notified by officials of the Malvern School

District that \_\_\_\_\_ (student's name) has tested positive during the  
drug test administered under the provisions set by the Malvern School District.

I understand that the above-named student is hereby recommended for counseling; if any charge is incurred, it will be my responsibility. The named student will also be placed on probation and not be allowed to participate in competitions, presentations, activities or drive onto any Malvern school campus for a period of twenty days (20).

On day twenty-one (21), the above-named student will be allowed to be retested (at my expense) under the guidelines set forth in the Drug Screen Test Policy. I, the custodial parent/legal guardian, understand that if the test results are found to be negative, the so-named student will again become eligible for competitions, presentations, activities and driving onto campus. I also understand that there will be a mandatory drug screen or lab test for three consecutive months at my expense.

If the test results are positive, the so-named student will be suspended from competition,

presentations, activities and driving onto any Malvern School District campus for 6 months (120 consecutive school days). In addition to the suspension, the so-named student will be immediately referred for professional counseling and rehabilitation at my expense.

\_\_\_\_\_  
Custodial parent/ legal guardian

\_\_\_\_\_  
School Official

\_\_\_\_\_  
Student

\_\_\_\_\_  
Date

**Drug Testing Policy  
Notification of Second Positive Results of  
Drug Screen Test**

I, \_\_\_\_\_, custodial parent/legal guardian  
of \_\_\_\_\_, a student in the Malvern School District, was  
notified on \_\_\_\_\_ (Date) of the first positive drug screen test results of the

so-named student by \_\_\_\_\_ (School Official). At that time, I understood that the above-named student would be on probation and not be allowed to participate in competitions, presentations, activities, or drive on any Malvern campus for a period of twenty days (20). I understood that on day twenty-one (21), at my own expense, I could request a second test administered under the guidelines set forth in the Malvern School District's Drug Screen Policy. I, custodial parent/legal guardian of the so-named student, was notified of the second positive test results on the date of \_\_\_\_\_ (date) by \_\_\_\_\_ (School official).

I understand that under the Malvern School District's Drug Abuse Policy, which I, the custodial parent/guardian consented to when I signed the consent form, the so-named student will be suspended from competitions, presentations, activities and driving on any Malvern school campus for 6 months (120 consecutive school days). I understand that the above named student may be retested on school day 121 following his/her suspension from participation in activities and driving on campus. All costs associated with counseling or retesting will be my responsibility. If the retest is found to be negative, the above named student will again be eligible for driving on campus, competitions, presentations, and activities relating to Malvern Schools. The above named student must submit to mandatory drug screen or lab test on a monthly basis at my expense for the next six consecutive months when school is in session. I also understand that I should seek professional counseling and rehabilitation for the named student and I will be responsible for any cost incurred as a result of seeking this counseling and rehabilitation.

\_\_\_\_\_  
Custodial parent/legal guardian

\_\_\_\_\_  
School Official

\_\_\_\_\_  
Student

\_\_\_\_\_  
Date