

**SECTION 8**  
**Discipline Policies 2021-22**  
**School Board Policy 4.17 – Student Discipline**

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

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

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

The District shall incorporate the District's implementation of positive behavioral supports in accordance with Policy 4.60 in the application of student discipline.

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

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

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

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

It is required by law that the principal or the person in charge reports 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 that a report has been made to the appropriate law enforcement agency. The Superintendent or designee shall inform the Board of Directors of any such report made to law enforcement.

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

Cross References: 1.9—Policy Formulation

4.60---Student Behavioral Intervention and Restraint

Legal Reference: A.C.A § 6-17-113

A.C.A § 6-18-502

A.C.A. § 6-18-514

A.C.A. § 6-18-2301 et seq

DESE Rules Governing Student Discipline and School Safety

Date Adopted: Oct. 2010

Last revised: June 2021

## **Prohibited Conduct**

### **School Board Policy 4.18—PROHIBITED CONDUCT**

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

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

23. Operating a vehicle on school grounds while using a wireless communication device; and
24. Theft of another individual's personal property.

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

Legal References:       A.C.A. § 6-18-502  
                                  A.C.A. §6-18-707  
                                  A.C.A. § 6-15-1005  
                                  A.C.A. § 6-21-609  
                                  A.C.A. § 6-18-222  
                                  A.C.A. § 6-5-201  
                                  A.C.A. § 6-18-514  
                                  A.C.A. § 27-51-1602  
                                  A.C.A. § 27-51-1603  
                                  A.C.A. § 27-51-1609  
                                  DESE Rules Governing Student Discipline and School Safety

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

Date Adopted: Oct. 2010

Last Revised: July 2020

## **Improper Conduct**

### **Rule 1: Disruption and interference with school**

#### **School Board Policy 4.20 – Disruption of School**

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

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

Legal Reference: A.C.A. § 6-18-511

DESE Rules Governing Student Discipline and School Safety

Date Adopted: Oct. 2015

Last Revised: July 2020

**Rule 2: Damage or Destruction of School Property**

- (a) A student shall not cause or attempt to cause damage to school property or steal or attempt to steal school property. The school district will attempt to recover damages from the student destroying school property. Parents of any student may be liable for damages caused in an amount not in excess of \$2,500.00.
- (b) Students should not mark or mar any surface, sit on tables or chair tops, or perform any other behavior which is likely to damage school property.
- (c) No school property will be loaned to anyone unless authorized by the principal or superintendent.

**Rule 3: Damage or Destruction of Private or Public Property**

A student shall not cause or attempt to cause damage or steal or attempt to steal private or public property.

**Rule 4: Narcotics: Beverage Containing Alcohol and/or Drugs**

**School Board Policy 4.24-DRUGS AND ALCOHOL**

An orderly and safe school environment that is conducive to promoting student achievement requires a student population free from the deleterious effects of alcohol and drugs. Their use is illegal and disruptive to the educational environment, and diminishes the capacity of students to learn and function properly in our schools.

Therefore, no student in the Nemo Vista 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; and/or 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.

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

Cross Reference: 4.35---STUDENT MEDICATIONS

Legal References: A.C.A. § 6-18-502

DESE Rules Governing Student Discipline and School Safety

Date Adopted: Oct. 2010

Last Revised: July 2020

## **Rule 5: Weapons, Dangerous Instruments, and Contraband**

### **School Board Policy 4.22-WEAPONS AND DANGEROUS INSTRUMENTS**

#### **Definitions**

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

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

“Weapon” means any:

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

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

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

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

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of one (1) year. The School Board 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 firearms 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 firearms policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for knowing a child to possess firearms 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 afterschool 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

A.C.A. § 6-18-507

A.C.A. § 6-21-608

A.C.A. § 5-73-119 (b) (e)(8), (9), (10)

A.C.A. § 5-73-133

20 USCS § 7961

A.C.A. § 5-4-201

A.C.A. § 5-4-401

A.C.A. § 5-27-210

DESE Rules Governing Student Discipline and School Safety

Date Adopted: Oct. 2010

Last Revised: July 2020

## **Rule 6: Tobacco**

### **School Board Policy 4.23 – Tobacco and Tobacco Products**

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

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

**First Offense:** 1. A parent/guardian will be notified. 2. Two (2) days of In-School Suspension (ISS)-While attending ISS, student must complete a school provided assignment on the dangers of tobacco, cessation programs, etc. in addition to other class assignments provided by teachers, administration, and/or ISS supervisor. 3. Student and parent/guardian will be provided information about available cessation programs.

**Second Offense:** 1. A parent/guardian will be notified. 2. Three (3) days of In-School Suspension (ISS)-While attending ISS, student must complete a school provided assignment on the dangers of tobacco, cessation programs, etc. in addition to other class assignments provided by teachers, administration, and/or ISS supervisor. 3. Student and parent/guardian will be provided information about available cessation programs.

**Third Offense:** 1. The parent/guardian will be notified. 2. Five (5) days of In-School Suspension. 3. A parent/guardian-principal

conference must be held before the student is allowed to return to class. 4. Student and parent/guardian will be provided information about available cessation programs.

**Fourth Offense:** 1. The parent/guardian will be notified. 2. Three (3) days of Out-Of-School Suspension. 3. A parent/guardian-principal conference must be held before the student is allowed to return to class. 4. Student and parent/guardian will be provided information about available cessation programs.

**Addition offenses, disciplinary action(s) will be subject to administration's discretion.**

Legal Reference: AC.A. § 6-21-609

Date Adopted: Oct. 2010

Last Revised: June 2019

**Rule 7: Immorality**

A student shall abstain from indecent and immoral acts.

**Rule 8: Display of Affection**

Public display of affection is not acceptable. Holding hands, placing arms around each other, and kissing is prohibited at school and at all school activities, including after school activities.

**Rule 9: Fireworks**

A student shall not possess, handle or store firecrackers, smoke bombs, cherry bombs, or any other kind of fireworks that reasonably could be a danger to himself/herself or to other students, that could cause damage to school property or that could be disruptive to the learning climate of the school.

**Rule 10: Gambling**

A student shall not participate in any activity which may be termed gambling or wagering where the stakes are money or any other object or objects of value.

**Rule 11: Physical Abuse or Assault of School Staff (Act 104 or 1983 Special Session)**

**School Board Policy 4.21 – Student Assault or Battery**

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

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

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

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

measures.

Legal References: A.C.A § 6-17-106

DESE Rules Governing Student Discipline and School Safety

Date Adopted: June 2010

Last Revised: July 2020

**Rule 12: Theft – Stealing – Possession**

Students caught stealing or in the possession of stolen materials may be temporarily suspended with a chance of possible expulsion from school. Parents and law officials may be notified.

**Rule 13: Insubordination**

A student shall not fail to comply with reasonable directions or commands of teachers, substitute teachers, teachers' aides, principals, administrative personnel, superintendent, school bus drivers, cooks, and other authorized school personnel.

**Rule 14: Laser Pointers**

**School Board Policy 4.28 – Laser Pointers**

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

Legal References: A.C.A § 6-18-512

DESE Rules Governing Student Discipline and School Safety

Date Adopted: Oct. 2010

Last Revised: July 2020

**Rule 15: Electronic Devices**

**School Board Policy 4.47 – Possession and Use of Cell Phones and other Electronic Devices**

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

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

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

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

1. Using electronic devices during classroom in any manner other than specifically permitted by the classroom instructor for academic purposes only.



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

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

Before and after normal school hours, possession of electronic devices is permitted on the school campus. The use of such devices at school sponsored functions outside the regular school day is permitted to the extent and within the limitations allowed by the event or activity the student is attending.

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

The student and/or the student/s parents or guardians expressly assume any risk associated with students owning or possessing electronic devices. Students misusing electronic devices shall have them confiscated. Confiscated devices may be picked up at the school's administration office by the student's parents or guardians. Students have no right of privacy as to the content contained on any electronic devices that have been confiscated. A search of a confiscated device shall meet the reasonable individualized suspicion requirements of Policy 4.32—SEARCH, SEIZURE, AND INTERROGATIONS.

Students who use a school issued cell phones and/or computers for non-school purposes, except as permitted by the district's Internet/computer use policy, shall be subject to discipline, up to the 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 cell phones are allowed on bus routes.

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

#### **Nemo Vista Elementary**

Students are not to bring these items to school (cell phones or electronic devices). If for a special reason these devices are required in a class, permission from the principal must be obtained prior to bringing the devices to school.

Unauthorized electronic devices will be taken and secured in the office to be picked up by the student's parents. Students have no right of privacy as to the content contained on any cell phones and other electronic communication devices that have been confiscated.

These items should not be taken on school sponsored trips unless permission has been granted by the principal.

#### **Nemo Vista High School/Middle School**

Students may possess cell phones and other electronic devices. At no time during normal school hours (which includes bus)

can these items be visible and/or in use and/or heard without permission from the administration. (High School: Exception will be made for academic purposes with prior permission from principal). Items will be confiscated and the student's parent(s) must pick up the item and/or the student will receive other disciplinary actions if the rule is violated.

When a student must leave the class to use the restroom or similar circumstance their cell phone (if possessed) must be placed on the teacher's desk, to be returned upon the student re-entering the classroom.

**Middle School/High School Cell Phone Consequences:**

- 1<sup>st</sup> offense...Cell phone will be returned at the end of day.....warning
- 2<sup>nd</sup> offense...Parent pick up cell phone
- 3<sup>rd</sup> offense...Parent pick up cell phone and corporal punishment/suspension

Legal Reference: A.C.A. § 6-15-2907

A.C.A. § 6-18-515

A.C.A. § 27-51-1602

A.C.A. § 27-51-1603

A.C.A. § 27-51-1609

DESE Test Administration Manual

DESE Rules Governing Student Discipline and School Safety

Date Adopted: Oct. 2010

Revised: July 2020

**Rule 16: Fighting**

Wrestling, hitting, or kicking is considered "fighting" which is not allowed. If a child hits or kicks another child while on school grounds, buses, or at school sponsored activities, the child who is hit is instructed to find the teacher on duty or the bus driver and report the incident immediately or as soon as the bus is stopped. Hitting or kicking back puts the blame on both the children. Therefore, they are equally guilty of fighting. Blind-siding another student during a fight will increase the level of punishment.

Last Revised: June 2013

**Rule 17: Appearance and Dress Code**

**School Board Policy – 4.25 Students Dress and Grooming**

The Nemo Vista Board of Education recognizes that dress may 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

The Superintendent shall establish student dress codes for the District's schools.

The primary responsibility for dress, grooming, and overall appearance of student rests with the parents of individual students and the students themselves.

General Rules:

1. Students may not wear clothing or hair styles which can be hazardous in their educational activities.

2. Caps, hats, and/or unusual headdress cannot be worn inside buildings or any place designated by the administration and school board as prohibited. **(High School ONLY: Hats maybe worn outside the buildings, at prom, in the gym at ballgames, if deemed appropriate. Hats may not be worn in buildings, graduation, homecoming, or any other formal event as determined by the principal.)**
3. Students in grades K-12 should not wear shirts which expose the midriff. Shirt sleeves should extend to shoulder (no spaghetti string tank tops), no mesh, cut-out sleeves or see-through tops.
4. No clothing with obscene language or rude or suggestive pictures will be worn.
5. Pajamas may not be worn except during designated dress-up days.
6. 6<sup>th</sup> – 12<sup>th</sup>: Tights and leggings must be worn with long tops (tunic) that covers to mid-thigh.
7. All students, K-12 may wear shorts to school.  
K-2: shorts must have an inseam of 3 inches. Skirts and dresses must be worn with shorts underneath. 3-12: Shorts, skirts, and dresses must be mid-thigh. Compression shorts may be worn to mid-thigh with outer covering when outer covering is shorter than mid-thigh. No students will be allowed to wear clothing which is considered to be too revealing.
8. No sunglasses (excluding ballgames) unless prior approval is given by administration.
9. No cosmetic contacts
10. No student shall have visible body piercing that can be hazardous or distracting to their or their peer's educational needs.
11. **GANG ATTIRE IS NOT PERMITTED ON CAMPUS.**  
The wearing of gang attire at school or school functions by gang members or by other students who imitate them is disruptive and dangerous. This attire identifies students to rival elements and can result in challenges. No caps on campus unless permitted or required by staff or other personnel.  
Therefore clothing than can be identified as: "GANG ATTIRE" will not be permitted nor tolerated on campus.  
This includes but not limited to:
  - Hairnets
  - Bandanas
  - Caps worn in a specific matter
  - Sagging or low riding pants or shorts
  - Any other clothing that be identified as gang attire
10. Decisions concerning appearance, dress code, and grooming will be at the principal's discretion.

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

A.C.A. § 6-18-5039(c)

Date Adopted: Oct. 2010

Last Revised: July 2015

### **Rule 18: Off Limit Areas**

Students are not to be:

1. On the gym floor with street shoes on.
2. Blocking the hallways at the gym during school activities or ball games.
3. Touching or adjusting any heating or cooling thermostats.
4. Outside of the playground fence, without permission of the duty teacher or principal.
5. In teachers' lounge or teachers' bathroom.
6. In teachers' parking lots.
7. In student's parking lot.

**Rule 19: Off Campus/After School Events**

Students at school-sponsored activities or off campus events shall be governed by the school district rules and regulations and are subject to the authority of school district personnel.

Failure to obey the rules and regulations and/or failure to obey reasonable instructions of school district personnel shall result in disciplinary action applicable under the regular school program.

1. Students will not run, jump, or play games during after school activities or basketball games.
2. During basketball games, students must remain in the gym.
3. Students should not be in the lobby during basketball games or school activities except to use the restroom or get refreshments.
4. Elementary students cannot attend after school events without adult supervision. High school students 18 years or older that are participating in the events are not considered adult supervisors.

Revised June 2014

**Rule 20: Behavior Not Covered Above**

The school district reserves the right to punish behavior which is subversive to good order and discipline in the schools even though such behavior is not specified in the preceding written rules.

**Internet Policy Act 801 of 1997****School Board Policy – 4.29 Internet Safety and Electronic Device Use Policy**

**\*\*\*See Section 1 (page 7-8) for 4.29F-Student Internet Use Agreement\*\*\*This form needs to be signed and returned to the office.**

**Definition**

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

The Nemo Vista School District makes electronic devices(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 Nemo Vista School District is dedicated to protecting students from materials on the Internet or world wide web that are inappropriate, obscene, or otherwise harmful to minors; therefore, it is the policy of the District to protect each electronic device with Internet filtering software that is designed to prevent students from accessing such materials. For purpose 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 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, lack serious literary, artistic, political, or scientific value as to minors.

### **Internet Use and Safety**

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

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

### **Misuse of Internet**

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

- The disabling or bypassing of security procedures, compromising, attempting to compromise, or defeating the district's technology network security or Internet filtering software;
- The altering of data without authorization;
- Disclosing, using, or disseminating passwords, whether the passwords are the student's own or those of another student/faculty/community member, to other students;
- Divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email unless it is a necessary and integral part of the student's academic endeavor. Personally identifying information includes full name, 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)(1)

47 CFR 54.520

47 CFR 520(c)(4)

A.C.A §6-21-107

A.C.A § 6-21-111

Date Adopted: Oct. 2010

Last Revised: June 2019

## **Teachers' Removal of Student**

### **School Board Policy---Teachers' Removal of Student from Classroom**

A teacher may remove a student from class whose behavior the teacher has documented to be repeatedly interfering with the teacher's ability to teach the students in the class or whose behavior is so unruly, disruptive or abusive that it interferes with the ability of the student's other classmates to learn. Students who have been removed from their classroom by a teacher shall be sent to the principal's or principal's designee's office for appropriate discipline.

The teacher's principal or the principal's designee may:

1. Place the student into another appropriate classroom
2. Place the student into in-school suspension;
3. Return the student to the class; or
4. Take other appropriate action consistent with the District's student discipline policies and state and federal law.

If a teacher removes a student from class two (2) times during any nine-week grading period, the principal or the principal's designee may not return the student to the teacher's class unless a conference has been held for the purpose of determining the cause of the problem and possible solutions. The conference is to be held with the following individuals present:

1. The principal or the principal's designee;
2. The teacher;
3. The school counselor;
4. The parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis; and
5. The student, if appropriate.

However, the failure of the parents, legal guardians, persons having lawful control of the student, or persons standing 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

Division of Elementary and Secondary Education Rules Governing Student Discipline and  
School Safety.

Date Adopted: Oct. 2013

Last Revised: June 2021

## **Student Behavioral Intervention and Restraint**

### **School Board Policy 4.60**

#### **Definitions**

"Aversive behavioral intervention" means a physical or sensory intervention program that is intended to modify behavior through the use of a substance or stimulus that the intervention implementer knows will cause physical trauma, emotional trauma, or both, to a student, even when the substance or stimulus appears to be pleasant or neutral to others.

Examples of aversive behavioral interventions include, but are not limited to:

- Hitting;
- Pinching;
- Slapping;

- Using a water spray;
- Using noxious fumes;
- Requiring extreme physical exercise;
- Using loud auditory stimulus;
- Withholding meals, and
- Denying reasonable access to toileting facilities.

“Behavioral intervention” means the implementation of a service, support, or strategy to teach and increase appropriate behavior or substantially decrease or eliminate behavior that is dangerous, inappropriate, or otherwise impedes the learning of a student.

“Behavior Intervention Plan” (BIP) means a written plan that:

- Is developed by a problem-solving and intervention team and delineates emotional, social, or behavioral goals for a student and the steps that the school, student, parent of the student, and others will take to positively support the progress of the student towards the student’s emotional, social, or behavioral goals;
- Is comprised of practical and specific strategies to increase or reduce a defined behavior or one (1) or more patterns of behavior exhibited by a student; and
- Includes the following at a minimum;
  - A definition or description of the desired target behavior or outcome in specific measurable terms;
  - A plan for preventing and eliminating inappropriate student behavior by changing a condition that is triggering, motivating, underlying, or supporting that behavior as determined through a FBA;
  - A plan for teaching a student to demonstrate appropriate social, emotional, or behavioral self-management, or a new method to address or meet the student’s needs;
  - A description of how a specific incentive or consequence will be used as needed to decrease or eliminate inappropriate student behavior and increase appropriate behavior;
  - A plan for managing a crisis situation;
  - A system to collect, analyze, and evaluate data about the student;
  - The school personnel, resources, and training needed before implementation of the BIP; and
  - The timeline for implementing different facets of an intervention, including without limitation when the intervention will be formally reviewed.

“Chemical restraint” means the use of a drug or medication to control the behavior of a student or restrict the free movement of the student; however, chemical restraint does not include the use of medication that is prescribed by a licensed physician, or other qualified health professional acting within the scope of the individual’s professional authority under state law, for the standard treatment of medical or psychiatric condition of a student and is administered as prescribed by the licensed physician or other qualified health professional acting within the scope of the individual’s professional authority under state law.

“Crisis” means a situation in which a student engages in a behavior that threatens the health and safety of the student or others and includes without limitation a situation in which the student becomes aggressive or violent at school and is unable to regain self-control without posing a danger of injury to himself or herself or others.

“Crisis intervention” means the implementation of a service, support, or strategy to immediately stabilize a crisis and prevent the crisis from reoccurring after the crisis ends.

“Dangerous behavior” means the behavior of a student that presents an imminent danger of serious physical harm to the student or others; however, dangerous behavior does not include the following:

- Disrespect;
- Noncompliance;
- Insubordination; or
- Destruction of property that does not create an imminent danger.

“De-escalation” means the use of a behavior management technique that helps a student increase the student’s control over the student’s emotions and behavior and results in a reduction of a present or potential level of danger that in turn reduces the level of imminent danger of serious physical harm to the student or others.

“Emergency” means a serious and unexpected situation that requires immediate action and which may be dangerous.

“Functional Behavior Assessment” (FBA) means a problem analysis step that;

- Occurs within the context of data-based problem-solving and involves;
  - The review of existing records and other sources of information;
  - Diagnostic or historical interviews;
  - Structured academic or behavioral observations; and
  - Authentic, criterion-referenced, or norm-referenced tests; and
- Is performed with the goal of determining why a specific problem or situation is occurring in order to directly link a strategic intervention to an assessment and solve or resolve the specific problem or situation.

“Imminent danger” means an existing dangerous situation that could reasonably be expected to immediately cause death or serious physical harm.

“Mechanical restraint” means the use of a device or equipment to restrict the free movement of a student; however, mechanical restraint does not include a device that is used by trained school personnel or a student for a specific and approved therapeutic purpose or safety purpose for which the device was designed or prescribed or a vehicle safety restraint that is appropriately used in the manner for which it was designed during the transport of a student in a moving vehicle.

“Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of redirecting or inducing the student to move to a safe location.

“Positive behavioral support” means the application of behavior analysis that:

- Is used to achieve socially important behavior change;
- Occurs at the;
  - Prevention level for all students in a school;
  - Strategic intervention level for a student who is not responding, from a social-emotional and behavioral perspective, to the prevention level; and
  - Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health service; and
- Involves a planned and collaborative school-wide approach that is implemented with a goal;
  - Of establishing a positive and supportive school environment that:
    - Teaches and reinforces prosocial behavior in a student;
    - Holds a student positively accountable for meeting an established behavioral expectation; and
    - Maintains a level of consistency throughout the implementation process; and
  - That is accomplished by using positive behavioral programs, strategies, or approaches.



“Prone restraint” means restraining a student in a face-down position on the floor or another surface and applying physical pressure to the body of the student to keep the student in the prone position.

“Serious physical harm” means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

“Supine restraint” means the restraint of a student in a face-up position on the student’s back on the floor or another surface and with physical pressure applied to the body of the student to keep the student in the supine position.

### **Positive Behavioral Supports**

The District shall implement positive behavioral supports to be used at the:

1. Prevention level for each student in a school;
2. Strategic intervention level for a student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and
3. Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services.

The District’s positive behavioral support shall include;

- a. The teaching and reinforcing of interpersonal, social, problem-solving, conflict resolution, and coping skills to a student;
- b. Holding a student positively accountable for meeting an established behavioral expectation;
- c. Maintaining a high level of consistency through the implementation of the positive behavioral support process; and
- d. The following interrelated activities;
  - ✚ Providing a school-wide approach to the discipline and safety of each student rather than an approach to only the behavior problem of a single student;
  - ✚ Focusing on preventing the development and occurrence of problem behavior;
  - ✚ Regularly reviewing behavior data to adapt the District’s procedures to meet the needs of every Student; and
  - ✚ Providing a multitier approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each student.

The following principles shall form the basis of the District’s positive behavioral support system and conflict resolution or de-escalation approach:

1. A student has the right to be treated with dignity;
2. A student should receive necessary academic, social, emotional, and behavioral support that is provided in a safe and least-restrictive environment possible;
3. Positive and appropriate academic, social, emotional, or behavioral intervention as well as mental health support, should be provided routinely to each student who needs the intervention or support;
4. Behavioral intervention should emphasize prevention as part of the District’s system of positive behavioral support;

and

5. Each student who exhibits an ongoing behavior that interferes with the student's learning or the learning of others, and who is nonresponsive to effectively implemented classroom or administrative intervention, should receive additional intensive behavioral intervention that is based on a FBA and data-based problem solving.

### **Problem Solving and Intervention Team**

A problem-solving and intervention team shall be established for each student who exhibits social, emotional, or behavioral difficulty that may escalate, if not addressed, to potentially dangerous behavior. The problem-solving and intervention team shall include at least one (1) member who is an academic and behavioral assessment and intervention professional.

A student's problem-solving and intervention team shall:

- a. Work with the teachers of a student to complete a FBA of the student and an assessment of any problematic situations involving the student;
- b. Consider the need for a BIP with the goal of preventing or resolving the social, emotional, or behavioral difficulty of the student and developing a response that will de-escalate and stabilize a potential emergency situation that approaches the danger level; and
- c. Regularly review the data on incidents involving the use of physical restraint on the student and adjust, as necessary, the procedures concerning the use of physical restraint on the student.

Special education procedures shall be followed if a student is suspected of having a disability that relates to behavioral concerns.

### **Physical Restraint**

Except in the case of a clearly unavoidable emergency situation in which a trained member of school personnel is not immediately available due to the unforeseeable nature of the emergency situation, the physical restraint of a student shall only be used by a member of school personnel who is appropriately trained to administer physical restraint.

When using physical restraint on a student, school personnel shall:

- Use the least restrictive technique necessary to end imminent danger or serious physical harm to a student and others;
- Use the safest method available and appropriate to the situation;
- Consider the health and safety of a student, including without limitation whether the student has an existing medical condition that makes the use of physical restraint inadvisable;
- Not restrict the ability of a student to communicate unless the use of a less restrictive technique will not prevent imminent danger of serious physical harm to the student or others;
- Not verbally abuse, ridicule, humiliate, taunt, or engage in any other similar act towards the student; and
- Continuously and visually observe and monitor the student while the student is under physical restraint.

Physical restraint of a student shall only be used for a limited period of time and shall not be used;

- When imminent danger or serious physical harm to the student or others dissipates;
- If a medical condition occurs that puts the student at risk of harm
- Unless the behavior of the student poses an imminent danger of serious physical harm to the student or

others;

- After the threat of imminent danger of serious physical harm to the student or others dissipates; or
- In the following manner
  - To punish or discipline the student;
  - To coerce the student;
  - To force the student to comply;
  - To retaliate against the student;
  - To replace the use of an appropriate educational or behavioral support;
  - As a routine safety measure;
  - As a planned behavioral intervention in response to behavior of the student that does not pose an imminent danger of serious physical harm to the student or others;
  - As a convenience for school personnel; or
  - To prevent property damage unless the act of damaging property committed by the students poses an imminent danger or serious physical harm to the student and others.

Even in an emergency, supine restraint shall not be used on a student except by a staff person who has been certified by a crisis intervention training program and the certified staff person determines that supine restraint is required to provide safety for the student and others.

At no time shall school personnel use the following on a student:

- ✚ Mechanical restraint;
- ✚ Chemical restraint;
- ✚ Aversive behavioral interventions that compromise health and safety;
- ✚ Physical restraint that is life-threatening or medically contraindicated; or
- ✚ Prone restraint or other restraint that restricts the breathing of a student.

Following the first incident of physical restraint used on a student, an FBA shall be conducted unless a previous FBA was conducted for the same behavior that was at issue when the physical restraint was used.

Physical restraint on a student as a planned behavior intervention shall not be included in a student's IEP, 504 Plan, BIP, individual safety plan, or other individual planning document but may be considered as a crisis intervention if appropriate for the student. A student's IEP team or 504 Plan team shall consider whether an FBA should be performed; if a BIP should be developed for the student or if a student's existing BIP should be revised; and if additional behavioral goals and interventions should be included in the student's existing IEP or 504 Plan.

Parents may submit complaints regarding an incident involving the use of physical restraint on their student. A complaint shall be referred for review to the appropriate school personnel:

- The student's problem-solving and intervention team;
- The student's IEP team; or
- The student's 504 Plan team.

A complaint by a parent shall be handled by the appropriate District staff in the same manner as a debrief following the use of physical restraint on a student.

Use of a physical restraint technique that is abusive shall be reported to the Child Abuse Hotline and law enforcement.

### **Reports and Debriefing**

After the occurrence of an incident involving physical restraint of a student, the building principal, or the principal's designee, shall be notified of the incident as soon as possible but by no later than the end of the school day when the incident occurred.

The student's parent shall be notified of the incident of the use of physical restraint via verbal or electronic communication as soon as possible but by no later than the end of the school day when the incident occurred. In the event the student's parent is unable to be notified via verbal or electronic communication within twenty-four (24) hours after the incident occurred, then the parent shall be mailed written notification of the incident within forty-eight (48) hours after the incident occurred.

School personnel involved in the incident shall document the incident in a written report, which is to be completed within twenty-four (24) hours after the incident occurred. The Written report of the incident shall:

1. Include all information contained in the Division of Elementary and Secondary Education (DESE) Physical Restraint or Seclusion incident Record and Debriefing Report;
2. Be maintained in the student's education record; and
3. Be provided to the student's parent within one (1) school day of the completion of the report.

A debriefing meeting shall be held within two (2) school days after the incident occurred. The following school personnel shall be present at the debriefing meeting:

- a. A member of school personnel who was present during the incident;
- b. A member of school personnel who was in the proximity of the student on whom physical restraint was used immediately before and during the time of the incident;
- c. A school administrator; and
- d. Any other member of school personnel determined to be appropriate by the District.

The purpose of the debriefing meeting shall be to:

- Determine whether the procedures used during the incident were necessary
- Evaluate the use of any behavioral supports and de-escalation techniques by school personnel before and during the incident;
- Evaluate the school district's positive behavioral supports system and prevention techniques in order to minimize future use of physical restraint; and
- If a trained member of school personnel was not immediately available due to the unforeseeable nature of the emergency situation when the incident occurred;
  - Reevaluate the training needs of school personnel;
  - Reevaluate the physical restraint policy and practices; and
  - Develop a plan to prevent a future incident.

At a debriefing meeting, school personnel shall:

1. Consider relevant information in the student's education record, including without limitation;

- a. The concerns of the student's parent;
  - b. The student's social and medical history;
  - c. The student's FBA, if one exists; and
  - d. The student's BIP, if one exists;
2. Consider relevant information from the teachers, parents, and other District professionals;
  3. Discuss whether positive behavior supports were appropriately implemented;
  4. Discuss the duration and frequency of the use of physical restraint on the students
  5. Discuss appropriate action that may be taken to prevent and reduce the need for physical restraint;
  6. Consider whether additional intervention and support is necessary for school personnel;
  7. Consider whether additional intervention and support is necessary for school personnel; and
  8. Consider how and when to debrief a person who was not present at the debriefing meeting, including without limitation;
    - a. The student;
    - b. The student's parent; and
    - c. Other school personnel or students who witnessed the incident.

DESE's Physical Restraint or Seclusion Incident Record and Debriefing Report, or an alternative report that includes the same information, shall be completed during the debriefing meeting. A copy of the report shall be;

- Submitted to the building principal
- Mailed to the student's parent within two (2) days of the date on which the debriefing meeting was held; and
- Maintained as part of the student's educational record along with other documents consulted during the debriefing meeting.

Legal Reference: A.C.A. § 6-18-2301 et seq

Date Adopted: June 2021

Last Revised: June 2021

### **Copy Righted Materials**

#### **School Board Policy --- 5.8 Use of Copyright Materials**

##### **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 his 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."

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

#### **Definitions**

"Class session" 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 textbook, 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.

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 requirement 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 place 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 student enrolled in the course;
  - Each student shall have a unique ID and password for accessing digital courses/materials; 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 requirement 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 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 stores. 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 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 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:
  - Course syllabus;

- Home webpage for the course;
- Webpage for the particular class session; and/or
- webpage with 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)

Date Adopted: Oct. 2010

Last Revised: June 2021

## **Digital Learning Courses**

### **School Board Policy – 5.11 Digital Learning Courses**

#### **Definitions**

For the purposes of this policy

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

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

“Instructional Materials” means:

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

“Online Learning” is education in which instruction and content are delivered primarily over the Internet. The term does not include print-based correspondence education, broadcast television or radio, videocassettes, compact disks and stand-alone educational 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 course 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 Division of Elementary and Secondary Education (DESE). The School Board shall determine the provider method or combination of methods for the District. The Superintendent shall ensure that all digital learning courses provided to District students, regardless of the source of the course, have been approved by DESE.

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

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

A student may elect to take any or all of his/her scheduled courses digitally. The student's attendance in the student's digital course(s) shall be determined in accordance with Policy 4.7---Absences.

The District is responsible for providing all instructional materials for each student who enrolls in District approved digital learning course.

Regardless of any other provisions of this policy the District may restrict a student's access to digital courses when the student's building principal determines the student's participation in such a course would not be academically appropriate based on the student's past performance in digital courses. Furthermore, the student's building principal may revoke a student's eligibility to continue taking a digital learning course if the student's performance during the semester indicates the student is not succeeding in the course.

Cross References: 4.7--ABSENCES  
4.45 --- Smart Core Curriculum and Graduation Requirements  
5.8--- Use of Copyrighted Materials

Legal Reference: A.C.A. § 6-16-1401 et seq.  
A.C.A. § 6-18-213  
A.C.A. § 6-18-222  
A.C.A. § 6-28-109  
DESE Rules Governing Distance and Digital Learning

Date Adopted: June 2014

Last Revised: June 2021

### **Anti-Bullying Policy Act 681 of 2003**

#### **School Board Policy – 4.43 Bullying**

##### **Definitions:**

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

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

- Physical harm to a public school employee or student or damage to the public school employee's or student's property;



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

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

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

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

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

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

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

- h. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

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

environment or is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in the 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 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 hostile environment;
- Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
- Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

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

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

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

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

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:
  - a. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
  - b. Prepare a written report of the alleged incident of bullying;
2. Promptly investigate the credible report of complaint of bullying, which shall be completed by no later than the fifth (5th) days following the completion of the written report.
3. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student who was the alleged

- victim in a credible report of bullying whether the investigation found the credible report or complaint of bullying to be true and the availability of counseling and other intervention services.
4. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of the student, or person acting in loco parentis of the student who is alleged to have been the perpetrator of the incident of bullying:
    - a. That a credible report or complaint of bullying against their student exists;
    - b. Whether the investigation found the credible report of complaint of bullying to be true;
    - c. Whether action was taken against their student upon the conclusion of the investigation of the alleged incident of bullying; and
    - d. Information regarding the reporting of another alleged incident of bullying, including potential consequences of continued incidents of bullying;
  5. Make a written record of the investigation, which shall include:
    - a. A detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying
    - b. Any action taken as a result of the investigation; and
  6. Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

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

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

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

**Level of consequences will be at the administrator's discretion.**

Levels of Consequences:

- Level A: (Minimum): Student –Principal Conference (warning)
- Level B: Detention
- Level C: Student, Parent, Principal Conference
- Level D: In-school Suspension
- Level E: Corporal Punishment
- Level F: Suspension
- Level G: (Maximum): Expulsion

Students or adults, who knowingly fabricate allegations and falsely accuse a student of being a bully, will be subject to disciplinary action.

**Copies of this policy shall be available upon request.**

Legal Reference: A.C.A. § 6-18-514

A.C.A. § 5-71-217

DESE Rules Governing Student Discipline and School Safety

Date Adopted: Oct. 2010

Last Revised: July 2020

### **Sexual Harassment---Act 1108 of 1997**

#### **School Board Policy 4.27---Student Sexual Harassment**

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

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

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

#### **Definitions**

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

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

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

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

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

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

- e) Dating violence
- f) Domestic violence; or
- g) Stalking.

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

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

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

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

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

- Discuss the availability of supportive measures;
- Consider the complainant’s wishes with respect to supportive measures:

- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- Explain to the complainant the process for filing a formal complaint.

### **Supportive Measures**

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

### **Formal Complaint**

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

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

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

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

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

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal

guardian, or other responsible adult of the party's voluntary, written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;

- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
- Provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; this includes evidence:
  - Whether obtained from a party or other source;
  - The District does not intend to rely upon in reaching a determination regarding responsibility; and
  - That is either inculpatory or exculpatory; and
- Create an investigative report that fairly summarizes relevant evidence.

At least ten (10) days prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10) days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

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

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

Following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include-----

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:

- a. Any notification to the parties;
  - b. Interviews with parties and witnesses;
  - c. Site visits;
  - d. Methods used to gather other evidence; and
  - e. Hearings held;
3. Findings of fact supporting the determination;
  4. Conclusions regarding the application of the District's code of conduct to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including:
    - a. A determination regarding responsibility;
    - b. Any disciplinary sanctions imposed on the respondent; and
    - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
  6. The procedures and permissible bases for the complainant and respondent to appeal.

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

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

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's code of conduct.

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

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

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

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

### Appeals

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

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



- d. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the District shall;

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

#### **Confidentiality**

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

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

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

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

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

#### **Emergency removal**

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

#### **Retaliation Prohibited**

Students, or the parents/legal guardians/other responsible adult of a student, who submit a report or file a formal complaint of sexual harassment, testified; or participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The district shall take steps to prevent retaliation and shall take immediate action if any form of

retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

### **Disciplinary Sanctions**

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any student who found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

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

### **Records**

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

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

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

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

Date Adopted: Oct. 2010

Last Revised: July 2020

**Gang and Gang Activities – Act 1108 of 1997**

### **School Board Policy 4.26 – Gang and Gang Activities**

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

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

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

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

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

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

A.C.A. § 5-74-201 et seq.

Date Adopted: Oct. 2010

Last Revised: June 2019

### **Discipline for Handicapped Students**

1. Handicapped students who engage in misbehavior are subject to normal school disciplinary rules and procedures so long as such treatment does not abridge the right to free appropriate public education.
2. The Individualized Education Plan (IEP) team for a handicapped student should consider whether particular discipline procedures should be adopted for that student and included in the IEP.
3. Handicapped students may be excluded from school for up to 10 days, but not more than 10 days per offense, with no program changes.
4. After an emergency suspension is imposed on a handicapped student, an immediate meeting of the student's IEP team should be held to determine the cause and effect of the suspension with a view toward assessing the effectiveness and appropriateness of the student's placement and toward minimizing the harm resulting from the exclusion.
5. The suspended student should be offered alternate educational programming for the duration of the exclusion.
6. There should be a person designated as a grievance officer for Act 504.

### **General Student Behavior**

1. Students may not BUY, SELL, OR TRADE personal items at school.
2. No gum in elementary or middle school... **Gum will be allowed in high school unless it is a disruption.**
3. No open container (drinks) to be allowed outside of the cafeteria. (Except for middle school and high school if the student brought their lunch, and they are eating at the picnic tables. When lunch is over the container must be disposed unless it is a thermos)
4. No food items or candy in the classroom except for educational or party events.

5. No running in the buildings.
6. No spitting.
7. Students should not sit on desks or tables.
8. Fighting and/or scuffling are strictly prohibited.
9. Chairs or desks are not to be moved unless directed to do so by a teacher.
10. Students are not allowed to use tobacco in any form at school or at a school activity. Tobacco products will be confiscated if found on campus.
11. Electronic devices are not to be played on buses, or in buildings, or at basketball games, unless permission has been obtained from the principal's office.
12. Students are not to be on the school grounds or in buildings unless there is a sponsoring teacher or a duty teacher present.
13. The school telephone is for school business only. Students must get permission to use the phone and state who they are calling and what their business is.
14. All trash, such as candy wrapper, paper cups, lunch sacks, pop cans, and milk cartons are to be placed in the containers provided and not to be thrown about on the campus.
15. Profanity, written or spoken, will not be tolerated.
16. Disrespectful remarks, gestures, and/or attitude will not be tolerated.
17. Do not bring gum, candy, toys or other distracting items into the classroom.

#### **Playground Rules (Middle School/Elementary)**

Students are expected to:

1. Use playground equipment safely and appropriately.
2. Use playground equipment for the purpose for which it was intended.
3. Never throw rocks, sticks, or pea gravel.
4. Do not remove gravel from the playground.
5. No jumping off the platform on the playground equipment.
6. Only climb up the rock wall then move immediately.
7. No climbing up the slides.
8. Touch football only.
9. No grabbing or physical play.
10. Jump ropes are only for jumping on the blacktop.
11. Line-up immediately when recess is over.

#### **Cafeteria Rules**

Students are expected to display good manners and eating habits while in the cafeteria. Good manners, cleanliness, and consideration for others shall be expected of students in the cafeteria.

1. Talking should be in a whisper tone.
2. No food, napkins, etc., will be taken from the cafeteria.
3. If students bring a thermos, they must bring a lunchbox.
4. Plastic bottles that have been opened must be placed in the trash can at the end of lunch.
5. Always walk in the cafeteria.

#### **Transportation**

### **School Board Policy 4.19 Conduct to and from School and Transportation Eligibility**

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

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. In addition to other disciplinary measures provided for violations of the District's Student code of Conduct, the student's bus transportation privileges may be suspended or terminated for violations of the Student Code of Conduct related to bus behavior.

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

### **Policies for Students Riding School Buses (Bus Rules)**

1. Be at the bus stop at the scheduled time. Stand back about 10 feet from the bus stop and wait until the door is opened before moving closer to the bus. Do not play on the highway or road. It is dangerous for buses to remain stopped on highways longer than necessary. Students who are continually late or deliberately walk slowly to the bus will be left. While waiting for the bus, do not attempt to hitchhike a ride or walk to or from school.
2. While loading or unloading, enter or leave the bus orderly and quickly.
3. While riding the bus, students are under the supervision of the driver and must obey the driver at all times.
4. Students are expected to conduct themselves in such a manner so as not to distract the attention of their driver or disturb other riders on the bus (which includes keeping your hands to yourself; attend to your own matters; leave other student alone; and be reasonably quiet).
5. No knives or sharp objects of any kind are allowed - neither firearms, pets, nor other living animals, etc.
6. You are not to tamper with any of the safety devices such as door latches, fire extinguishers, etc.
7. Students must stay seated while the bus is in motion and are not to change seats at any time except as the driver directs.
8. Do not put hands, arms, heads, or bodies out of the window.
9. Do not yell at anyone outside the bus.
10. Students are not to deface the bus or any school property. Do not write on the bus or damage seats, etc. Parents will be responsible for any damage students do to the bus.
11. Do not throw paper, food, or other objects on the floor of the bus.
12. Do not eat on the bus.
13. No tobacco of any form is to be used while riding a school bus.
14. Keep aisle of the bus clear from books, lunches, coats, etc. Do not put feet in aisle.
15. Buses will stop at regular stops only. Do not ask the driver to let you off the bus at the store, post office, or any place except your regular stop.
16. If you must cross the road or highway to enter the bus, try always to be on the right side of the road waiting on the bus. If you should arrive at the stop just as the bus approaches the stop, wait until the bus has come to a complete stop and the driver has signaled for you to cross in front of the bus. (Unless the bus driver directs you differently.)
17. Students, who must cross the road after leaving the bus in the afternoon, must go to a point on the shoulder of the road 10 feet in front of the bus. Cross the road only after looking both ways and the driver has signaled you to do so.
18. Do not throw things out of the bus window.
19. No cell phones can be used on the bus routes.

20. Students are to obey the bus driver and be respectful at all time.
21. This is not intended to cover all the “do’s and don’ts”, but is a very specific guide. The driver may find it necessary to interpret these policies in light of his/her own bus needs.
22. **STUDENTS THAT CONTINUALLY ABUSE THESE POLICIES WILL HAVE TO PROVIDE THEIR OWN TRANSPORTATION TO AND FROM SCHOOL**

Parents or guardian signature on the Statement of Responsibility from the Handbook acknowledges acquaintance/receipt of these policies.

Dean of Students or Principal’s discretion for discipline will be based on the incident and the number of referrals from the individual student.

Legal Reference: A.C.A § 6-19-119 (b)

A.C.A. § 5-60-122

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: Oct. 2010

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