

**ARKANSAS DEPARTMENT OF EDUCATION
GUIDELINES FOR THE DEVELOPMENT,
REVIEW AND REVISION OF SCHOOL DISTRICT STUDENT
DISCIPLINE AND SCHOOL SAFETY POLICIES
March 1, 2012**

1.00 TITLE

- 1.01 These guidelines shall be known as the Arkansas Department of Education Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies.

2.00 REGULATORY AUTHORITY

- 2.01 The State Board of Education enacts these guidelines pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-18-502, 6-18-503, 6-18-504, 6-18-505, 6-18-506, 6-18-507, 6-18-514 and 25-15-201 et seq.

3.00 PURPOSE

- 3.01 These guidelines are designed to assist local school districts with the development, review and revision of student discipline and school safety policies.

4.00 GENERAL GUIDELINES AND MINIMUM REQUIREMENTS

- 4.01 Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies.
- 4.01.1 School districts should strive to ensure that those involved with the development of school district student discipline policies come from diverse racial, gender, and socioeconomic backgrounds and that the group consist of a sufficient number of individuals to provide broad representation within the district.
- 4.01.2 School districts may elect to have separate policies for different organizational levels and may have policy development teams for each organizational level or use one team for all organizational levels.
- 4.02 The student discipline policies shall be reviewed annually by the school district's committee on personnel policies. The committee may recommend changes in the policies to the board of directors of the local school district.

- 4.03 Student discipline policies shall include, but not be limited to, the following offenses:
- 4.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - 4.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;
 - 4.03.3 Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;
 - 4.03.4 Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:
 - 4.03.4.1 The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and
 - 4.03.4.2 The policy may exempt possession of such a device after normal school hours for extracurricular activities.
 - 4.03.5 Willfully or intentionally damaging, destroying, or stealing school property by students.
- 4.04 The school discipline policies shall:
- 4.04.1 Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;
 - 4.04.2 Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.
 - 4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

- 4.04.4 Include prevention, intervention, and conflict resolution provisions; and
- 4.04.5 Set forth the role and authority of public school employees and volunteers.
- 4.05 Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- 4.06 Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- 4.07 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- 4.08 If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- 4.09 Each school district in this state shall develop written student discipline policies in compliance with these guidelines and shall file such policies with the Department of Education.
- 4.10 School district discipline policies shall include provisions for placement of a student with disciplinary, socially dysfunctional, or behavioral problems not associated with a handicapping condition in an alternative learning environment provided by the district. Behavioral problems shall include those at risk of not satisfactorily completing a high school education.
- 4.11 A school district that authorizes the use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.
 - 4.11.1 "Teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.
 - 4.11.2 Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the

district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.

- 4.12 A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female. This policy shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.
- 4.12.1 A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of Section 4.12 of these rules.
- 4.12.2 Section 4.12 of these rules shall not be enforced in a manner that discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.
- 4.13 Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies as required by law and shall be submitted to the Department of Education within thirty (30) days after the adoption of such amendment or revision.
- 4.14 The Department of Education shall monitor compliance with the requirements of these rules and of Ark. Code Ann. §§ 6-18-502 and 6-18-503. Any school district failing to file the disciplinary policies required by Ark. Code Ann. § 6-15-503 and Section 4.09 of these rules with the Department of Education shall have all state aid funds withheld until such disciplinary policy is filed with the Department of Education.
- 4.15 Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns. Such written policies may be a part of the school district's student discipline policies. These policies may be revised at any time by filing an updated policy with the Department of Education.
- 4.16 Every school district board of directors shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.
- 4.17 The principal of each school shall report within a week to the Department of Education the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.
- 4.17.1 The expulsion shall be noted on the student's permanent school record.

- 4.17.2 Nothing in Section 4.17 of these rules shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis.
- 4.17.3 The Department of Education shall establish and maintain a registry of students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence. The names, addresses, and social security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state, so long as the provision of such information does not otherwise violate state or federal law.
- 4.18 The board of directors of every school district shall adopt policies to prevent bullying and file such policies with the Department of Education. Such policies may be a part of the school district's student discipline policies. The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the State Board of Education determines that the policies need improvement.

5.00 OTHER STATUTORY REQUIREMENTS

- 5.01 School district leaders are advised of the following statutory requirements pertaining to school district discipline policies:
- 5.01.1 Ark. Code Ann. §§ 6-18-209 and 6-18-222 concerning student attendance policies;
- 5.01.2 Ark. Code Ann. § 6-5-201 et seq. concerning the prohibition of hazing;
- 5.01.3 Ark. Code Ann. § 6-18-507 concerning suspension and expulsion procedures;
- 5.01.4 Ark. Code Ann. § 6-18-511 concerning the removal of students from the classroom by teachers;
- 5.01.5 Ark. Code Ann. § 6-18-512 concerning policies pertaining to the seizure of hand-held laser pointers;
- 5.01.6 Ark. Code Ann. § 6-18-513 concerning parental notification of certain incidents involving law enforcement personnel; and
- 5.01.7 Ark. Code Ann. § 6-18-514 concerning the requirement to adopt anti-bullying policies.

- 5.02 The above list is non-exhaustive in nature and is provided for informational purposes only. School district leaders are advised to consult with locally-retained legal counsel concerning other applicable state and federal laws as well as developments in case law pertaining to student discipline.