

## **Section 3**

### **Civil Rights and Legal Protection**

The Nemo Vista School District intends to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and the Office for Civil Rights Guidelines and the Americans with Disabilities Act. In regard to this information, no one will be discriminated against because race, creed, sex, handicap, or national origin.

#### Provisions of the Family Educational Rights and Privacy Act of 1974

As a parent you have the right to inspect your child's educational records and the right for a hearing should you choose to challenge the contents of such records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation by the parents respecting the contents of such records. Your request to inspect such records shall be complied with as soon as we can arrange it and in no case more than 45 days from the receipt of your request. The same time limits apply for a request for a hearing to challenge the content of such records.

The principal has a copy of the district's policy on student records which you may examine. You have the right to file a complaint with the Federal Office of Education concerning alleged failures of the district to comply with the requirements of 93.380.

We maintain three types of records: (1) records of academic progress, (2) records of behavior; and (3) health records. The principal is in charge of these records.

Any school that wishes to release personally identifiable data from a student's record must first obtain written permission (consent) from the parents of the student before releasing such information.

Only in two specific instances is written permission not required:

- (a) Other school officials within the same school may request and receive a student's record.
- (b) Officials of other schools or school systems in which the student has enrolled may request and receive a student's records.

#### **Due Process**

Every student is entitled to due process in every instance of disciplinary action for which the student may be subjected to penalties of suspension or expulsion. (See Ark. Stat. Ann. 90-1516)

1. Due process is afforded to students in disciplinary cases of some magnitude such as:
  - (a) expulsion
  - (b) statements removed from student's records and
  - (c) clearing one's reputation
2. The Supreme Court ruled in 1975 that, for every suspension not exceeding ten days, the student has the right to be accorded the minimum requirements of the due process clause of the Fourteenth Amendment of the Constitution of the United States.
3. Due process procedures must be known to all students and must comply with all state and federal laws.
4. Each school should establish procedures for notice to students and parents of charges, hearing, and other due process proceedings.
5. Each school district shall develop a grievance procedure including steps to be followed by students to resolve a grievance.
6. The due process rights of students and parents are as follows:
  - (a) Prior to any suspension, the school principal or his/her designee, shall advise the pupil in question of the particular misconduct of which he/she is accused, as well as the basis for such accusation.
  - (b) The pupil should be given an opportunity at that time to explain his/her version of the facts to the school principal or his/her designee.
  - (c) Written notice of suspension and the reason(s) for the suspension shall be given to the parent(s) of the pupil.
  - (d) Any parent(s), or legal guardian of a pupil suspended shall have the right to appeal to the superintendent of schools.
  - (e) Refusal to take corporal punishment may result in suspension or other disciplinary measures,
  - (f) A written report shall be filed in the principal's office by no later than the end of the school day.

#### **Personal Search**

#### **School Board Policy 4.32-SEARCH, SEIZURE, AND INTERROGATIONS**

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

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

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

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

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

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

Legal Reference: A.C.A. § 6-18-513

A.C.A. § 9-13-104

A.C.A. § 12-18-608, 609, 610, 613

A.C.A. § 12-18-1001, 1005

Date Adopted: Oct. 2010

Last Revised: June 2019

## **Special Education**

### **School Board Policy 4.49 Special Education**

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

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

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

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

Legal References: 34 C.F.R. 300 et seq.

42 U.S.C. § 12101 et seq. American with Disabilities Act

29 U.S.C. § 794 Rehabilitation Act of 1973, Section 504,

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act,

P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act

A.C.A. § 6-41-102

A.C.A. § 6-41-103

A.C.A. § 6-41-201 et seq.

Date Adopted: June 2009

Last Revised: June 2017

## **Homeless Policy**

### **School Board Policy 4.40-HOMELESS STUDENTS**

The Nemo Vista School District will afford the same services and educational opportunities to homeless children as are afforded to non-homeless children. The Superintendent or his/her designee shall appoint an appropriate staff person

to be the local educational liaison for homeless children and youth whose responsibilities shall include, but are not limited to:

- Receive appropriate time and training in order to carry out the duties required by law and this policy;
- Coordinate and collaborate with the State Coordinator, community, and school personnel responsible for education and related services to homeless children and youths;
- Ensure that school personnel receive professional development and other support regarding their duties and responsibilities for homeless youths;
- Ensure that unaccompanied homeless youths;

- Are enrolled in school;
- Have opportunities to meet the same challenging State academic standards as other children and youths; and
- Are informed of their status as independent student under the Higher Education Act of 1965 and that they may obtain assistance from the LEA liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid;
- Ensure that public notice of the educational rights of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.

To the extent possible, the LEA liaison and the building principal shall work together to ensure no homeless child or youth is harmed due to conflicts with District policies solely because of the homeless child or youth's living situation; this is especially true for District policies governing fees, fines, and absences.

Notwithstanding Policy 4.1, homeless students living in the district are entitled to enroll in the district's school that non-homeless students who live in the same attendance area are eligible to attend. If there is a question concerning the enrollment of a homeless child due to a conflict with Policy 4.1 or 4.2, the child shall be **immediately admitted to the school in which enrollment is sought pending resolution of the dispute**, including all appeals. **It is the responsibility of the District's LEA liaison for homeless children and youth to carry out the dispute resolution process.**

For the purposes of this policy "school of origin" means:

- The school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool; and
- The designated receiving school at the grade level for all feeder schools when the child completes the final grade provided by the school of origin.

The District shall do one of the following according to what is in the best interests of a homeless child:

- Continue the child's or youth's education in the school of origin for the duration of homelessness;
  - In any case in which a family becomes homeless between academic years or during an academic year; and
  - For the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- Enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

In determining the best interest of the child or youth, the District shall:

- Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- Consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth.

If the District determines that it is not in the child's or youth's best interest to attend the school of origin or the school

requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, the District shall provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth including information regarding the right to appeal. For an unaccompanied youth, the District shall ensure that the LEA liaison assists in placement or enrollment decisions, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

The homeless child or youth must be immediately enrolled in the selected school regardless of whether application or enrollment deadlines were missed during the period of homelessness.

The District shall be responsible for providing transportation for a homeless child, at the request of the parent or guardian (or in the case of an unaccompanied youth, the LEA Liaison), to and from the child's school of origin.\*

For the purposes of this policy, students shall be considered homeless if they lack a fixed, regular, and adequate nighttime residence and:

1. Are:
  - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate Accommodations;
  - Living in emergency or transitional shelters;
  - Abandoned in hospitals; or
2. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Are migratory children who are living in circumstances described in clauses (a) through (c).

In accordance with Federal law, information on a homeless child or youth's living situation is part of the student's education record and shall not be considered, or added, to the list of directory information in Policy 4.13.

Legal References\*\*:

42 U.S.C. § 11431 et seq.  
42 U.S.C. § 11431 (2)  
42 U.S.C. § 11432(g)(1)(H)(I)  
42 U.S.C. § 11432 (g)(1)(J)(i), (ii), (iii), (iii)(I), (iii)(TI)  
42 U.S.C. § 11432 (g)(3) (A), (A) (i), (A) (i)(I), (A) (i)(TI), (A) (ii)  
42 U.S.C. § 11432 (g) (3)(B)(i), (ii), (iii)  
42 U.S.C. § 11432 (g)(3) ( C )(i), (ii), (iii)  
42 U.S.C. § 11432 (g)(3)(E)(i), (ii), (iii)  
42 U.S.C. § 11432 (g)(3) (G)  
42 U.S.C. § 11432 (g)(4) (A), (B), (C), (D), (E),  
42 U.S.C. § 11434a  
Commissioner's Memo COM-18-044

Date Adopted: Oct. 2010

Last Revised: Feb. 2018

## **Foster children**

### **School Board Policy 4.52 – Students who are Foster Children**

The District will afford the same services and educational opportunities to foster children that are afforded other children and youth. The District shall work with the Department of Human Services (“DHS”), the Division of Elementary and Secondary Education (DESE), and individuals involved with each foster child to ensure that the foster child is able to maintain his/her continuity of educational services to the fullest extent that is practical and reasonable.

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

The District, working with other individuals and agencies shall, unless the presiding court rules otherwise or DHS grants a request to transfer under Foster Child School Choice, ensure that the foster child remains in his/her school of origin, even if a change in the foster child’s placement results in a residency that is outside the district. In such a situation, the District will work with DHS to arrange for transportation to and from school for the foster child to the extent it is reasonable and practical.

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

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

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

If a foster child was enrolled in a District school immediately prior to completing his/her graduation requirements while detained in a juvenile detention facility or while committed to the Division of Youth Services of DHS, the District shall issue the child a diploma.

### **Foster Child School Choice**

If DHS approves a request from a foster parent, or the foster child if the foster is eighteen (18) years of age, to transfer to another school in the District as being in the best interest of the foster child, the District shall allow the foster child to transfer to another school in the District or into the District if the foster parent, or the foster child if the foster child is eighteen (18) years of age, submits a request to transfer on a form approved by DESE that is postmarked by no later than May 1 of the year the student seeks to begin the fall semester at another school in the District or in the District.

By July 1 of the school year in which the student seeks to transfer under this section, the superintendent shall notify the foster parent, or the foster child if the foster child is eighteen (18) years of age, in writing whether the application has been accepted or rejected. If the application is accepted, the superintendent shall state in the notification letter a reasonable deadline for the foster child to enroll in the new school or the District and that failure to enroll by the date shall void the school choice acceptance. If the application is rejected and that foster parent, or the foster child if the foster child is eighteen (18) years of age, may submit a written appeal of the rejection to the State board within ten (10) days of receiving the notification letter.

The District shall only reject a Foster Child School Choice application if:

1. The public school or District has reached the maximum student-to-teacher ratio allowed under federal laws, state law, rules for standards of accreditation, or other applicable rule or regulation; or
2. Approving the transfer would conflict with a provision of an enforceable desegregation court order or a public school district’s court-approved desegregation plan regarding the effects of past racial segregation in student assignment.

The foster child whose application is rejected by the District may submit a written request within ten (10) days following the receipt of the rejection letter from the superintendent to the State Board of Education for the State Board to reconsider the transfer.

A Foster Child School Choice transfer shall remain in effect until the foster child'

- Graduates from high school; or
- Transfers to another school or school district under;
  - The Foster Child School Choice Act;
  - Opportunity Public School Choice Act;
  - The Public School Choice Act of 2015; or
  - Any other law that allows a transfer.

The District shall accept credits toward graduation that were awarded by another public school district.

When a foster child transfers from the foster child's school of origin to another school in the District or into the District, the foster child or the foster parent is responsible for the foster child's transportation to and from the school the foster child transferred to. The District and the foster parent, or the foster child if the foster child is eighteen (18) of age, may enter into a written agreement for the District to provide the transportation to and from the school the foster child transferred to.

Cross Reference: Policies 4.1 --- Residence Requirements, 4.2--- Entrance Requirements, 4-7 --- Absences,  
4.5---School Choice

Legal Reference: A.C.A. § 9-28-113  
A.C.A. § 6-18-233

Date Adopted: June 2011

Last Revised: June 2019

## **Multiple Birth Siblings**

### **School Board Policy 4.53 --- Placement of Multiple Birth Siblings**

The parent, guardian or other person having charge or custody of multiple birth siblings in grades pre-K through 6 may request that the multiple birth siblings are placed in either the same or separate classrooms. The request shall be in writing not later than the 14<sup>th</sup> calendar day prior to the first day of classes at the beginning of the academic year. The school shall honor the request unless it would require the school to add an additional class to the sibling's grade level. If one parent of multiple birth siblings requests a placement that differs from that of the other parent of the same multiple birth siblings, the school shall determine the appropriate placement of the siblings.

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

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

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

Legal Reference: A.C.A. § 6-18-106

Date Adopted: June 2011

## **Student Acceleration**

### **School Board Policy 4.54 --- Student Acceleration**

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

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

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

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

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

Legal References: DESE Gifted and Talented Rules

Date Adopted: June 2013

Last Revised: June 2019

### **Video Surveillance**

#### **School Board Policy 4.48 – Video Surveillance and Other Student Monitoring**

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

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

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

The district shall retain copies of video recordings until they are erased which may be accomplished by either deletion or copying over with a new recording. Other than video recordings being retained under the provisions of this policy's following paragraph, the district's video recordings may be erased any time greater than 1 month after they were created.

Videos, automatic identification, or data compilations containing evidence of a violation of student conduct rules and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or student handbook; any release or viewing of such records shall be in accordance with current law.

Students who vandalize, damage, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment, automatic identification, or data compilation devices shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.

Legal Reference: 20 USC 1232(g)  
20 U.S.C. 7115  
34 CFR 99.3, 4, 5, 7, 8, 10, 12, 31

Date Adopted: Oct. 2010 Last Revised: June 2015