



**KIPP DELTA**  
PUBLIC SCHOOLS

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## **KIPP Delta Public Schools Policy Manual**

## Non-Discrimination Statement

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1. mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;
2. fax: (202) 690-7442 ; or
3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

KIPP Delta Public Schools is an equal opportunity employer that is committed to diversity and inclusion in the workplace. We prohibit discrimination and harassment of any kind based on race, color, sex, religion, sexual orientation, national origin, disability, genetic information, pregnancy, or any other protected characteristic as outlined by federal, state, or local laws.

## Emergency Policy - Mandatory Face Masks & Face Coverings

Per the Arkansas Department of Health, PPE (personal protective equipment, such as face coverings and shields) is an effective way to minimize exposure to COVID-19; therefore, KIPP Delta will require the use of face coverings.

### *Use of Face Masks for Students*

All KIPP Delta Public Schools students, grades Kindergarten through 12<sup>th</sup> grade, shall be required to wear a mask or face covering while attending school or a school function in any school building, district facility or other areas of a school campus or the district's grounds, and when riding in school-provided transportation. This policy applies to students waiting outside school buildings before and after school as well as students waiting at bus stops.

Face coverings must cover a student's mouth and nose. Reusable cloth masks are suggested, but disposable masks are also allowable. Students who do not have a face mask will be provided with one upon arrival at school and/or the bus stop. Face coverings should be consistent with guidelines provided in the student handbook dress code and not contain offensive words, language, or images. Reusable face coverings should be washed after each use. Disposable masks should be disposed of after use.

Students shall wear masks and face coverings at all times, except for the following:

- Students may remove their face masks while eating or drinking or when appropriate social distancing measures are in place, as determined by a teacher or school administrator.
- Students may also remove their face masks on a case-by-case basis for specific instructional needs, including physical education activities, as determined by a teacher, in which case the teacher will utilize appropriate social distancing measures to the extent possible.
- Students may be exempted from the proposed policy by the school leader due to a documented medical condition or disability of the student.
- Students may also be exempted, on a case-by-case basis, from the proposed policy due to special behavioral or individualized needs as determined by the Director of Special Education or the appropriate IEP Team.
- Students may remove masks and face coverings while participating in athletic activities where a six feet distance is not achievable, but a mask is inhibitory to the activity or active exercise.

Students who refuse to wear a mask or face covering at school or at a school function under this Emergency Policy shall be subject to discipline consistent with district policy and exclusion from on-site instruction. Students who refuse to wear a mask on a school bus would be subject to board policy on student conduct while riding a bus.

#### *Use of Face Masks for Employees*

Under this policy, all KIPP Delta employees shall be required to wear a mask or face covering while working or attending a school function in any school building, District facility or other area of a school campus or the District's grounds.

All masks and face coverings must cover the nose and mouth of the employee. Reusable cloth masks are suggested, but disposable masks are also allowable. Staff who do not have a face mask will be provided with one upon arrival. Face coverings should be consistent with professional dress guidelines and not contain offensive words, language, or images. Reusable face coverings should be washed after each use. Disposable masks should be disposed of after use.

Employees shall wear masks and face coverings at all times, except for the following:

- Employees may remove masks and face coverings for eating and drinking.
- Employees may remove masks and face coverings when and where appropriate social distancing measures are in place.
- Employees may remove masks and face-covering when six feet distance is not achievable, but a mask is inhibitory to the ability to safely and effectively perform an employee's job duty.
- Employees may remove masks and face-covering while participating in athletic activities where a six feet distance is not achievable, but a mask is inhibitory to the activity or active exercise.
- Employees may be exempted, on a case-by-case basis, from this Emergency Policy by the school leader or the Executive Director due to a documented medical condition or disability of the employee.

Employees who refuse to wear a mask or face covering at school or at a school function under this Emergency Policy shall be subject to discipline consistent with District Policy, such as suspension without pay and/or termination.

Date Adopted: July 30, 2020

## Privacy Policy

### Definitions

FERPA: Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. §1232g and 34 C.F.R. 99.1-99.35

This federal law and its related regulations prohibit school districts from disclosing, except in certain limited instances, personally identifiable information that is contained in a student's educational record without the consent of the parent/guardian or the student.

**Educational Record:** An educational record includes any written or electronic files, including emails and other communications or materials that are created by the student, teacher or school administrator that (i) contain information directly related to the student, and (ii) are maintained by the educational agency or institution or by a person acting for such educational agency or institution.

**Personally Identifiable Information (PII):** The term includes, but is not limited to -

- i. The student's name;
- ii. The name of the student's [parent](#) or other family members;
- iii. The address of the student or student's family;
- iv. A personal identifier, such as the student's social security number, student number, or [biometric record](#);
- v. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- vi. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- vii. Information requested by a person who the [educational agency or institution](#) reasonably believes knows the identity of the student to whom the education [record](#) relates.

### Student Privacy

Protecting the privacy of student data is of paramount importance at all times. Online learning presents new student privacy and security challenges. The purpose of this policy is to provide staff with online student privacy and security guidance during periods of virtual learning. All applicable Federal laws on student information continue to apply to protect student data.

On March 30, 2020, the Student Privacy Policy Office of the U.S. Department of Education ("SPPO") conducted a webinar addressing the Family Educational Rights and Privacy Act ("FERPA") and the use of virtual learning tools during school closures resulting from the COVID-19 pandemic. The presentation slides used during the webinar can be accessed [here](#).

Consistent with FERPA guidance, KIPP Delta will observe the following precautions while conducting virtual learning:

### Video Recordings

Video recordings of virtual classroom lessons qualify as "education records" protected by FERPA only if they directly relate to a student and are maintained by an educational agency or institution or by a party acting on their behalf. FERPA's non-disclosure provisions may still apply to such video recordings even if they do not qualify as "education records", if the video recording contains PII from student education records.

FERPA does not prohibit non-students from observing online lessons, assuming that PII from student education records are not disclosed. However, KIPP Delta discourages non-students from observing virtual classrooms, and restricts recording and sharing of virtual lessons, to minimize inadvertent disclosure of PII. Recording of virtual classrooms may create education records.

Teachers may record classes and share the recording of virtual classes with enrolled students who are unable to attend in real time, as long as the video recording does not disclose PII from student education records or if appropriate written consent is obtained. However, in general, KIPP Delta prohibits the recording and sharing of lessons unless appropriate written consent is obtained prior to recording the session.

#### Sharing of Personally Identifiable Information (PII)

FERPA does not prohibit teachers from taking PII from student's education records home with them as long as there is a legitimate educational interest in the education records, as determined by KIPP Delta administration, however, this practice will be discouraged. Staff who take education records home are prohibited from further disclosing PII from these records, except as otherwise permitted under FERPA; and, should use reasonable methods to protect the education records, and the PII in those records, from further disclosure. These protections can include access controls that are physical, technological, or administrative.

Staff are instructed to not disclose PII from any student's education record in hearing of others, except for the student and the student's family, unless prior written consent has been obtained.

#### Data Security & Privacy

KIPP Delta will endeavor to ensure that all online learning platforms that receive PII are FERPA-compliant by reviewing terms of service and privacy policies of those platforms. However, the teaching of students may require that multiple students hear information at the same time with parents or others present in homes with students. KIPP cannot monitor all such homes for compliance with security and privacy rules and regulations and is dependent upon adults in those homes to likewise follow the security and privacy policies set forth herein.

#### Recording of Internal and External Phone Calls, Meetings, and Conversations

Federal law permits recording telephone calls, staff meetings, and in-person conversations with the consent of at least one of the parties. However, it is the policy of KIPP Delta Public Schools that no video or audio recording of telephone calls, staff meetings, and/or in person conversations take place without express consent by every party. Violations of this policy may result in offenders being required to surrender their recording devices prior to attending meetings or conferences. If recording is sought, permission of involved parties must be secured prior to recording.

Legal References:       20 U.S.C. § 1232g; 34 C.F.R. Part 99  
                                  [18 U.S.C. 2511\(2\)\(d\)](#)

Date Adopted: July 30, 2020

## **Board Policies**

**Governance by Policy**

The region shall operate within the legal frameworks of the State and Federal Constitutions, and appropriate statutes, regulations, and court decisions. The legal frameworks governing the region shall be augmented by policies adopted by the Board of Directors that shall serve to further define the operations of the region. When necessitated by unforeseen circumstances, the Executive Director shall have the power to decide and take appropriate action for an area not covered by the legal frameworks or a policy of the Board. The Executive Director shall inform the members of the Board of such action. The Board shall then consider whether it is necessary to formulate and adopt a policy to cover such circumstances. The official copy of the policy manual for the region shall be kept in the Executive Director's office. Copies of the manual within the region shall be kept current, but if a discrepancy occurs between manuals, the Executive Director's version shall be regarded as authoritative. Administrative regulations shall be formulated to implement the intentions of the policies of the Board. Regulations may be highly specific. The Board shall review administrative regulations prior to their implementation.

Date Adopted: April 2014

## Policy Formulation

The Board affirms through its policies and its policy adoption process, its belief that: (1) the schools belong to the people who create them by consent and support them by taxation; (2) the schools are only as strong as an informed citizenry and knowledgeable school staff allow them to be; (3) the support is based on knowledge of, understanding about, and participation in the efforts of its public schools. The following shall be the guidelines for policy adoption for the KIPP Delta Schools.

### General Policies

Policies which are not personnel policies may be recommended by the Board or any member of the Board; by the Executive Director, Assistant Executive Director, any other administrator or employee of the region; committee appointed by the Board; or by any member of the public.

Policies adopted by the Board shall be within the legal framework of the State and Federal Constitutions, and appropriate statutes, rules, and court decisions.

Except for personnel policies, when reviewing a proposed policy, the Board may elect to adopt, amend, refer back to the person proposing the policy for further consideration, take it under advisement, reject it, or refuse to consider such proposal.

### Licensed and Classified Personnel Policies

Personnel policies (including employee salary schedules) shall be created, amended, or deleted in accordance with State law:

#### (1) Board Proposals:

The Board may adopt a proposed personnel policy by a majority vote. A Board member or the Executive Director may propose such policies to the Board. The Board may choose to adopt the proposal, as a proposal only, by majority vote.

A copy of all personnel policies shall be signed by the Chair of the Board of Directors and kept in a central records location.

### Effective date of policy changes:

All personnel policy changes enacted will become upon the Board's approval of the change, unless the Board specifies a different date. Student discipline policies shall be reviewed annually by the Regional Leadership Team and may recommend changes to such policies to the Board of Directors. Parents, students, and school region personnel, including teachers, shall be involved in the development of student discipline policies.

In addition, changes to policies to maintain compliance with state or federal laws, rules, regulations, or Commissioner's Memos that are after June 30 but are adopted within ninety (90) days from the effective date of the legal change that created the need for the policy adoption shall become effective on the final date of adoption.

Date Adopted: April 2014

Date Modified: September 2015

Legal References: A.C.A. § 6-13-619(c)  
 A.C.A. § 6-13-635  
 A.C.A. § 6-17-201 et seq.  
 A.C.A. § 6-17-2301 et seq.  
 A.C.A. § 6-18-502(b)(1)(2)



**Tort Immunity**

The region, as well as its agents, officers, employees, and volunteers are immune from liability for negligence, pursuant to A.C.A. § 21-9-301. When allegations of negligence are raised, whether in litigation or not, the statutory grant of immunity will be asserted. [The Board of Directors retains the right to settle claims for negligence, as authorized by A.C.A. § 21-9-301, but it shall do so only in the most extraordinary circumstances. If any claim is settled, the region and the Board of Directors specifically do not waive immunity above the amount of the settlement, nor is that immunity waived for any other claim, at any time, regardless of whether it is similar in nature.]

Date Adopted: April 2014

**Board Member Training**

Board members who have served on the board for twelve (12) or more consecutive months are required to obtain a minimum of six (6) hours of training by December 31 of each calendar year. Effective with the 2006 school election, board members who are elected to serve an initial or non –continuous term shall obtain a minimum of nine (9) hours of training by December 31 of the year following their election and six (6) hours of training by December 31 of each calendar year thereafter. Hours obtained in excess of the required minimums may be carried forward through December 31 of the third calendar year following the year in which the hours were earned. The training shall be focused on topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the Board of Directors. The responsibilities include, but are not limited to legal requirements, role differentiation, and financial management, improving student achievement, reading and interpreting an audit report, and the duties and responsibilities of the various levels of employees within the region as well as those of the board of directors. The region is responsible for maintaining a record of the hours of training received by each board member. Board members shall make a concerted effort to submit documentation of training they have received to the Executive Director or his/her designee. In the absence of such documentation, the region shall attempt to obtain records of training received from training providers. Such training may be obtained from an institution of higher learning, from instruction provided by the Arkansas Department of Education or the Arkansas School Boards Association, or from other providers approved by the Arkansas Department of Education. A statement regarding the number of hours of training received each preceding calendar year shall be:

- Part of the region’s comprehensive school plan and goals;
- Published in the same way as other components of the comprehensive plan and goals are required to be published;
- Part of the annual school performance report required to be submitted to, and published by the Arkansas Department of Education.

Date Adopted: April 2014

**Meeting Agenda**

The agenda guides the proceedings of the Board meeting. The Executive Director shall prepare the agenda with consultation from the Chair of the Board. Other members of the Board who desire to have an item placed on the monthly agenda may do so by contacting the Executive Director or, in writing, the Chair of the Board by the date established in this policy and the item will be duly considered for inclusion. Region patrons wishing to have an item placed on the Board meeting's agenda must submit their requests, in writing to the Executive Director, at least five days prior to the meeting of the Board. The written request must be sufficiently descriptive to enable the Executive Director and Chair of the Board to fully understand and evaluate its appropriateness to be an agenda item. Such requests may be accepted, rejected, or referred back to the individual for further clarification. The Executive Director shall notify the Chair of the Board of all written requests to be placed on the agenda along with the Executive Director's recommendation concerning the request. No item shall be placed on the agenda that would operate to prejudice the Board concerning a student or personnel matter that could come before the Board for disciplinary or employment considerations or that is in conflict with other region policy or law. Patrons whose written request to be placed on the meeting's agenda has been accepted shall have no more than thirty minutes to present to the Board unless specifically granted additional time by a motion approved by a majority of the Board. The speaker shall limit his/her comments to the approved topic/issue or forfeit his/her right to address the Board. The members of the Board will listen to the patron's presentation, but shall not respond to the presenter during the meeting in which the presentation is made, but the Board may choose to discuss the issue presented at a later meeting, but is under no obligation to do so. The Executive Director shall be responsible for Board members receiving copies of the agenda with all accompanying pertinent information at least two days prior to the meeting. This policy's advance notice requirement does not apply to special or called board meetings.

Date Adopted: April 2014

**Executive Director/Board Relationship**

The Board's primary responsibility is to develop, working collaboratively with the community, a vision and mission for the region. The Board formulates and adopts policies to achieve that vision and elects an Executive Director to implement its policies. The Board and the Executive Director and the relationship between them set the tone for the region to follow. The relationship is enhanced when both parties understand their roles and carries them out in an ethical and professional manner working to develop a relationship of mutual trust and respect. The Executive Director and staff are responsible for administering the Board's policies and will be held responsible for the effective administration and supervision of the region. The Executive Director is authorized to develop and implement administrative regulations to fulfill the Board's policies, provided such regulations are consistent with the intent of the Board's policies.

Date Adopted: April 2014

## **Executive Director Compensation**

The Board shall determine the salary and employment benefits of the Executive Director. This includes such benefits as insurance, transportation allowances, annual vacations, holidays, and any other entitlements as deemed appropriate.

Date Adopted: April 2014

## **Nepotism**

### Definitions:

Family or family member means:

- a. An individual's spouse;
- b. Children of the individual or children of the individual's spouse;
- c. The spouse of a child of the individual or the spouse of a child of the individual's spouse;
- d. Parents of the individual or parents of the individual's spouse;
- e. Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
- f. Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
- g. Anyone acting or serving as an agent of the individual or acting or serving as an agent of the individual's spouse.

Initially employed means:

- A. Employed in either an interim or permanent position for the first time or following a severance in employment with the school region;
- B. A change in the terms and conditions of an existing contract, excluding:
  - I. Renewal of a teacher contract under A.C.A. § 6-17-1506;
  - II. Renewal of a noncertified employee's contract that is required by law; or
  - III. Movement of an employee on the salary schedule that does not require board action.

### New Hire of Board Member's Relative as School Employee:

The region shall not initially employ a present board member's family member for compensation in excess of \$10,000 unless the region has received approval from the Commissioner of the Department of Education. The employment of a present board member's family member shall only be made in unusual and limited circumstances. The authority to make the determination of what qualifies as "unusual and limited circumstances" rests with the Commissioner of the Department of Education whose approval is required before the employment contract is effective, valid, or enforceable.

Initial employment for a sum of less than \$10,000 per employment contract or, in the absence of an employment contract, calendar year does not come under the purview of this policy and is permitted. The board member whose family member is proposed for an employment contract, regardless of the dollar amount of the contract, shall leave the meeting until the voting on the issue is concluded and the absent member shall not be counted as having voted.

### Exception: Substitutes

Qualified family members of board members may be employed by the region as substitute teachers, substitute cafeteria workers, or substitute bus drivers for a period of time not to exceed thirty (30) days per fiscal year.

A family member of a school board member having worked as a substitute for the region in the past does not "grandfather" the substitute. The 30-day maximum limit is applied in all cases.

### Existing Employees who are Family Members of Board Members – Raises, Promotions, or Changes in Compensation

Any change in the terms or conditions of an employment contract including length of contract, a promotion, or a change in the employment status of a present board member's family member that would result in an increase in compensation of more than \$2,500, and that is not part of a state mandated salary increase for the

employee in question, must be approved by the Commissioner of the Department of Education before such changes in the employment status is effective, valid, or enforceable.

Qualifications for Board Member Unchanged

The employment status of a citizen's family member does not affect that citizen's ability to serve the school board provided he/she meets all other statutory eligibility requirements.

Date Adopted: April 2014

## **Licensed and Classified Personnel Policies**

## **Nepotism – Direct Supervisor/Employee**

The employment of relatives can cause various problems, including, but not limited to charges of favoritism, conflicts of interest, family discord, and scheduling conflicts.

For the purposes of this policy, the term “immediate family” and “extended family” shall be defined as:

**Immediate Family:** an employee’s spouse, domestic partner, child, stepchild, foster child, father, mother, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, current or former guardian, and/or other members of the family living in the same household of the employee.

**Extended Family:** an employee’s relative outside of immediate family, which may include uncles/aunt, cousins, nieces/nephews, etc.

It is the goal of KIPP Delta to avoid creating or maintaining circumstances in which any conflict of interest is created.

KIPP Delta permits the employment of qualified immediate and extended family members of employees, as long as such employment does not, in the opinion of KIPP Delta, create conflicts of interest.

KIPP Delta will use reasonable judgement in the placement of related employees and allow existing personal relationships to be maintained or employ individuals with personal relationships to current employees in accordance with the following guidelines:

i. Hiring of Immediate or Extended Family Members:

Individuals who are the immediate or extended family member another employee are permitted to be hired and work at the same school and/or department, provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee is permitted to work within the “chain of command” when one’s relative work responsibilities, salary, hours, career progress, benefits, or other terms and conditions of employment could be influenced by the other relative.

ii. Change in Family Relationship Status while Employed

Employees who become part of their supervisor’s immediate or extended family during the term of their employment will be treated in accordance with these guidelines. That is, if in the opinion of KIPP Delta, a conflict arises or could arise, as a result of the relationship, one of the employees may be transferred at the earliest possible time.

iii. Existing Employees who are Family Members of Direct Supervisors – Raises, Promotions, or Changes in Compensation.

Immediate and extended family members employed when this policy was adopted will be “grandfathered” in.

Any change in the terms or conditions of an employment contract including length of contract, a promotion, or a change in the employment status of an employee member directly supervised by a member of their immediate or extended family member that would result in an increase in compensation of more than \$2,500, and that is not part of a state mandated salary increase for the employee in question, must be approved by the Executive Director before such changes in the employment status is effective, valid, or enforceable. Similarly, no evaluations may be administered to members of a supervisor’s immediate or extended family without review and approval of the evaluation by the supervisor’s manager.

No employee relationship covered by this policy will be allowed to be maintained, regardless of the positions involved, if the relationship creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest, or is prohibited by any legal or regulatory mandate.

This policy must be considered when hiring, promoting, evaluating, or transferring any employee.

Should relationships addressed in this policy be identified with either candidates for employment, or current employees, the matter should immediately be reported to the Human Resources Director and the following procedure will be followed:

- A determination will be made whether the relationship is subject to KIPP Delta's Nepotism policy based on the conditions described above.
- If the relationship is determined to fall within one or more of the conditions described in this policy, the HR Director, in consultation with the affected employee and the Executive Director will attempt to resolve the situation through the transfer of one employee to a new position or identifying some other action (i.e., supervisory reassignment) which will correct the conflict or issue identified. If accommodations are not feasible then, with affected employee suggestions, the HR Director in consultation with the Executive Director shall determine which employee must resign in order to resolve the situation.
- All disclosures made are to be treated as confidential.

KIPP Delta reserves the right to exercise appropriate managerial judgment to take such action as may be necessary to achieve the intent of this policy. KIPP Delta reserves the right to vary from the guidelines outlined in this policy to address unusual circumstances on a case by case basis.

It is the responsibility of every employee to identify to the Human Resources Director any potential or existing personal relationship which falls under the definitions provided by this policy. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including the termination of employment.

It is the responsibility of the Executive Director to inform the KIPP Delta Board of Directors of any disciplinary action or dismissal resulting from this policy.

This policy applies to all employees, including regular, temporary, and hourly employees.

Date Adopted: July 30, 2020

#### **Licensed and Classified Personnel Evaluations**

Evaluations of licensed personnel shall be undertaken at least annually. Evaluations shall be based on a combination of scheduled and informal observations. Additional and more frequent informal observations will be done should it be determined by the administration that the observations would be helpful in addressing performance problems.

All forms, procedures or other methods of evaluation, including criteria, will be developed by the Executive Director and or his designee(s), but shall not be part of the personnel policies of KIPP Delta.

Legal References: A.C.A. § 6-17-1504, A.C.A. § 6-17-2301

Date Adopted: August 2012

## Licensed and Classified Personnel Absence from Job Site

For KIPP Delta Schools to function efficiently and have the necessary personnel present to affect a high achieving learning environment, employee absences must be kept to a minimum. However, we also recognize the need to build in time for recovery and renewal that may necessitate occasional absence from work. The following policy sets forth the various types of leave available to employees of KIPP Delta Public Schools.

### Definitions:

1. "School-Year Employees" are all employees of KIPP Delta who are present primarily for the successful operation of all instructional days. School -year employees are required to be present on all days stipulated by the Board-Approved Calendar. School-year employees include: teachers, teacher's aides, guidance counselors, hourly instructional staff, bus drivers, food service staff, athletic directors, and school nurses.
2. "Full-Year Employees" are all employees of KIPP Delta whose presence is ancillary to the successful operation of instructional days. Full-year Employees include: central office staff, school directors, assistant principals, and school operations team members.
3. "Full-Time Employees" are salaried employees and those scheduled to work at least thirty (30) hours per week. Full-time employees may be School-Year or Full-Year Employees.
4. "Part-Time Employees" are those who work less than thirty (30) hours per week.
5. "Exempt Employees" are those employees who are not covered under the FLSA. They include administrators and professional employees such as teachers, counselors, registered nurses, and supervisors. Any employee who is unsure of their coverage status should consult with the Human Resources Department.
6. "Non-Exempt Employees" are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionists, paraprofessionals, food service workers, secretaries, and bookkeepers.
7. "Paid Leave" is a period of time that an employee is to be away from his/her primary job, while maintaining pay and the status of "employee."
8. "Personal Days" are considered time off of work which employees can use to address matters of personal business.
9. "Sick Leave" is absence from the job site due to illness, whether by the employee or a member of the employee's Immediate Family or due to a death in the employee's Immediate Family. Managers may decide if sick leave is to be granted for the illness or death of any other family member, or for someone not related to the employee.
10. "Bereavement" is time allowed by KIPP Delta for an employee to take off at the time of a death of a relative.
11. "Accumulated Sick Leave" is the total of unused sick leave, up to a maximum of ninety (90) days accrued from previous contracts, but not used. Accumulated sick leave also includes the sick leave transferred from an employee's previous public school employment.
12. "Vacation" is Paid Leave from the work site not due to Personal Days, Sick Leave, or federal bank holidays.
13. "Immediate Family" Immediate Family means an employee's spouse, legal domestic partner, child, stepchild, adopted child, father, mother, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, guardian, and/or other members of the family living in the same household of the employee.
14. "Board-Approved Calendar" is the school-year calendar by which KIPP Delta operates. The Board- Approved Calendar for the subsequent school year is approved prior to July 1st annually.
15. "Direct Manager" is an employee to whom another employee is accountable for performance and to whom the latter employee should escalate concerns. Direct Managers are responsible for either addressing the concern or escalating it appropriately.
16. "School Functions" are all athletic, academic, professional development, or other functions specifically noted on the Board-Approved Calendar related to KIPP Delta for which specific personnel attendance is required.

### Amount, Accumulation and Transfer of Sick Leave



All full-time salaried and full time hourly employees shall accrue one sick leave day per calendar month worked. Substitutes or temporary staff do not accrue sick days. A maximum of 120 days may be accrued from previous fiscal years, but not used. Accrued sick leave days never vest, and so therefore while the employee will have the option of using sick leave days during their tenure at KIPP Delta, in no scenario would a KIPP Delta employee receive cash remuneration, or its equivalent, for accrued sick leave.

Employees may transfer no more than ninety (90) days of sick leave from another public school region in Arkansas into sick leave days for use at KIPP Delta. Employees who end their tenure at KIPP Delta may not transfer or donate their remaining sick leave to another staff member. Employees who end their tenure at KIPP Delta and resume their employment at a later date shall have available to them all previously accumulated sick leave days for use.

#### Amount and Accumulation of Personal Days

Salaried full-time employees with less than five years of tenure at KIPP Delta shall receive three (3) Personal days per fiscal year.

Salaried full-time employees with five or more years of tenure at KIPP Delta shall receive four (4) Personal days per fiscal year.

Full-time hourly employees, who have worked at least 90 days at KIPP Delta, shall receive sixteen (16) hours of personal time per fiscal year. However, a maximum of no more than (32) hours may be accrued and carried over from previous fiscal years.

Substitutes or temporary staff do not accrue personal days.

Personal days accumulate from one fiscal year to the next. However, a maximum of no more than 4 personal days may be accrued and carried over from previous fiscal years.

Employees who end their tenure at KIPP Delta and resume their employment at a later date shall receive the amount of personal days they are entitled to assuming continuous years of service at KIPP Delta.

Personal days may not be taken the day before or the day after a holiday as defined by the Board- Approved Calendar without written manager approval.

#### Absence due to personal or family illness

KIPP Delta acknowledges there are times during the school year when employees or members of their immediate family become ill, which consequently affects work performance.

Any employee desiring to take a sick leave day may do so by making a written request to his Direct Manager at least twelve (12) hours prior to the time of the requested leave. The twelve - hour requirement may be waived by the Direct Manager when the Direct Manager deems it appropriate. Employees may be asked to provide medical documentation for any personal or family sick leave taken, at the discretion of the Direct Manager.

Employees who fail to report to work when their request for sick leave has been denied or who have exhausted their accrued sick leave, shall have their daily rate of pay deducted from their wages for the day(s) missed. While there are instances where personal circumstances necessitate an employee's absence beyond the allotted sick leave days, any employee who requires leave without pay must receive advance permission (except in medical emergencies) from their Direct Manager. Failure to report to work without having received permission to be absent or unless the absence is eligible for FMLA leave, is grounds for discipline, up to and including termination.

Pay for sick leave shall be at the employee's daily rate of pay, which is that employee's total salary, divided by the number of days as reflected by the Board-Approved Calendar. Absences in excess of the employee's accrued sick leave shall result in a deduction from the employee's pay at the daily rate as defined above. If the employee's absences are not subject to the FMLA, or are in excess of what is protected under the FMLA, excessive absenteeism, to the extent that the employee is not carrying out his/her assigned duties to an

extent that the education of students is substantially adversely affected (at the determination of the manager or Executive Director), may result in termination.

#### Sick Leave and Family Medical Leave Act (FMLA) Leave

Proposed definition of “immediate family” would apply, with the exception of definitions related to Family Medical Leave Act (FMLA). When an employee takes sick leave, the KDPS Human Resources Department and the employee’s manager shall determine if the employee is eligible for FMLA leave and if the leave qualifies for FMLA leave. KDPS may request additional information from the employee to help make the applicability determination. If the employee is eligible for FMLA leave and if the leave qualifies under the FMLA, KDPS will notify the employee, in writing, of the decision within five (5) workdays. If the circumstances for the leave as defined in the FMLA policy don’t change, KDPS is only required to notify the employee once of the determination regarding the applicability of sick leave and/or FMLA leave within any applicable twelve (12) month period. To the extent the employee has accumulated sick leave, any sick leave taken that qualifies for FMLA leave shall be paid leave and charged against the employee’s accrued leave including, once an employee exhausts his/her accumulated sick leave, vacation or personal leave.

#### Absence due to personal days

KIPP Delta acknowledges that there are times during the school year when employees have personal business that needs to be addressed during the school day. At the discretion of the employee’s Direct Manager, an employee may be granted additional personal days for extraordinary circumstances. Such leave shall be leave without pay. In no instance shall paid leave in excess of allotted vacation days and/or personal days be granted to an employee who is absent from work while receiving remuneration from another source as compensation for the reason for their absence. Any employee desiring to take a personal day may do so by making a written request to his Direct Manager at least twenty-four (24) hours prior to the time of the requested leave. The Direct Manager may waive the twenty-four-hour requirement when the Direct Manager deems it appropriate.

Employees who fail to report to work when their request for a personal day has been denied or who have exhausted their allotted personal days, shall lose their daily rate of pay for the day(s) missed (leave without pay). Failure to report to work without having received permission to be absent is grounds for discipline, up to and including termination.

#### Absence due to Bereavement

KIPP Delta acknowledges unfortunate circumstances do occur. When death occurs in the immediate family of an employee, as defined by KIPP Delta, up to five days may be taken as bereavement leave. Beyond that, any unused personal or sick days may be used. For any death outside of the immediate family, an employee may use any sick or personal leave that they have accumulated. In unusual situations, the employee may request up to five additional emergency days through direct application to the Executive Director.

#### Sick Leave and Outside Employment

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. If an employee who works a non-KIPP Delta job while taking sick leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination. An exception to this would be if an employee is cleared for “light duty” job only, and KDPS does not have a position of this type available (see Worker’s Compensation Policy for more details).

#### Absence due to Professional Leave

“Professional Leave” is leave granted for the purpose of enabling an employee to participate in professional activities (e.g., teacher workshops or serving on professional committees) that can serve to improve the organization’s instructional program or enhances the employee’s ability to perform his/her duties. Professional leave shall be granted when a KIPP Delta employee is subpoenaed for a matter arising out of employment with KIPP Delta. Any employee seeking professional leave must make a written request to his/her Direct Manager, setting forth the information necessary for the Direct Manager to make an informed decision. The Direct Manager’s decision is subject to review, modification, and overruling by the Executive Director. Budgeting concerns and potential benefit to the KDPS students will be taken into consideration in

reviewing a request for professional leave. The cost of a substitute, if one is hired, shall be paid by the employer.

In making a determination regarding professional leave, the Executive Director may consider factors including but not limited to the following:

- Relevance to the employee's subject area(s)
- Amount of professional leave previously used by the employee during the same school year
- Department staffing needs
- Benefit to the employee
- Benefit to the school
- Benefit to the students
- Quality of the program

Applications for professional leave should be made as soon as possible following the employee's awareness of the need for such leave, but, in any case, no less than two (2) weeks before the requested leave is to begin. Employees seeking approved professional leave for Teach for America's (TFA) summer institute must notify the Executive Director or his designee in writing two (2) months prior to the beginning of the desired leave. Leave for TFA shall be granted for mandatory attendees. TFA professional leave may be granted for other attendees at the discretion of the Executive Director or his designee.

#### Absence due to Jury Duty

Employees are not subject to discharge, loss of sick leave, loss of vacation time or any other penalty due to absence from work for jury duty, upon giving reasonable notice to KIPP Delta through the employee's immediate supervisor.

The employee must present the original (not a copy) summons to jury duty to his Direct Manager in order to confirm the reason for the requested absence.

Employees shall receive their regular pay from KDPS while serving jury duty.

#### Absence due to Military Duty

**Paid leave:** Any employee who is a member of the Arkansas National Guard, Arkansas State Guard, reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid Military Leave will not exceed 15 days per government fiscal year (October through September). In addition, an employee is entitled to use available state or local personal days or sick leave during a time of active military service.

**Unpaid leave:** An Unpaid Military Leave of Absence will be granted to employees who are absent from work because of service in the United States uniformed services in accordance with the Uniformed Service Employment and Reemployment Right Act ("USERRA"). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Continuation of health insurance benefits is available as is required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plan for which the employee is otherwise eligible. Employees may continue their health insurance benefits but are responsible for paying their portion of the health insurance premiums.

Employees on Military Leave for up to 30 days are required to return to work on the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer Military Leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from Military Leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending upon the length of military service in accordance with USERRA. Employees will be treated as if they were continuously employed for purposes of determining benefits based on length of service. Employees should contact Human Resources for more information or questions about Military Leave.

Absence due to Holidays on School Calendar or Vacations

School-Year Employees are required to be present at work for all traditional school days as set forth by the Board-Approved Calendar, professional development days designated as separate from traditional school days on the Board-Approved Calendar, and field lesson days designated as separate from traditional school days on the Board-Approved Calendar. Some School-Year Employees, including Non-Exempt Employees, may not be required on professional development days. Other exceptions may be made as appropriate between School-Year Employees and their Direct Manager. All days outside of the aforementioned categories are considered days off for School-Year Employees.

Full-Year Employees are required to be present at work on all weekdays with the exception of federal bank holidays, Winter Break, Spring Break, and Thanksgiving Break as indicated on the Board-Approved calendar. Additionally, Full-Year Employees are required for all professional development days designated as separate from traditional school days on the Board-Approved Calendar.

Full-Year Salaried Employees are credited with an additional ten (10) day vacation if they are hired on or before November 1. Full-Year Salaried Employees are credited with an additional five (5) day vacation if they are hired after November 1. Vacation days can be used between July 1 and June 30. Any vacation time must be approved in writing by the Executive Director or an employee's Direct Manager, either of whom shall consider staffing needs of the organization in making his/her determination. Vacation days accumulate from one fiscal year to the next with a maximum of 6 vacation days accrued and carried over from previous fiscal years.

Legal References: 6-17-1201, 1301 et. seq.

Date Adopted: July 2013

Date Revised and Approved: May 19, 2020

Hourly Holiday Benefit

Full-time hourly employees will receive the following:

- Sixteen (16) hours of pay at their hourly rate during Thanksgiving Break
- Forty (40) hours of pay at their hourly rate during Christmas Break
- Sixteen (16) hours of pay at their hourly rate during Spring Break
- Sixteen (16) hours of pay at their hourly rate during Fall Break

Additionally, full-time hourly employees will continue to have the option to work at their hourly rate on days when the buildings are closed to students at the discretion of the Managing Director of Regional Operations.

Hourly employees will receive paid time off at their hourly wage for the 11 Federal Holidays listed below:

New Year's Day

Martin Luther King Jr. Day

President's Day

Good Friday

Memorial Day

Juneteenth

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Christmas Day

Date Revised Policy was noted in policy manual: December 8, 2023

**LICENSED AND CLASSIFIED PERSONNEL COVID-19 EMERGENCY LEAVE**

The Arkansas Department of Education has received \$20 million from the CARES Act Steering Committee to establish a COVID-19 Emergency Leave Fund (CARES Act Leave) for school employees for the period of August 1, 2020 through December 30, 2020.

The purpose of the policy is to establish procedures for employees, licensed or classified, for use of both state and/or federal temporary emergency COVID-19 leave during the eligible term. The Arkansas School Boards Association has developed and disseminated this model policy for CARES Act leave to school districts for adoption.

For purposes of the policy, the following definitions apply:

- *Licensed Employees* (aka “Exempt Employees”) are those employees who are not covered under the FLSA. They include administrators and professional employees such as teachers, counselors, registered nurses, and supervisors. Any employee who is unsure of their coverage status should consult with the Human Resources Department.
- *Classified Employees* (aka “Non-Exempt Employees”) are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionists, paraprofessionals, food service workers, secretaries, and bookkeepers.

In accordance with [Arkansas Department of Education Commissioner’s Memo COM-21-014](#), the District hereby provides up to an additional ten<sup>1</sup> (10) days of paid CARES Act Leave for its license or classified employees, who meet both of the following requirements:

1. The employee is ordered by the District, a medical professional, or the Arkansas Department of Health (ADH) to quarantine or isolate due to COVID-19 for one of the following reasons:<sup>2</sup>
  - i. Testing positive for COVID-19;
  - ii. Experiencing COVID-19 symptoms and seeking a medical diagnosis; or
  - iii. Is a probable close contact or close contact; and
2. The employee’s job duties are not able to be performed remotely.

Upon notification that an employee has received a quarantine or isolation order, The District shall review whether the employee has applicable leave remaining under the Families First Coronavirus Response Act (FFCRA) and this policy.

1. If an employee has applicable leave under the FFCRA and this policy:
  - The District shall ask the employee if the employee wishes to use the applicable FFCRA leave or the CARES Act Leave first;
  - The District shall use available leave under the FFCRA first if the employee is unable or unwilling to make an alternative selection;
  - The District shall use the employee’s leave selection until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee’s selected leave;
  - The District shall automatically switch the employee to the other form of leave, if available, should the employee’s quarantine or isolation order last longer than the employee’s selected leave; and
  - The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee’s quarantine or isolation order last longer than the employee’s available leave under the FFCRA or this policy.
2. If an employee has applicable leave under the FFCRA or this policy but not both:
  - The District shall use the employee’s available leave until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee’s available leave; and
  - The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee’s quarantine or isolation order last longer than the employee’s available leave under the FFCRA or this policy.
3. If an employee has no leave remaining under this policy or applicable leave under the FFCRA, then the District shall use another form of applicable District provided paid leave, if available.

An employee who receives CARES Act Leave shall be paid the employee’s full daily rate of pay for up to ten<sup>1</sup> (10) days. The ten<sup>1</sup> (10) days of CARES Act Leave may, but is not required to, run consecutively. An employee

shall not have days charged against the number the employee is eligible for under this policy for days when the employee is not expected to perform duties, such as holidays.<sup>3</sup> The ten<sup>1</sup> (10) days of paid leave provided under this policy shall be used for eligible leave before other forms of District provided paid leave are used, including sick leave, personal leave, and vacation.

An employee shall not be eligible to receive the ten<sup>1</sup> (10) days of paid leave under this policy due to:<sup>4</sup>

- The need to care for another individual due to the individual's positive COVID test, quarantine order, or isolation order; or
- The closure of the school or place of care of the employee's child.

An employee's eligibility to receive paid leave under this policy expires on the earlier of:

- i. Arkansas Governor or the Arkansas General Assembly declares an end to the COVID-19 state of emergency; or
- ii. The expiration of the FFCRA or the expiration of the subsequent Federal Act, if any, extending the provisions of the FFCRA.

Notes: <sup>1</sup> The funding provided by Commissioner's Memo COM-21-014 is based on the same amount of paid leave requirement under subdivision E of the FFCRA, which is titled the "Emergency Paid Sick Leave Act". Districts who are on a four-day school week schedule may change this to be nine (9) days instead of ten (10). If the district chooses to continue to provide on the tenth (10<sup>th</sup>) day, the district would have to use funds other than those provided through Commissioner's Memo COM-21-014 to cover the final day of leave.

<sup>2</sup> While an order from ADH may be for any of these reasons, an order from a medical professional may only be used for items i or ii and a district order may only be for item iii to be reimbursable.

<sup>3</sup> AN employee's quarantine or isolation period may fall at such a time period that part of the quarantine or isolation period is on days when the school would ordinarily be closed for paid holidays. The remaining CARES Act Leave days that were not used due to the holiday would continue to be available should the employee be ordered into another quarantine or to isolate unless one of the Policy's sunset provisions was triggered before the new quarantine or isolation order.

<sup>4</sup> These categories are not covered by Commissioner's Memo COM-21-014. There are some Federal paid leave requirements for these categories under the Emergency Paid Sick Leave Act. A qualifying employee must receive the lesser of two hundred dollars (\$200) or two-thirds (2/3) of the employee's regular rate of pay per day until the earlier of either the employee is able to return to work or the employee's FMLA leave is exhausted. A district may require, which ASBA model FMLA Policy 3.32 does in the policy's default language, that an employee use their accumulated leave as necessary to bring their pay up to their full daily rate of pay for these absences.

Cross References:       3.8—LICENSED PERSONNEL SICK LEAVE  
3.11—LICENSED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE  
3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE ACT

Legal References:       Commissioner's Memo COM-21-014  
29 C.F.R. Part 826

Date Adopted: September 24, 2020

Last Revised: September 24, 2020

### **Tuition Reimbursement for Licensure in Special Education and/or Graduate-Level Credits towards Arkansas Qualified Teacher Status in Multi-Year Critical Shortage Areas**

KIPP Delta Public Schools will reimburse graduate credits for teachers seeking licensure in special education or in subject areas under a critical shortage for multiple years, as determined by KIPP Delta. This reimbursement will be available to teachers who successfully complete graduate-level coursework leading to

either special education licensure recognized by the state of Arkansas or Arkansas Qualified Teacher status in a critical shortage subject.

To be eligible to seek reimbursement, a teacher must:

- Have completed at least one year as a long-term substitute in special education at KIPP Delta Public Schools and have earned a rating of at least 2.75 on their end-of-year review  
OR
- Have AQT status in another subject, have completed two years as a regular education teacher at KIPP Delta Public Schools, and have earned at least a 2.75 on their end-of-year review.

Teachers interested in pursuing reimbursement must send an email prior to enrolling in courses to their manager and/or school director, the Chief Academic Officer, and the Human Resources Director to request reimbursement.

In order to receive reimbursement, the teacher must complete the course with a grade “A” or “B”, submit an official transcript for the semester, and show proof of payment (either through a loan made to the student or through payment directly to the college). Official transcripts and verifications of payments for classes taken from August through December must be submitted by February 15th of the spring semester immediately following completion of the class(es). Classes taken from January through August must be submitted by September 15th of the fall semester immediately following completion of the course. If an extension to the listed due date is required, it must be approved by the Human Resources Director and sent prior to the deadlines listed above.

Teachers may be reimbursed for up to twelve graduate credit hours in any school year beginning with the fall semester and concluding at the end of the summer session. The maximum dollar amount reimbursed per credit shall not exceed the cost for [a graduate credit hour](#) at the University of Arkansas Main Campus. KIPP Delta shall not reimburse any course for which the teacher incurs no tuition cost nor any incidental costs, including but not limited to textbooks, supplies, registration fees and parking fees.

An employee is eligible for funding until successful completion of a special education license or once they have reached AQT status in multi-year critical shortage areas. KIPP Delta will publish critical shortage areas no later than June 1 of each year and share this policy with teachers in the shortage areas. Tuition reimbursement received from KIPP Delta must be repaid at the rate of 100% if the employee leaves KIPP Delta within one year and at the rate of 50% if the employee leaves within two years. KIPP Delta shall make no payment to employees separated at the time of reimbursement.

Date Adopted: November 19, 2019

### **Licensed and Classified Workplace Injuries and Workers’ Compensation**

KIPP Delta provides Workers’ Compensation Insurance, as required by law. Employees who sustain **any** injury at work must immediately notify their immediate supervisor, or in the absence of their immediate supervisor notify the Human Resources Department. An injured employee must fill out an incident form and the employee’s supervisor will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment nor lost work time. While many injuries will require no medical treatment or time lost at work, should the need for treatment arise later, it is important that there be a record that the injury occurred. All employees have a duty to provide information and make statements as requested for the purposes of the claim assessment and investigation.

For injuries requiring medical attention, KIPP Delta will exercise its right to designate the initial treating physician and an injured employee will be directed to seek medical attention, if necessary, from a specific physician or clinic. In addition, the employee shall submit to a drug test, which shall be paid at KIPP Delta’s expense. Failure for the employee to submit to the drug test or a confirmed positive drug test indicating the use of illegal substances or the misuse of prescription medications shall be grounds for the denial of worker’s compensation benefits, and may result in termination of the employee.

A Workers' Compensation absence may run concurrently with FMLA leave when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a "light duty job," but is unable to return to the employee's same or equivalent job, the employee may decline the KIPP Delta's offer of a "light duty job." As a result, the employee may lose his/her workers' compensation payments, but for the duration of the employee's FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

Employees who are absent from work at KIPP Delta due to a Workers' Compensation claim may not work at a non-KDPS job until they have returned to full duties at their same or equivalent KIPP Delta job; those who violate this prohibition may be subject to discipline up to and including termination. This prohibition does NOT apply to an employee who has been cleared by his/her doctor to return to "light duty" but KIPP Delta has no such position available for the employee and the employee's second job qualifies as "light duty."

To the extent an employee has accrued sick leave and a WC claim has been filed, an employee:

- Will be charged for a day's sick leave for the all days missed until such time as the WC claim has been approved or denied;
- Whose WC claim is accepted by the WC insurance carrier as compensable and who is absent for eight or more days shall be charged sick leave at the rate necessary, when combined with WC benefits, to bring the total amount of combined income up to 100% of the employee's usual contracted daily rate of pay;
- Whose WC claim is accepted by the WC insurance carrier as compensable and is absent for 14 or more days will be credited back that portion of sick leave for the first seven (7) days of absence that is not necessary to have brought the total amount of combined income up to 100% of the employee's usual contracted gross pay.

Ark. Workers Compensation Commission RULE 099.33 - MANAGED CARE  
 A.C.A. § 11-9-102  
 A.C.A. § 11-9-508(d)(5)(A)  
 A.C.A. § 11-9-514(a)(3)(A)(i)

Date Adopted: September 2015



## **Licensed and Classified Personnel Drug Testing**

### **Scope of Policy**

Each person hired for a position that allows or requires the employee operate a school bus shall meet the following requirements:

1. The employee shall possess a current commercial vehicle driver's license for driving a school bus;
2. Have undergone a physical examination, which shall include a drug test, by a licensed physician or advanced practice nurse within the past two years; and
3. A current valid certificate of school bus driver in service training.

Each person's initial employment for a job entailing a safety sensitive function is conditioned upon the employer receiving a negative drug test result for that employee. The offer of employment is also conditioned upon the employee's signing an authorization for the request for information by KIPP Delta from the Commercial Driver Alcohol and Drug Testing Database.

### **Methods of Testing**

The collection, testing methods and standards shall be determined by the agency or other medical organizations chosen by the School Board to conduct the collection and testing of samples. The drug and alcohol testing is to be conducted by a laboratory certified pursuant to the most recent guidelines issued by the United States Department of Health and Human Services for such facilities. ("Mandatory Guidelines for Federal Workplace Drug Testing Programs").

### **Definitions**

"Safety sensitive function" includes:

- a) All time spent inspecting, servicing, and/or preparing the vehicle;
- b) All time spent driving the vehicle;
- c) All time spent loading or unloading the vehicle or supervising the loading or unloading of the vehicle; and
- d) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

"School Bus" is a motorized vehicle that meets the following requirements:

1. Is designed to carry more than ten (10) passengers;
2. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of KIPP Delta; and
3. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

### **Requirements**

Employees shall be drug and alcohol free from the time the employee is required to be ready to work until the employee is relieved from the responsibility for performing work and/or any time they are performing a safety-sensitive function. In addition to the testing required as an initial condition of employment, employees shall submit to subsequent drug tests as required by law and/or regulation. Subsequent testing includes, and/or is triggered by, but is not limited to:

1. Random tests;
2. Testing in conjunction with an accident;
3. Receiving a citation for a moving traffic violation; and
4. Reasonable suspicion.

### **Prohibitions**

- 1) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
- 2) No driver shall use alcohol while performing safety-sensitive functions;
- 3) No driver shall perform safety-sensitive functions within four (4) hours after using alcohol;
- 4) No driver required to take a post-accident alcohol test under # 2 above shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- 5) No driver shall refuse to submit to an alcohol or drug test in conjunction with # 1, 2, and/or 4 above;
- 6) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when using any controlled substance, except when used pursuant to the instructions of a licensed medical practitioner who, with knowledge of the driver's job responsibilities, has advised the driver that the substance will not adversely affect the driver's ability to safely operate his/her vehicle. It is the employee's responsibility to inform his/her supervisor of the employee's use of such medication;
- 7) No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Violation of any of these prohibitions may lead to disciplinary action being taken against the employee, which could include termination or non-renewal.

### **Testing for Cause**

Drivers involved in an accident in which there is a loss of another person's life shall be tested for alcohol and controlled substances as soon as practicable following the accident. Drivers shall also be tested for alcohol within eight (8) hours and for controlled substances within thirty two (32) hours following an accident for which they receive a citation for a moving traffic violation if the accident involved: 1) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or 2) one or more motor vehicles incurs disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.<sup>6</sup>

### **Refusal to Submit**

Refusal to submit to an alcohol or controlled substance test means that the driver:

- Failed to appear for any test within a reasonable period of time as determined by the employer consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;
- Failed to provide a urine specimen for any required drug test;
- Failed to provide a sufficient amount of urine without an adequate medical reason for the failure;
- Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
- Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
- Failed to cooperate with any of the testing process; and/or
- Adulterated or substituted a test result as reported by the Medical Review Officer.

School bus drivers should be aware that refusal to submit to a drug test when the test is requested based on a reasonable suspicion can constitute grounds for criminal prosecution.

### **Consequences for Violations**

Drivers who engage in any conduct prohibited by this policy, who refuse to take a required drug or alcohol test, refuse to sign the request for information required by law, or who exceed the acceptable limits for the respective tests shall no longer be allowed to perform safety sensitive functions. Actions regarding their continued employment shall be taken in relation to their inability to perform these functions and could include termination or non-renewal of their contract of employment.

Drivers who exhibit signs of violating the prohibitions of this policy relating to alcohol or controlled substances shall not be allowed to perform or continue to perform safety-sensitive functions if they exhibit those signs during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the provisions of this policy. This action shall be based on specific, contemporaneous, articulable observations concerning the behavior, speech, or body odors of the driver. The Executive Director or his/her designee shall require the driver to submit to “reasonable suspicion” tests for alcohol and controlled substances. The direction to submit to such tests must be made just before, just after, or during the time the driver is performing safety-sensitive functions. If circumstances prohibit the testing of the driver the Executive Director or his/her designee shall remove the driver from reporting for, or remaining on, duty for a minimum of 24 hours from the time the observation was made triggering the driver’s removal from duty.

If the results for an alcohol test administered to a driver is equal to or greater than 0.02, but less than 0.04, the driver shall be prohibited from performing safety-sensitive functions for a period no less than 24 hours from the time the test was administered. Unless the loss of duty time triggers other employment consequence policies, no further other action against the driver is authorized by this policy for test results showing an alcohol concentration of less than 0.04.

Legal References: A.C.A. § 6-19-108

A.C.A. § 6-19-119

A.C.A. § 27-23-201 et seq.

49 C.F.R. § 382.101 – 605

49 C.F.R. § part 40

49 C.F.R. § 390.5

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

Date Adopted: August 2012

Last Revised: September 2015

## **Use of Company Vehicles**

### **Introduction**

KIPP Delta Public Schools (KDPS) offers company vehicles (fleet cars & vans) for use by KIPP Delta employees to support transportation needs for company-designated business. A company vehicle is any vehicle leased, rented, or owned by KIPP Delta. Company vehicles prevent wear and tear and excessive mileage for staffs’ personal vehicles and also helps KDPS manage the cost of mileage reimbursement. KDPS fleet vehicles may only be used for official, authorized purposes. To ensure fleet cars are used properly, the following guidelines apply to all employees who use a company vehicle, during and outside of working hours. This policy is applicable to any person authorized to drive KDPS fleet cars on company business.

### **Fleet Car Availability and Personal Mileage Reimbursement**

It is KDPS policy that employees check the availability of a fleet car before using their personal vehicle for company business. If a fleet car is available and the employee chooses not to use an available vehicle, the employee may not be reimbursed for mileage. If a fleet car is not available, the employee may submit a mileage reimbursement. In the event that a fleet car is available and the employee has a specific reason for not using the available vehicle, the employee must request an exemption to the availability policy from the Managing Director of Finance, Chief Operating Officer, or Executive Director before mileage reimbursement can be submitted and approved.

### **Eligibility to Drive a Fleet Car**

The KDPS Chief Operating Officer and Transportation Director are responsible for ensuring that only properly qualified and authorized individuals are allowed to drive company vehicles.

Prior to vehicle assignment, eligible employees must provide evidence that he/she has a valid driver's license which is not suspended or revoked. If for any reason, an employee's driver's license is revoked, suspended, or restricted, it is mandatory that the Human Resources Director be notified immediately.

### **Allowable Use of Fleet Cars**

Drivers are responsible for operating vehicles in a safe and courteous manner at all times and for complying with all provisions of this policy. Drivers have responsibility to immediately notify the COO and Transportation Director of accidents, injuries, loss of license, etc., as outlined in this document.

Company vehicles should only be used for travel between communities, to and from campuses, and other work related travel outside of our communities (ex. professional development). Any other requests to use the fleet car must be approved by either the Operations Director, Chief Operating Officer, or Managing Director of Finance.

Company vehicles should remain on the KDPS campus when not in use, unless a specific exemption has been made in writing by the COO or Executive Director. In Helena, the company vehicle must be returned and parked at the Transportation Depot or KTC Depot locations, unless a specific exemption has been requested. In Blytheville, the company vehicle must be returned and parked at the KIPP Blytheville Central Office, unless an expected exemption has been requested. The only exception is when an employee who lives more than 100 miles away from any community AND travels to the communities regularly has been assigned a fleet vehicle for work usage. In this case, the employee may park the car at their residence.

Fleet vehicles cannot be loaned for personal use.

### **Personal Use of a Company Vehicle**

Company vehicles are only intended for KDPS business use. Personal use is prohibited. Evening and weekend travel is prohibited unless conducting company business after normal business hours. No other drivers are permitted to operate a company vehicle.

### **Driver Responsibilities**

Vehicles driven on KDPS business shall be operated in a safe and professional manner, in compliance with applicable rules and regulations and all driving laws in areas where they operate a KDPS fleet car.

It is also the driver's responsibility to follow the additional guidelines below:

- No smoking in the vehicle
- No pets allowed
- Only approved KDPS staff members can operate fleet vehicles
- Use the gas cards in the company vehicle to fuel vehicles - the gas card should be kept in the glove box
- Clean fleet car of any trash or personal items and wipe down commonly touched surface areas like steering wheel, gear shaft, and radio with cleaning wipes before returning
- Keep the vehicle locked when not in use

Employees who have not been assigned a specific fleet car and are eligible for use of a fleet car must get prior approval from the Transportation Department to ensure a fleet car is available for use.

Gas cards may be provided to employees who use fleet vehicles by the Finance Department or Transportation Department. Employees are expected to follow all applicable rules for usage of company gas cards.

### **Safety Guidelines**

It is mandatory that seat belts be used by all occupants of a fleet car at all times without exception. Any malfunctioning seat belt should be reported immediately to the Operations Director for repair by the employee immediately. KPDS expects all employees to drive professionally during business travel, to obey all traffic laws, and to not be under the influence of any drugs and/or alcohol that would impair driving ability.

and/or judgment. Company vehicles should not be used to transport flammable items, firearms, or other hazardous materials. Texting while driving is not allowed.

### **Vehicle Maintenance**

Every driver of a company vehicle is expected to maintain his or her assigned vehicle in a safe operating condition. Maintenance schedules are outlined in the vehicle's owner manual and should be adhered to and along with documentation that prescribed service work was completed.

Enterprise Fleet Services handles the maintenance on most vehicles. Keep the Enterprise card in the glove box and present when service is needed. The Operations team will communicate with the appropriate driver when it is time for certain maintenance. If you have reserved the vehicle at a time when maintenance is required for it, it is your responsibility to complete the required maintenance. Oil changes should occur every 5,000 miles with tire rotation every other oil change. The transmission should be serviced around 60,000 miles. If the vehicle needs to be towed, call the number on the back of the card (800)325-8838 and they will assist you.

Never leave a company vehicle at a service facility without specific instructions as to what work needs to be done. It is the employee's responsibility to follow procurement procedures for any work beyond the normal routine maintenance needs (i.e. oil changes, tire rotation).

Please keep the company vehicle clean at all times. Car washes may happen on a monthly basis. Gas cards cannot be used to purchase the car wash so you will need to submit for reimbursement or use a KDPS credit card (be sure to keep the receipt). Always "leave it better than we found it" by keeping the interior of the vehicle clean for other drivers.

### **Roadside Assistance**

- Call (800) 325-8838 (the number on the back of the maintenance ID card)
- Press "4" for maintenance location and roadside assistance
- Email your Operations Director to notify them of the situation

### **How to Report an Accident**

If you are involved in an accident, it is necessary to follow the procedure outlined below:

1. If anyone is hurt, call for medical assistance.
2. Immediately following an accident, stop and investigate what damage might have occurred to the vehicle.
3. Get the names and addresses of the owner(s) and driver(s) involved, license number and registration number of the car(s) involved and the names and addresses of any passengers in the vehicles connected with the accident.
4. Get the name of the other party's insurance company and insurance policy number.
5. Get the names and addresses of witnesses, if any.
6. If law enforcement officers are present at the scene, note their names, badge and precinct numbers. If no police officers are present, try to have one called to the scene of the accident.
7. Express no opinion as to who was at fault. Give no information except as required by law enforcement officers.
8. Sign no statements for anyone except an identified representative of the insurance company covering the company vehicle.
9. Contact the Fleet Administrator and Human Resources Director within the first 24 hours preceding the accident so a preliminary accident report may be taken.
10. Keep a copy of the company's authorized accident reporting form for your records.
11. Complete all reports required by local law enforcement and state motor vehicle authorities. If you need help in completing these reports, request help from your local police department, state motor vehicle office, or the Human Resources Director.
12. If any demand, claims or summons is served to an employee involved in an accident asserting liability against the employee, contact the company Fleet Administrator immediately.
13. If the collision involves an unattended vehicle, you must attempt to notify the owner. If that is not directly possible, attach a note to the vehicle asking the owner to contact you. Notify the police immediately telling them that you have attempted to make contact with the owner.

**Withdrawal of Fleet Car Privilege**

Drivers who fail to adhere to vehicle policies and procedures may have their driving privileges suspended or revoked, and are subject to disciplinary action.

The privilege of driving a fleet car can be withdrawn for any of the following reasons:

- Abuse or misuse of the vehicle or failure to comply with the rules and procedures in the policy
- A driving record which becomes deficient during the course of operating a fleet car
- Conviction or a guilty plea to driving a fleet car under the influence of alcohol or an illegal controlled substance

Date Adopted: July 30, 2020

## Licensed and Classified Personnel Weapons on Campus

### Firearms

Except as permitted by this policy, no employee of KIPP Delta Public Schools, including those who may possess a “concealed carry permit,” shall possess a firearm on any school campus or in or upon any school bus or at a designated bus stop.

Employees who meet one or more of the following conditions are permitted to bring a firearm onto school property:

- He/she is participating in a school-approved educational course or program involving the use of firearms such as ROTC programs, hunting safety or military education, or before or after-school hunting or rifle clubs;
- The firearms are securely stored and located in an employee’s on-campus personal residence and/or immediately adjacent parking area;
- He/she is a registered, commissioned security guard acting in the course and scope of his/her duties;
- He/she has a valid conceal carry license and leaves his/her handgun in his/her locked vehicle in the KDPS parking lot.

Possession of a firearm by a KIPP Delta employee who does not fall under any of the above categories anywhere on school property, including parking areas and in or upon a school bus, will result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

### Other Weapons

An employee may possess a pocket knife which for the purpose of this policy is defined as a knife that can be folded into a case and has a blade or blades of less than three (3) inches or less each. An employee may carry, for the purpose of self-defense, a small container of pepper spray or mace which for the purpose of this policy is defined as having a capacity of 150cc or less. Employees are expected to safeguard such items in such a way as to ensure they are not possessed by students. Such items are not to be used against students, parents or other school employees. Possession of weapons, knives or self-defense items that do not comply with the limits contained herein, the failure of an employee to safeguard such items, or the use of such items against students, parents or other KDPS employees may result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

Employees who are participating in a Civil War reenactment may bring a Civil War era weapon onto campus with prior permission of the building leader. If the weapon is a firearm, the firearm must be unloaded.

Legal References: A.C.A. § 5-73-119  
 A.C.A. § 5-73-120  
 A.C.A. § 5-73-124(a)(2)  
 A.C.A. § 5-73-301  
 A.C.A. § 5-73-306  
 A.C.A. § 6-5-502

Date Adopted: September 2015

**Licensed and Classified Personnel Cell Phone Usage**

Use of cell phones or other electronic communication devices by employees during their designated work time for other than KIPP Delta-approved purposes is strictly forbidden unless specifically approved in advance by the Executive Director, School Leader, or their designees.

KDPS staff shall not be given cell phones or computers for any purpose other than their specific use associated with school business. School employees who use school issued cell phones and/or computers for non-school purposes, except as permitted by KDPS policy, shall be subject to discipline, up to and including termination. School employees who are issued KDPS cell phones due to the requirements of their position may use the phone for personal use on an "as needed" basis provided it is not during designated work time.

All employees 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 termination.

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

KIPP Delta does not reimburse employees for charges incurred on their personal cell phones, even if the charges are for business purposes.

Legal References: IRS Publication 15 B  
A.C.A. § 27-51-1602  
A.C.A. § 27-51-1609

Date Adopted: August 2012  
Last Revised: September 2015



**Licensed and Classified Personnel Responsibilities in Dealing with Sex Offenders on Campus**

Individuals who have been convicted of certain sex crimes must register with law enforcement as sex offenders. Arkansas law places restrictions on sex offenders with a Level 1 sex offender having the least restrictions (lowest likelihood of committing another sex crime), and Level 4 sex offenders having the most restrictions (highest likelihood of committing another sex crime).

While Levels 1 and 2 place no restrictions prohibiting the individual's presence on a school campus, Levels 3 and 4 have specific prohibitions. These are specified in MEGAN'S LAW and it is the responsibility of KDPS staff to know and understand the policy and, to the extent requested, aid school administrators in enforcing the restrictions placed on campus access to Level 3 and Level 4 sex offenders.

It is the intention of the board of directors that KDPS staff not stigmatize students whose parents or guardians are sex offenders while taking necessary steps to safeguard the school community and comply with state law. Each school's administration should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians.

All classified and licensed personnel will sign a form acknowledging receipt of this policy.

Legal References: A.C.A. § 12-12-913 (g) (2) Arkansas Department of Education  
Guidelines for "Megan's Law"  
A.C.A. § 5-14-132

Date Adopted: August 2012

**Licensed and Classified Personnel Public Office**

An employee of KDPS who is elected to the Arkansas General Assembly or any elective or appointive public office (not legally constitutionally inconsistent with employment by a public school district) shall not be discharged or demoted as a result of such service.

No paid leave will be granted for the employee's participation in such public office. The employee may receive pay for personal leave or vacation (if applicable), if approved in advance by the Executive Director, during his absence.

Prior to taking leave, and as soon as possible after the need for such leave is discerned by the employee, he must make written request for leave to the Executive Director, setting out, to the degree possible, the dates such leave is needed.

An employee who fraudulently requests sick leave for the purpose of taking leave to serve in public office may be subject to nonrenewal or termination of his employment.

Legal Reference: A.C.A. § 6-17-115

Date Adopted: August 2012

**Licensed and Classified Personnel Outside Employment**

An employee of KIPP Delta may not be employed in any other capacity during regular working hours.

An employee may not accept employment outside of his/her KDPS employment that will interfere, or otherwise be incompatible with KIPP Delta employment, including normal duties outside the regular work day; nor shall an employee accept other employment which is inappropriate for an employee of a public school.

The Executive Director, or his designee(s), shall be responsible for determining whether outside employment is incompatible, conflicting or inappropriate.

Legal References: A.C.A. § 6-24-106, 107, 111

Date Adopted: August 2012

## Licensed and Classified Personnel Employment

All prospective employees must fill out an application form provided by KDPS. In addition to any resume provided, all of the information provided will be kept on file with KIPP Delta.

If the employee provides false or misleading information, or if he/she withholds information to the same effect, it may be grounds for dismissal. In particular, it will be considered a material misrepresentation and grounds for termination of contract of employment if an employee's licensure status is discovered to be other than as it was represented by an employee or applicant, either in writing on application materials or in the form of verbal assurances or statements made to KIPP Delta.

It is grounds for termination of contract of employment if an employee fails a criminal background check or receives a true report on the Child Maltreatment Central Registry check.

KIPP Delta Public Schools is an equal opportunity employer and shall not discriminate on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

Inquiries on nondiscrimination may be directed to the KIPP Delta Human Resources Department at 870-753-9035. For further information on notice of non-discrimination or to file a complaint, visit <http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>; for the address and phone number of the office that serves your area, or call 1-800-421-3481.

In accordance with Arkansas law, KIPP Delta provides a veteran preference to applicants who qualify for one of the following categories:

1. a veteran without a service-connected disability;
2. a veteran with a service-connected disability; and
3. a deceased veteran's spouse who is unmarried throughout the hiring process; ~~or~~

For purposes of this policy, "veteran" is defined as:

- a. A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or
- b. Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether or not the person has retired or been discharged.

In order for an applicant to receive the veteran's preference, the applicant must be a citizen and resident of Arkansas, be substantially equally qualified as other applicants and do all of the following:

1. Indicate on the employment application the category the applicant qualifies for;
2. Attach the following documentation, as applicable, to the employment application:
  - Form DD-214 indicating honorable discharge;
  - A letter dated within the last six months from the applicant's command indicating years of service in the National Guard or Reserve Forces as well as the applicant's current status;
  - Marriage license;
  - Death certificate;
  - Disability letter from the Veteran's Administration (in the case of an applicant with a service-related disability).

Failure of the applicant to comply with the above requirements shall result in the applicant not receiving the veteran preference; in addition, meeting the qualifications of a veteran or spousal category does not guarantee either an interview or being hired.

Legal References: A.C.A. § 6-17-410

A.C.A. § 6-17-411

A.C.A. § 21-3-302

A.C.A. § 21-3-303

28 C.F.R. § 35.106

34 C.F.R. § 100.6

34 C.F.R. § 104.8

34 C.F.R. § 106.9  
 34 C.F.R. § 108.9  
 34 C.F.R. § 110.25

Date Adopted: August 2012  
 Last Revised: September 2015

## **Healthcare and the Affordable Care Act**

### **Definitions**

“Dependent”, for purposes of this policy, means an employee’s child(ren) and/or spouse who are enrolled by the employee in health care coverage through KIPP Delta’s health care plans.

“Full-time employee”, for purposes of this policy, means an employee in a position requiring on average thirty (30) hours of actual performance per week during the annual school year.

“Responsible individual” means a primary insured employee who, as a parent or spouse, enrolls one or more individual(s) in health care coverage through the KIPP Delta’s health care plans.

"Variable hour employee", for the purposes of this policy, means an individual who has no base minimum number of hours of performance required per week.

### **Health Insurance Enrollment**

All full time employees are eligible to enroll themselves; their spouse, so long as the spouse is not otherwise eligible for insurance through his/her employer’s sponsored plan; and their child(ren) in one of the insurance plans through the Public School Employee Life and Health Insurance Program (PSELHIP). Variable hour employees are not eligible to enroll in a PSELHIP plan. If a variable hour employee’s measurement period finds that the employee averaged thirty (30) or more hours per week, then the employee is treated as a full time employee rather than a variable hour employee and is eligible for health insurance. New full time employees have sixty (60) days following the start date of the employee’s contract to elect to enroll in a PSELHIP plan; all new employees shall be informed in writing of the start date of the employee’s contract and that the employee has sixty (60) days from that date to elect PSELHIP coverage. Coverage for new employees who choose to enroll in a PSELHIP plan shall take effect on the first of the month following the date on the enrollment application. New have thirty (30) days to enroll in supplemental insurances. Coverage shall be in effect until the end of the calendar year. Employees who experience a Qualifying Status Change Event have sixty (60) days from the date of the Qualifying Status Change Event to file an application to change coverage information. All employees who continue to be eligible may elect to continue coverage and make changes to their PSELHIP plan for the following plan year during the yearly open enrollment period.

KDPS shall ensure all employees are provided education annually on the advantages and disadvantages of a consumer-driven health plan option and effective strategies of using a Health Savings Account (HSA).

### **KDPS Contribution to Premiums**

At a minimum, KDPS shall distribute the statutorily required contribution rate to all employees who are enrolled in one of the PSELHIP plans, which shall include any mandatory increases to the contribution rate due to increases to the salary schedule.

KDPS does not participate in the State Health Insurance Portability Program.

### **Measurement Method of Employee Hours**

KIPP Delta uses the look-back method for determining if an employee qualifies as a full-time employee.

**W-2**

For all full-time employees who are enrolled in a PSELHIP plan, KIPP Delta shall indicate in box twelve (12) of the employee's Form W-2 the cost of the employee's health care coverage by using code "DD".

**IRS Returns**

KDPS will electronically file with the IRS by March 31 of each year the forms required by the IRS on the health insurance coverage of each full-time employee for the previous calendar year, whether or not the full-time employee participates in a health insurance plan through the PSELHIP.

**Statement of Return**

KDPS shall send to each full-time employee a Statement of Return (Statement) regarding the IRS Return filed on the employee. The Statement shall contain: The employer's name, address, and Employer Identification Number (EIN) as well as a copy of the IRS Return filed on the employee. KDPS shall send a copy of the Statement to the employee on or before January 31 of the calendar year following the calendar year the information in the Statement covers. KDPS shall send only one Statement to the household of an employee who meets the definition of a responsible individual that will include all requisite information for both the responsible individual and the responsible individual's dependent(s). The Statement will be mailed to the employee's address on record.

**Record Retention**

KDPS shall maintain copies of the Statements sent to employees in accordance with the requirements for documents transmitted to the IRS.

Legal References: A.C.A. § 6-17-1117  
A.C.A. § 21-5-401 et seq.  
26 C.F.R. § 54.4980h-0 et seq.  
26 C.F.R. § 31.6001-1  
26 C.F.R. § 301.6056-1

Date Adopted: September 2015

**Licensed and Classified Personnel Reimbursement of Travel Expenses**

Employees shall be reimbursed for personal and/or travel expenses incurred while performing duties or attending workshops or other employment-related functions, provided that prior written approval for the activity for which the employee seeks reimbursement has been received from the Executive Director, School Director (or other immediate supervision with the authority to make school approvals), or the appropriate designee of the Executive Director and that the teacher's attendance/travel was at the request of the KDPS.

It is the responsibility of the employee to determine the appropriate supervisor from which he must obtain approval.

Reimbursement claims must be made on forms provided by KIPP Delta and must be supported by appropriate, original receipts. Copies of receipts or other documentation are not acceptable, except in extraordinary circumstances.

Date Adopted: August 2012

**Licensed and Classified Personnel Tobacco Use**

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by a KIPP Delta school, including school buses owned or leased by KIPP Delta, or other school vehicles is prohibited.

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

Violation of this policy by employees shall be grounds for disciplinary action up to, and including, dismissal.

Legal Reference: A.C.A. § 6-21-609

Date Adopted: August 2012

### **Dress of Licensed and Classified Personnel**

Employees shall ensure that their dress and appearance are professional and appropriate to their positions.

Date Adopted: August 2012

### **Licensed and Classified Personnel Political Activity**

Employees are free to engage in political activity outside of work hours to the extent that it does not affect the performance of their duties or adversely affect important working relationships.

It is specifically forbidden for employees to engage in political activities on the school grounds or during work hours. The following activities are forbidden on school property:

1. Using students for preparation or dissemination of campaign materials;
2. Distributing political materials;
3. Distributing or otherwise seeking signatures on petitions of any kind;
4. Posting political materials; and
5. Discussing political matters with students, in the classroom, in other than circumstances appropriate to the Frameworks and/or the curricular goals and objectives of the class.

Date Adopted: August 2012

### **Licensed and Classified Personnel Debts**

For the purposes of this policy, "garnishment" of a KIPP Delta employee is when the employee has lost a lawsuit to a judgment creditor who brought suit against a KIPP Delta employee for an unpaid debt, has been awarded money damages as a result, and these damages are recoverable by filing a garnishment action against the employee's wages. For the purposes of this policy, the word "garnishment" excludes such things as child support, student loan or IRS liens or voluntary deductions levied against an employee's wages.

All employees are expected to meet their financial obligations. If an employee writes "hot" checks or has his income garnished by a judgment creditor, dismissal may result.

An employee will not be dismissed for having been the subject of one (1) garnishment. However, a second or third garnishment may result in dismissal.

At the discretion of the Executive Director, he or his designee may meet with an employee who has received a second garnishment for the purpose of warning the employee that a third garnishment will result in a recommendation of dismissal to the School Board.

At the discretion of the Executive Director, a second garnishment may be used as a basis for a recommended dismissal. The Executive Director may take into consideration other factors in deciding whether to recommend dismissal based on a second garnishment. Those factors may include, but are not limited to, the amount of the debt, the time between the first and the second garnishment, and other financial problems that come to the attention of KIPP Delta.

Date Adopted: April 2017

## Licensed and Classified Personnel Grievances

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies or salary payments of this KIPP Delta Public Schools.

### Definitions

**Grievance:** a claim or concern related to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal or state laws and regulations, or terms or conditions of employment, raised by an individual employee of this organization. Other matters for which the means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. Specifically, no grievance may be entertained against a supervisor for directing, instructing, reprimanding, or “writing up” an employee under his/her supervision. A group of employees who have the same grievance may file a group grievance.

**Group Grievance:** A grievance may be filed as a group grievance if it meets the following criteria: (meeting the criteria does not ensure that the subject of the grievance is, in fact, grievable)

1. More than one individual has interest in the matter; and
2. The group has a well-defined common interest in the facts and/or circumstances of the grievance; and
3. The group has designated an employee spokesperson to meet with administration and/or the board; and
4. All individuals within the group are requesting the same relief.

**Employee:** any person employed under a written offer letter by KIPP Delta Public Schools.

**Immediate Supervisor:** the person immediately superior to an employee who directs and supervises the work of that employee.

**Working day:** any weekday other than a holiday whether or not the employee is scheduled to work.

**Immediate Family:** an employee’s spouse, legal domestic partner, child, stepchild, adopted child, father, mother, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, guardian, and/or other members of the family living in the same household of the employee.

### Process

#### **Level One**

An employee who believes that he/she has a grievance shall inform that employee’s immediate supervisor that the employee has a potential grievance and discuss the matter with the supervisor within five working days of the occurrence of the grievance. The supervisor shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family present at their conference. (The five-day requirement does not apply to grievances concerning back pay.) If the grievance is not advanced to Level Two within five working days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

If the grievance cannot be resolved by the immediate supervisor, the employee can advance the grievance to Level Two. To do this, the employee must complete the top half of the Level Two Grievance Form (see Appendix) within five working days of the discussion with the immediate supervisor, citing the manner in which the specific personnel policy was violated that has given rise to the grievance, and submit the Grievance Form to his/her immediate supervisor. The supervisor will have ten working days to respond to the grievance using the bottom half of the Level Two Grievance Form which he/she will submit to the building School Director or, in the event that the employee’s immediate supervisor is the building School Director, the Executive Director. In the event that the employee’s immediate supervisor is the Executive Director, the Executive Director will complete the bottom half of the Level Two Grievance Form and submit it to the Chair of the KIPP Delta Board of Directors.

#### **Level Two**



When appeal is to the building School Director: Upon receipt of a Level Two Grievance Form, the building School Director will have ten working days to schedule a conference with the employee filing the grievance. The School Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the School Director will have ten working days in which to deliver a written response to the grievance to the employee. If the grievance is not advanced to Level Three within five working days, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

When appeal is to the Executive Director: Upon receipt of a Level Two Grievance Form, the Executive Director will have ten working days to schedule a conference with the employee filing the grievance. The Executive Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the Executive Director will have ten working days in which to deliver a written response to the grievance to the employee.

When appeal is to the Chair of the KIPP Delta Board of Directors: Upon receipt of a Level Two Grievance Form, the Chair of the KIPP Delta Board of Directors will have ten working days to review the grievance and decide if the grievance, on its face, is grievable under KDPS policy. If the Chair rules the grievance, whether group or individual, is not grievable, the matter shall be considered closed. If the Chair believes that the grievance is grievable, the Chair shall share the grievance with the entire Board Executive Committee and shall commence a hearing on the grievance. The Board Executive Committee may decide to conduct an investigation before or after the hearing.

The Board Executive Committee will invite all parties and representatives of their choosing to the hearing. The Committee shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. The employee shall have no less than 90 minutes to present his/her grievance, unless a shorter period is agreed to by the employee, and both parties shall have the opportunity to present and question witnesses. The hearing may be held in open or closed session. If the hearing is open, the parent or guardian of any student under the age of eighteen years who gives testimony may elect to have the student's testimony given in closed session. At the conclusion of the hearing, if the hearing was closed, the Board Executive Committee may excuse all parties except board members and deliberate, by themselves, on the hearing. At the conclusion of an open hearing, board deliberations may occur in open or closed session. Deliberations related to employment, appointment, promotion, demotion, disciplining, or resignation of the employee must be held in closed session.

If any member of the board becomes the recipient of grievance against the Executive Director or other party, the grievance should be immediately forwarded to the Chair.

A decision on the grievance shall be announced no later than the next regular board meeting.

### **Level Three**

If the proper recipient of the Level Two Grievance was the building School Director, and the employee remains unsatisfied with the written response to the grievance, the employee may advance the grievance to the Executive Director by submitting a copy of the Level Two Grievance Form and the School Director's reply to the Executive Director within five working days of his/her receipt of the School Director's reply. The Executive Director will have ten working days to schedule a conference with the employee filing the grievance. The Executive Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the Executive Director will have ten working days in which to deliver a written response to the grievance to the employee.

Appeal to the Board of Directors: An employee who remains unsatisfied by the written response of the Executive Director may appeal the Executive Director's decision to the Board of Directors within five working days of his/her receipt of the Executive Director's written response by submitting a written request for a board hearing to the Executive Director. If the grievance is not appealed to the Board of Directors within five working days of his/her receipt of the Executive Director's response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

The Board of Directors will address the grievance at a meeting, either regular or special, of the Board of Directors within the sixty days of the grievance. After reviewing the Level Two Grievance Form and the Executive Director's reply, the board will decide if the grievance, on its face, is grievable under KDPS policy. If the grievance is presented as a "Group Grievance," the Board shall first determine if the composition of the group meets the definition of a "Group Grievance." If the Board determines that it is a Group Grievance, the Board shall then determine whether the matter raised is grievable.

If the Board rules the composition of the group does not meet the definition of a Group Grievance, or the grievance, whether group or individual, is not grievable, the matter shall be considered closed. (Individuals within the disallowed group may choose to subsequently re-file their grievance as an individual grievance beginning with Level One of the process.)

If the Board rules the grievance to be grievable, they shall commence a hearing on the grievance. All parties have the right to representation by a person of their own choosing who is not a member of the employee's immediate family at the appeal hearing before the Board of Directors. The employee shall have no less than 90 minutes to present his/her grievance, unless a shorter period is agreed to by the employee, and both parties shall have the opportunity to present and question witnesses. The hearing shall be open to the public unless the employee requests a private hearing. If the hearing is open, the parent or guardian of any student under the age of eighteen years who gives testimony may elect to have the student's testimony given in closed session. At the conclusion of the hearing, if the hearing was closed, the Board of Directors may excuse all parties except board members and deliberate, by themselves, on the hearing. At the conclusion of an open hearing, board deliberations shall also be in open session unless the board is deliberating the employment, appointment, promotion, demotion, disciplining, or resignation of the employee. A decision on the grievance shall be announced no later than the next regular board meeting.

### **Records**

Records related to grievances will be filed separately and will not be kept in, or made part of, the personnel file of any employee.

### **Reprisals**

No reprisals of any kind will be taken or tolerated against any employee because he/she has filed or advanced a grievance under this policy.

Legal References: ACA § 6-17-208, 210

Date Adopted: August 2012

Date Revised and Approved: May 19, 2020

### **Licensed and Classified Personnel Sexual Harassment**

It is the policy of KIPP Delta Public Schools that all employees, students, customers, contractors, and visitors to our campuses enjoy a positive, respectful and productive work environment free from behavior, actions or language constituting workplace harassment. KIPP Delta Public Schools is committed to providing and promoting an atmosphere of respect for all members of the KIPP Delta community.

Toward this end, all members of the KIPP Delta community (including staff and students) must understand that harassment will not be tolerated, and that they are required to abide by KIPP Delta policy. Supervisors have a responsibility to ensure compliance with all applicable laws and regulations and to create a safe and pleasant workplace environment for their employees. Therefore, supervisors must be familiar with anti-harassment laws and regulations and possible consequences of violations.

The purpose of this policy includes: to serve as notice of the types of behavior which are unacceptable and will not be tolerated by KIPP Delta and to advise those who feel they have been the object of harassment of the recourses available to them. It is incumbent upon anyone who feels he or she has been harassed to avail themselves of this policy and procedure.

Engaging in harassment is unacceptable conduct which will not be tolerated. Any student found to have engaged in harassment will be subject to disciplinary action up to and including suspension. Any employee found to have engaged in harassment will be subject to disciplinary action up to and including termination. Managers and supervisors who know or should have known of harassment and fail to report such behavior, or fail to take immediate, appropriate action, will be subject to disciplinary action up to and including termination.

In determining whether alleged harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

This policy seeks to encourage students, faculty, and other employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of harassment. Retaliation against persons who report or provide information about harassment or behavior that might constitute harassment is also strictly prohibited.

Any act of reprisal, including internal interference, coercion, and restraint, by a KIPP Delta employee or by one acting on behalf of the KIPP Delta, violates this policy and will result in appropriate disciplinary action.

KIPP Delta also recognizes that false accusations of harassment can have serious effects on innocent persons. If the investigation results in finding that the complainant has acted maliciously or has recklessly made false accusations, the accuser will be subject to appropriate disciplinary actions. Retaliation is a serious violation of this policy and should be reported immediately.

#### Responsibilities of KIPP Delta Public Schools Supervisors

All members of the KIPP Delta community have a general responsibility to contribute in a positive way to a KIPP Delta environment that is free of harassment. Supervisory personnel, however, have additional responsibilities. Supervisory personnel are not only responsible for educating and sensitizing employees in their units about harassment issues, but they are also directed to take all appropriate steps to prevent and stop harassment in their areas of responsibility. Supervisory personnel who are contacted by an individual seeking to file a complaint about harassment in their department or area of responsibility shall assist the complainant in contacting the appropriate personnel.

#### Rights and Responsibilities of the Individual making the Complaint

- The right to have an opportunity to fully respond to the complaint.
- The right to have the complaint investigated and resolved in a timely manner.
- The responsibility not to take any actions against the complainant that could be considered retaliation. There should be no contact between the supervisor and complainant during the course of action.
- The right to know the steps taken to resolve the complaint. Investigators will fully inform the individual on the status of the investigation.
- The responsibility of providing as much information as possible as requested by the investigator(s) in order to provide a fair and just resolution to the complaint.
- The responsibility of maintaining confidentiality. The nature of the complaint should not be disclosed to persons not involved.

#### DEFINITIONS

Harassment: as defined by the Equal Employment Opportunity Commission (EEOC), "is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Workplace harassment can also be an act done by any person at the workplace intending to make the other uncomfortable. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition

of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive” (<http://www.eeoc.gov/types/harassment.html>).

Harassment based upon race, color, religion, sex, national origin, age, or disability is a form of discrimination and is prohibited by federal laws. Harassment based on sexual orientation or group affiliation is prohibited by KIPP Delta policy. The KIPP Delta, in its efforts to foster an environment of respect for the dignity and worth of all members of the KIPP Delta community, is committed to maintaining a work-learning environment free of harassment. Supervisors have a responsibility to ensure compliance with all applicable laws and regulations and to create a safe and pleasant workplace environment for their employees. Therefore, supervisors must be familiar with anti-harassment laws and regulations and possible consequences of violations. According to the legal definition, harassment includes but is not limited to: Verbal harassment, e.g., epithets, derogatory comments or slurs; Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual; Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings; or Sexual favors, e.g., unwanted sexual advances which condition an employment benefit upon an exchange of sexual favors.

**Hostile Environment:** A hostile environment is determined by looking at all of the circumstances including: the nature of the alleged hostility the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee’s work or student’s academic performance

**Quid Pro Quo:** Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a position of power or influence constitutes “quid pro quo sexual harassment” when: submission by an individual is made either an explicit or implicit term or condition of employment or of academic standing, or submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting that employee or student

As defined, “quid pro quo” normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or teacher and student or it may be indirect when the harasser has the power to influence others who have authority over the victim. Same sex sexual harassment is included in the definition of this policy and the offender and victim can be either male or female.

### **How to Respond and Report Harassment**

Persons who believe they have been victims of harassment should report the incident(s) immediately to appropriate administrative personnel as set forth below. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behavior.

If a complainant is able and feels safe, he or she should clearly explain to the respondent that the behavior is objectionable and request that it cease. The complainant should do so as soon as possible after the incident occurs. Communication with the respondent may be in person, on the telephone, or in writing.

If the behavior does not stop, or if the complainant believes some adverse employment or educational consequences may result from the discussion, he or she should utilize KIPP Delta’s documented harassment reporting process. Complaints may be filed anonymously. The following sections identify appropriate reporting channels that students and employees should contact regarding harassment.

#### Student Complaints

If the complaint is against a staff member it should be directed to the Human Resources Department. This also applies to students participating in internships, field placements, student teaching, and off campus academic settings.

If the complaint is against another student, not acting in an instructional or other employment capacity, it should be directed to the School Director and the Human Resources Director.

Students who believe for any reason that they cannot effectively submit their formal complaint through the above channels can direct their complaint to either the Chief Operating Officer or the Executive Director.

**Employee Complaints**

If the complaint is against another member of KIPP Delta's staff or a contractor, it should be directed to the Human Resources Department.

If the complaint is against an enrolled student, it should be directed to the School Director and the Human Resources Department.

Staff who believe for any reason that they cannot effectively submit their formal complaint through the above channels can direct their complaint to either Chief Operating Officer or the Executive Director.

**Filing the Complaint**

The process is initiated when a written, signed complaint is submitted to the Human Resources Director. The signed complaint should include the names of the individuals involved, a description of what occurred, and the time(s), place(s), and date(s) of the event(s). Signed complaints can be submitted by e-mail to the Human Resources Director.

**Investigation and Resolution**

The investigator(s) will ask the respondent to submit a detailed statement describing what occurred at the time of the alleged incident and listing the names of any witnesses with a brief description of what each may have seen or been told. The investigator(s) will begin the investigation within five (5) business days after receipt of the statement. Each party will prepare and submit a detailed written statement.

The investigator(s) may conduct interviews with witnesses. If possible, statements of witnesses will be in writing and signed; however, the investigator(s) may prepare written summaries of oral statements made by the witnesses. The investigator(s) must inform each witness that his or her statement will be furnished to each of the respective parties.

When the investigation is complete, the investigator(s) will prepare a written preliminary report. The report should describe the evidence in detail, have attached summaries, and other relevant documents, and contain recommendations. The complainant and respondent will have three (3) business days in which to share their response to this report with the investigator(s). The investigator(s) will consider responses and prepare a final report to be sent to the complainant, respondent, and the Executive Director.

**Appeal Process / Final Decision**

Either party may respond to the final report of the investigator(s) by written letter to the Executive Director. This letter should contain arguments as to why the recommendation(s) of the investigator(s) should be modified, accepted, or rejected. The Executive Director shall consider both the report of the investigator(s) and the letters of the respective parties. The decision of the Executive Director is final. The complainant and the respondent will be notified of the outcome of the investigation.

**False Allegations**

KIPP Delta recognizes that the question of whether a particular course of conduct constitutes harassment requires a factual determination. KIPP Delta also recognizes that false accusations of harassment can have serious effects on innocent persons. If the investigation results in finding that the complainant has acted maliciously or has recklessly made false accusations, the accuser will be subject to appropriate disciplinary actions.

**Record Keeping**

All written records generated through the use of the complaint procedure shall be kept for a period of three years in respective student's records or the employee's records in the regional KIPP Delta Human Resources Department.

**Appendix**

Common Definitions:

Student: Any individual enrolled at a KIPP Delta Public School.

**Employee:** This generally includes full and part-time staff paid by KIPP Delta. It generally excludes students or temporary employees. For specific information on who is considered an employee, contact the Human Resources Department.

**Supervisor:** An employee designated by management who exercises major supervisory functions over another employee or employees. These functions include hiring, evaluating, assigning work, and disciplining employees.

### Confidentiality

KIPP Delta Public Schools will do everything consistent with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Information about individual complaints and their disposition is considered confidential and will be shared only on a “need to know” basis. All reasonable steps will be taken to assure that the complainant and the alleged offender are protected by the highest degree of confidentiality possible. Both parties are advised, however, that once an inquiry or an investigation has begun, anonymity may be impossible.

**Legal References:** Title IX of the Education Amendments of 1972, 20 USC 1681, et seq. Title VII of the Civil Rights Act of 1964, 42 USC 2000-e, et seq.  
A.C.A. § 6-15-1005 (b) (1)

Date Adopted: August 2012

Date Modified: April 2017

### **The Code of Ethics for Arkansas Educators**

The purpose of the Rules Governing the Code of Ethics for Arkansas Educators (Code of Ethics) is to define standards of ethical conduct for all educators, whether licensed or employed under a legal waiver from licensure, and to outline procedures for receiving complaints, authorizing and conducting investigations, and recommending enforcement of the Code of Ethics.

The professional, ethical educator contributes to the development and maintenance of a supportive student-focused learning community that values and promotes human dignity, fairness, care, and the greater good and individual rights. These values are the ethical premises for the standards of professional behavior and ethical decision-making established in this Code of Ethics. By establishing standards of ethical conduct, the Code of Ethics promotes the health, safety, and general welfare of students and educators and ensures the citizens of Arkansas a degree of accountability within the education profession. At a minimum, Arkansas educators and preservice teachers must adhere to the Code of Ethics represented below.

An allegation of unethical conduct, authorized for investigation, and subsequently considered by the Ethics Subcommittee or the Ethics Hearing Subcommittee, and the State Board shall be based upon an alleged violation of the following:

**Standard 1:** An educator maintains a professional relationship with each student, both in and outside the classroom.

**Standard 2:** An educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position

**Standard 3:** An educator honestly fulfills reporting obligations associated with professional practices.

**Standard 4:** An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.

**Standard 5:** An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator’s position for personal gain.

Standard 6: An educator keeps in confidence secure standardized test materials and results and maintains integrity regarding test administration procedures.

Standard 7: An educator maintains the confidentiality of information about students and colleagues obtained in the course of the educator's professional services that is protected under state law or regulations, federal law or regulations, or the written policies of the educator's school district, unless disclosure serves a professional purpose as allowed or required by law or regulations.

Standard 8: An educator, while on school premises or at school-sponsored activities involving students, refrains from:

- a) using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances, and/or possessing items prohibited by law,
- b) possessing or using tobacco or tobacco-related products, e- cigarettes, e-liquid, or vapor products, or
- c) abusing/misusing prescription medications or other authorized substances as evidenced by impairment.

Date Adopted: August 2012

### **Professional Boundaries Policy**

*In this policy the term "student" refers to any current KIPP Delta student, or recent alumni college-age or younger. The term "staff" refers to any person employed by KIPP Delta, Inc.*

### **Professional Boundaries**

This policy is intended to guide all KIPP Delta staff in conducting themselves in a way that reflects the high standards of behavior and professionalism required of school employees and to specify the boundaries between students and staff. Healthy, supportive relationships are a pillar of the KIPP Delta community. Trespassing the boundaries of a student/KIPP Delta employee relationship and violation of this policy can lead to disciplinary consequences up to and including termination of employment. In addition, criminal penalties and sanctions against an educator's certificate may result for certain conduct with students.

All staff must carefully review this policy along with each of the examples given in the policy related to acceptable and unacceptable employee behavior (see examples section below). Although this policy gives specific, clear direction, it is each staff member's obligation to avoid situations, whether or not explicitly listed, that could prompt suspicion by parents, students, colleagues, or school leaders. One viable standard that can be quickly applied, when you are unsure if certain conduct is acceptable, is to ask yourself, "Would I be engaged in this conduct if my family or colleagues were standing next to me?"

Some activities may seem innocent from a staff member's perspective, but can be perceived as flirtation or sexual insinuation from a student or parent point of view. The objective of providing the examples of acceptable and unacceptable behaviors listed below is not to restrain innocent, positive relationships between staff and students, but to prevent relationships that could lead to, or may be perceived as, sexual misconduct.

Staff members must understand their own responsibility for ensuring that they do not cross the boundaries as written in this policy. Disagreeing with the wording or intent of the established boundaries will be considered irrelevant for disciplinary purposes. Thus, it is crucial that all employees learn this policy thoroughly and apply the lists of acceptable and unacceptable behaviors to their daily activities.

### **Duty to Report**

When an employee becomes aware of another staff member or adult on campus having engaged in unacceptable behaviors as specified in this policy or behaviors regarding professional boundaries otherwise causing suspicion, he or she must immediately report the matter to **BOTH the Human Resources Director and their manager**. All reports

shall be as confidential as possible under the circumstances. It is the duty of the Human Resources Director to investigate and thoroughly report the matter. Beyond boundary violations, known or suspected abuse must be reported to police or protective services. Reporting an incident to both the Human Resources Director and manager does not relieve the employee of his/her duty to report suspected child abuse to local authorities.

Any boundary or abuse allegations found credible through an investigation by KIPP Delta management or a third-party will be reported directly to the KIPP Delta Board Chair.

### **Failure to Follow this Policy**

Failure to follow this policy, either intentionally or unintentionally, is subject to disciplinary action, up to and including termination, depending on the severity of the violation. Additionally, the violation may be reported to the appropriate law enforcement agency, as required by law. Any questions regarding this policy should be directed to the Human Resources Director.

KIPP employees, volunteers, chaperones and employees of contracted service providers, (collectively “KIPP Adults”) should always endeavor to avoid any behavior that might have the appearance of impropriety. “KIPP Students” refers to any current KIPP student or recent alumni, college-age or younger. To that end, the following guidelines have been established:

### **General Boundaries**

- In order to differentiate between engaging in “peer or friend like” behavior and healthy staff/student relationships, KIPP Adults must ensure that if spending any time outside of school with KIPP students, that it is school sanctioned, permission is granted by the student parent/guardian and other KIPP Adults are present. In general, KIPP Adults should not “hang out” with students outside of school or spend an inordinate amount of time “hanging out” with students even inside the school for any non-school sanctioned purpose in order to ensure healthy boundaries are being kept. KIPP Adults should always remember that they are not the students’ “friends” and may not therefore not be engaging in peer-like behavior with the students.
- KIPP Adults may not date or engage in a romantic or sexual relationship with a KIPP student.
- KIPP Adults may not provide, show or discuss the use of alcohol or illegal drugs, vaping tools or cigarettes or pornographic material nor share information on how to access these with KIPP students.
- KIPP Adults may not direct or encourage a student to keep a secret from or not share information with his/her/their parents or any other KIPP Adults.
- KIPP Adults may not disparage a students’ family members, nor their religious practices or political beliefs.
- KIPP Adults may not be alone 1:1 with a KIPP student in a non-public space or a room with a closed or locked door.
- KIPP Adults and students must always interact in a manner where they are both observable and interruptible. If a situation arises that requires a 1:1 meeting and there is a concern about the need for more privacy, the meeting must both be school sanctioned, logged and a supervisor must be notified. In addition, it is always important to think strategically about how you can provide privacy for the child, while still being observable to others.

### **Conversation Boundaries**

- KIPP Adults may not address KIPP students by a nickname, pet-name or term of endearment nor by any name with which the KIPP student is uncomfortable or hasn’t chosen themselves. KIPP Adult must require



that students call them by the appropriate title (Mr., Mrs., Ms., Coach, etc.) followed by their last name or by their nickname preceded by the appropriate title.

- KIPP Adults may not converse with a KIPP student about the student's sexual or romantic life. (This does not preclude KIPP adults talking to students about the student's sexual orientation or gender identification; a counselor leading a sexual education class; or any issues related to Title IX)
- KIPP Adults may not reveal details of their own sexual or romantic lives, past or present, or mental or physical health to KIPP students.
- KIPP Adults may not engage in any flirtatious behavior with a student.
- KIPP Adults may not make sexual jokes, comments or engage in any conversation that has a sexual innuendo, or contains sexual stories.

### **Gifts**

- KIPP Adults may not lavish attention on a particular KIPP student, including giving gifts or offering gifts to a KIPP student. If there is any question about the appropriateness of a gift, the KIPP Adult should seek guidance from their supervisor.

### **Examples**

The following examples are not intended to be all-inclusive.

#### **Examples of unacceptable behaviors (violations of this policy):**

- Giving gifts to an individual student that are of a private and intimate nature.
- Kissing or flirting of any kind.
- Any type of unnecessary physical contact with a student in a private situation.
- Making or participating in sexually inappropriate comments.
- Sexual jokes or innuendo.
- Telling stories that are sexually oriented.
- Discussing your own personal relationships or intimate issues with a student in an attempt to gain their support and understanding of you.
- Spending time outside of regular school hours with student or alumni unless it has been approved by your school director or manager; (KIPP Delta staff who are parents of KIPP Delta students may have students over, provided they are there to play with the child.)
- Visiting a student in their home unless a parent, guardian, or another adult is present. (KIPP Forward should not visit alumni in their dorm room or apartment.)
- Allowing a student or a group of students to spend time at your home. (KIPP Delta staff who are parents of KIPP Delta students may have students over, provided they are there to play with the child.)
- Spending the night with a student. If an overnight at a hotel is required, the staff member must have parental consent, school director approval, more than one KIPP Delta adult on the outing, and a legitimate school reason (field trip, out of area tournament).
- Excessive texting or e-mailing; exchanging texts or emails at hours when a student reasonably should be sleeping.
- Sharing alcohol, drugs, or cigarettes with a student, purchasing for a student, consuming around any student, or discussing with students in a manner other than to educate.

#### **Examples of acceptable and recommended behaviors:**

- Getting school and parental written consent for an after-school activity.
- Obtaining formal approval to take students off school property for activities such as field trips or competitions.

- E-mails, text, phone and instant messages to students that are professional and pertain to school activities or classes.
- Meeting alone with a student in a room with windows, cracked door or otherwise observable/interruptible. (Counselors may also need private space so long as they are logging their meetings and/or informing a manager.)
- Giving gifts to groups of students if other staff know about it
- Stopping and correcting students if they cross your own personal boundaries.
- Asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries.
- Involving your manager if conflict arises with a student.
- Informing your school director about situations that have the potential to become more severe.
- Recognizing the responsibility to stop unacceptable behavior of students or coworkers.
- Giving students praise and recognition without touching them.
- Side hugs, child-initiated hugs, or hugs where staff has asked, "Would you like a hug?"
- Pats on the back, high fives and handshakes.

### **Student Supervision**

Students should be supervised by a KIPP Delta staff member at all times, and parents should know where their children are at all times. Planning with the end in mind, if an accident should happen to a student or students, this question will be asked: Where was the KIPP Delta staff member? The staff member should use his/her best judgment in terms of supervision so that there is a responsible answer to this question.

### **Classroom Conduct**

KIPP Delta policy is that no staff member or volunteer will be alone with any student, regardless of age, or gender, behind a closed door or in any other isolated situation except in extremely limited extenuating circumstances involving an emergency.

When a situation arises that calls for a staff member to be alone with a student, it is the staff member's responsibility to leave the door open, move to an open location, or to seat him/herself and the student where they are completely visible to passersby. Staff should not tape up, block, or cover up windows in such a way as to prevent outsiders from being able to see into a classroom. Teachers and students must be visible through the doorway, or door window, of any classroom. If covering is required for testing or other extraordinary circumstances, it should be removed as soon as possible. When a counselor or other administrator needs a private space for a confidential meeting, they are expected to log their meeting or notify another staff member.

It is also KIPP Delta Policy that classroom doors remain unlocked until the close of the day, except when rooms are unoccupied, or except in emergency situations as directed by the school leader or his/her designee.

### **Social Media and Electronic Communication Policy**

- KIPP Adults may only email students from their KIPP email address and not from any personal email address they might also maintain.
- KIPP Adults should be using the phone and group emails/classroom websites to communicate with students.
- KIPP Adults may not send email communication to a student past 9 PM.
- KIPP Adults may not zoom or video chat with a student, unless it is a school sanctioned and approved meeting and/or class, and all video communication must be between the hours of 6am and 9pm, and a parent or guardian must be notified of the scheduled meeting.

- KIPP Adults may not text with students unless they are using a KIPP issued phone, and the communication is for school related purposes.
  - It is important to note that texting is inherently informal, and can make a relationship feel more “friend-like.”
  - For field trips, overnight trips, or any school related program that requires texting, any electronic communication should be on a school run app, not a personal cell number, and should include administrators who have access to the messaging platform.
- KIPP Adults may not interact or connect with students on any personal social media accounts or any social media platforms, including but not limited to TikTok, Discord, Facebook, Twitter, Instagram and Snapchat.
  - KIPP Staff should use phone and group emails/classroom websites to communicate with students. In the case of an emergency, make sure to notify your School Operations Director/Manager to inform them of such use.

KIPP Forward counselors may only use a professional KIPP social media profile to connect with KIPP students if a current KIPP manager is aware of the account and is connected to it, with the user's name and password and KIPP parents are invited to connect with the account as well. In doing so, they must either:

Create and maintain two distinct profiles: one personal and one professional and invite students (current or alumni), their parents and/or families to “friend” the professional profile only.

- KIPP Adults may not create TikTok videos, Instagram Reels, or any other video or recording with students.
  - Additionally, KIPP Adults may not record and post any student videos anywhere that isn't a KIPP official social media account.
- KIPP Adults may not engage in gaming with KIPP Students, including but not limited to Roblox, Minecraft and Fortnite.
- KIPP Adults may not post images, video or any information about KIPP students on their personal social media accounts, unless they are re-sharing an official KIPP released social media post.

Updated July 2022

### **Licensed and Classified Personnel Computer Use Policy**

KIPP Delta Public Schools provides computers and/or computer Internet access for many employees to assist employees in performing work related tasks. Employees are advised that they enjoy no expectation of privacy in any aspect of their computer use, including email, and that under Arkansas law both email and computer use records maintained by KIPP Delta are subject to disclosure under the Freedom of Information Act.

Passwords or security procedures are to be used as assigned, and confidentiality of student records is to be maintained at all times. Employees must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the KIPP Delta's technology network security, alter data without authorization, disclose passwords to other staff members or students, or grant students access to any computer not designated for student use. It is the policy of KIPP Delta to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors. The designated District Technology Administrator or designee may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.

Employees who misuse KIPP Delta-owned computers in any way, including excessive personal use, using computers for personal use during instructional time, using computers to violate any other policy, knowingly or negligently allowing unauthorized access, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, up to and including termination or non-renewal of the employment contract.

Legal References:           Children's Internet Protection Act; PL 106-554  
                                       20 USC 6777  
                                       47 USC 254(h)  
                                       A.C.A. § 6-21-107  
                                       A.C.A. § 6-21-111

Date Adopted: August 2012

Date Modified: July 2016

### **Licensed and Classified Personnel Network Security**

Several measures have been taken to secure the network and safeguard privacy of data:

- A firewall has been implemented which limits the amount and type of traffic that enters the network from the internet: only
- The traffic deemed necessary and acceptable, or initiated by the user may pass through the network. Traffic initiated by the user is further limited by multiple content filters in compliance with CIPA.
- Network devices, including firewalls, routers, switches, and wireless access points, are secured at the device level with password protection. Furthermore, management of said equipment may only occur from within the school network.
- Wireless devices have implemented encryption measures to prevent the transmission of data in clear text.
- All servers, desktops, and laptops have been secured by requiring login at each computer. Network accounts are managed centrally, and passwords require changing on a periodic basis.
- Specific data locations have been identified, and access granted to a limited set of school staff on a need-to-know basis.
- Data is backed up on a daily basis onto removable media for offsite storage.

Date Adopted: August 2012

### **Licensed and Classified Personnel Supervision and Monitoring**

It shall be the responsibility of all members of the KIPP Delta Public Schools staff to supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the Children's Internet Protection Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the school administration or designated representatives.

Furthermore, DIS provides full T1 connectivity and also provides content filtering solutions that mitigate Internet chat and other content.

Date Adopted: August 2012

### **Licensed and Classified Personnel Inappropriate Network Usage**

To the extent practical, steps shall be taken to promote the safety and security of users of the KIPP Delta Public Schools online computer network when using electronic mail, social networking websites, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes:

- unauthorized access, including so-called 'hacking,' and other unlawful activities; and
- unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Date Adopted: August 2012

### **Licensed and Classified Personnel School Calendar**

The Executive Director shall present to the board of directors a school calendar that the regional leadership team has accepted as a proposal. The Executive Director, in developing the calendar, shall accept and consider recommendations from any staff member or group wishing to make calendar proposals.

KIPP Delta shall not establish a school calendar that interferes with any ACTAAP scheduled testing that might jeopardize or limit the valid testing and comparison of student learning gains.

KIPP Delta shall operate by the calendar included in the Appendix (on [www.kippdelta.org](http://www.kippdelta.org)).

Legal References: A.C.A. § 6-17-201  
Arkansas Comprehensive Testing, Assessment, and Accountability Plan Rules

Date Adopted: August 2012

### **Drug Free Workplace- Licensed and Classified Personnel**

The conduct of KIPP Delta staff plays a vital role in the social and behavioral development of our students. It is equally important that the staff have a safe, healthful, and professional environment in which to work. To help promote both interests, KIPP Delta shall have a drug free workplace. It is, therefore, KIPP Delta's policy that employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, alcohol, as well as inappropriate or illegal use of prescription drugs. Such actions are prohibited both while at work or in the performance of official duties while off school property; violations of this policy will subject the employee to discipline, up to and including termination.

To help promote a drug free workplace, KIPP Delta shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and the consequences of engaging in these activities. Annually, KDPS will provide employees with a copy of its Drug Free Workplace policy along with information about any available drug counseling, rehabilitation, or employee assistance abuse programs. The awareness program will also include information about reporting requirements and penalties that may be imposed upon KDPS employees for drug abuse violations.

**Illegal Drugs and Controlled Substances:** Should any employee be found to have been under the influence of, or in illegal possession of, any illegal drug or controlled substance, whether or not engaged in any school or school-related activity, and the behavior of the employee, if under the influence, is such that it is inappropriate for a school employee in the opinion of the Executive Director or Human Resources Director, the employee may be subject to discipline, up to and including termination. This policy also applies to those employees who are under the influence of alcohol while on campus or at school- sponsored functions, including athletic events.

Possession, use or distribution of drug paraphernalia by any employee, whether or not engaged in school or school-related activities, may subject the employee to discipline, up to and including termination. Possession in one's vehicle or in an area subject to the employee's control will be considered to be possession as though the substance were on the employee's person.

Employees suspected of being under the influence of any illegal drug or controlled substance may be asked to complete a drug test. In these situations, KDPS will cover the cost of the testing. It shall not be necessary, however for an employee to test at a level demonstrating intoxication by any substance in order to be subject to the terms of this policy. Any physical manifestation of being under the influence of a substance may subject an employee to the terms of this policy. Those physical manifestations include, but are not limited to: unsteadiness; slurred speech; dilated or constricted pupils; incoherent and/ or irrational speech; or the presence of an odor associated with a prohibited substance on one's breath or clothing.

Should an employee desire to provide KDPS with the results of a blood, breath, or urine analysis, such results will be taken into account by the Executive Director only if the sample is provided within a time range that could provide meaningful results and only by a testing agency chosen or approved by KDPS. In these instances, the expense for such voluntary testing shall be borne by the employee.

**Reporting Requirements;** Any employee who is charged with a violation of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances or alcohol, or of drug paraphernalia, must notify his immediate supervisor within five (5) week days (i.e., Monday through Friday, inclusive, excluding holidays) being so charged. The supervisor who is notified of such a charge shall notify the Executive Director immediately.

If the supervisor is not available to the employee, the employee shall notify the Executive Director or Human Resources Director within a five (5) day period.

Any employee so charged is subject to discipline, up to and including termination. However, the failure of an employee to notify his supervisor or the Executive Director of having been so charged shall result in that employee being recommended for termination by the Executive Director.

**Reporting to Federal Granting Agencies:** Any employee convicted of any criminal drug statute violation for an offense that occurred while at work or in the performance of official duties while off school property shall report the conviction within 5 calendar days to the Executive Director and Human Resources Director. Within 10 days of receiving such notification, whether from the employee or any other source, KDPS shall notify federal granting agencies from which it receives funds of the conviction. Compliance with these requirements and prohibitions is mandatory.

Within 30 calendar days of receiving notice that an employee has been convicted of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances, or of drug paraphernalia, KDPS shall either (a) terminate the employee or (b) require the employee to satisfactorily participate in a drug assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. KDPS will not be financially responsible for the cost any treatment program selected by the employee. The employee will be subject to random drug screenings upon completion of the program.

**Prescribed Medications:** Any employee who must take prescription medication at the direction of the employee's physician, and who is impaired by the prescription medication such that he cannot properly perform his duties shall not report for duty. Any employee who reports for duty and is so impaired, as determined by his supervisor, will be sent home. The employee shall be given sick leave, if owed any. KIPP Delta or employee will provide transportation for the employee, and the employee may not leave campus while operating any vehicle. It is the responsibility of the employee to contact his physician in order to adjust the medication, if possible, so that the employee may return to his job unimpaired. Should the employee attempt to return to work while impaired by prescription medications, for which the employee has a prescription, he will, again, be sent home and given sick leave, if owed any. Should the employee attempt to return to work while impaired by prescription medication a third time the employee may be subject to discipline, up to and including a recommendation of termination.

Any employee who possesses, uses, distributes or is under the influence of a prescription medication obtained by a means other than his own current prescription shall be treated as though he was in possession, possession with intent to deliver, or under the influence, etc. of an illegal substance.

An illegal drug or other substance is one which is (a) not legally obtainable; or (b) one which is legally obtainable, but which has been obtained illegally. KIPP Delta may require an employee to provide proof from his physician and/or pharmacist that the employee is lawfully able to receive such medication. Failure to provide such proof, to the satisfaction of the Executive Director, may result in discipline, up to and including a recommendation of termination.

**Reporting Requirements:** KDPS must report to the appropriate licensing agency within seven (7) days of:

- 1) A final disciplinary action taken against an employee resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances; or
- 2) The voluntary resignation of an employee who is facing a pending disciplinary action resulting from the diversion, misuse, or abuse of illicit drugs or controlled substances.

The report filed with the licensing authority shall include, but not be limited to:

- The name, address, and telephone number of the person who is the subject of the report; and
- A description of the facts giving rise to the issuance of the report.

When the employee is not a healthcare professional, law enforcement will be contacted regarding any final disciplinary action taken against an employee for the diversion of controlled substances to one (1) or more third parties.

Legal References: 41 USC § 8101, 8103, 8104

A.C.A. 17-80-117

A.C.A. 11-9-102

Modified: November 19, 2019

### **Licensed and Classified Personnel Parental Leave**

KIPP Delta Public Schools shall provide a period of paid leave for eligible staff members upon the birth, adoption, or placement of a child in foster care. All paid leave, based on tenure, will run concurrent with FMLA, for a total of up to 12 weeks of leave for each eligible staff member.

Eligibility for paid parental leave shall be the same as for FMLA leave:

- Employee must have been with KIPP Delta Public schools for 12 months or one full school year. Months need not be consecutive.
- During the last 12 months, employee must have worked for at least 1,250 hours.

#### Leave before the birth of a child

Should a staff member need to take leave due to complications of pregnancy or inability to perform job duties, they may take FMLA unpaid leave or use previously accrued paid-time-off. Use of FMLA will require a medical designation. Staff shall not be required to use paid parental leave until after the birth/adoption/placement of a child.

#### Leave during scheduled school breaks

School staff who become eligible for paid parental leave due to the birth, adoption, or placement in foster care of a child during a scheduled school break (Thanksgiving, Winter Break, Spring Break, or Summer), shall NOT be required to use paid parental leave time off during that break. The leave period shall commence upon the resumption of scheduled work days according to the board-approved school staff calendar.

Primary Caregiver Leave

<b>All leave runs concurrent with FMLA. Four weeks are offered at pay following the guidelines below</b>		
<b>Weeks 1 and 2</b> (10 working days, must be taken consecutively)	Baseline is to offer two weeks at full pay for all primary caregivers.	
<b>Weeks 3 and 4</b> (Must be taken consecutively and directly following weeks one and two – 10 additional working days)	Tenure of 1 – 2 years	50% of regular pay
	Tenure of 2 – 3 years	60% of regular pay
	Tenure of 3 - 4 years	70% of regular pay
	Tenure of 4 – 5 years	80% of regular pay
	Tenure of 5+ years	Full pay
<b>Additional time beyond week 4</b>	Any additional paid time must be taken from accrued PTO (sick/personal days), though this is not required. Staff may take unpaid leave and retain PTO for other needs. Up to 12 weeks of total leave per 12 months is allowed under FMLA.	

Secondary Caregiver Leave

Secondary caregivers are awarded 5 days at full pay and 5 days at half-day pay for parental leave. Additional leave may be taken at the manager's discretion and will be unpaid unless accrued PTO is used. Under FMLA, up to 12 weeks are allowed.

Lactation Accommodations

KIPP Delta Public Schools shall provide reasonable accommodations for all nursing mothers. Reasonable accommodations shall include breaks of adequate and appropriate duration and frequency, as well as a private location to express milk that is not a bathroom stall or janitorial closet.

Details regarding timing and location of the breaks are the responsibility of the nursing employee's direct supervisor. Accommodations should be provided immediately upon the return of the employee to work after childbirth or entrance to KIPP Delta as a new employee, and shall remain in effect until there is no longer a need.

Date Adopted: October 2013

Date Modified: February 2017



**Assignment of Extra Duties to Licensed and Classified Personnel**

From time to time extra duties may be assigned to personnel by the School Director or the Executive Director as circumstances dictate.

Legal Reference: A.C.A. § 6-17-201

Date Adopted: August 2012

## Licensed and Classified Personnel Benefits

KIPP Delta Public Schools provides our employees the following benefits:

1. Health and Supplemental Insurance – offered to all employees who work 30 or more hours per week (full- time) only
2. Contribution to the teacher retirement system – eligibility is determined by the Arkansas Teacher Retirement System at time of hire
3. One sick leave day per calendar month worked – granted to salary and year-round paid, full time, employees only
4. Three (3) Personal days per year for staff with less than five years of tenure and four (4) personal days per year for staff with five or more years of tenure - granted to salary and year- round paid, full time, employees only

Legal Reference: A.C.A. § 6-17-1201, 1301

Date Adopted: April 2017

## Licensed and Classified Personnel Termination, Non-Renewal, or Suspension

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to termination, non-renewal, or suspension. All employees should note that KIPP Delta is not bound by the parameters of the Arkansas Teacher Fair Dismissal Act.

### Definitions

Termination: Cessation of all or a portion of a contract with relevant pay stopped.

Non-renewal: Completion of an existing contract with no contract awarded thereafter with or without suspension.

Suspension: Removal of an employee from job duties for a period of time with or without pay

Employee: Any person employed under a written offer letter by KIPP Delta Public Schools.

Immediate Supervisor: The person immediately superior to an employee who directs and supervises the work of that employee.

C-Level: The Chief Academic Officer, Chief Operating Officer, Chief of Staff, Executive Director, Head of Schools

Immediate Family: An employee's spouse, legal domestic partner, child, stepchild, adopted child, father, mother, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, guardian, and/or other members of the family living in the same household of the employee.

### Process for all non-School Directors and non-C-Level staff:

Level One: An employee who believes that he/she has been wrongfully terminated shall inform their Immediate Supervisor and discuss the matter with the supervisor within five working days of the termination. The supervisor shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. If the termination appeal is not advanced to Level Two within five working days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said termination.

If the Immediate Supervisor cannot resolve the termination, the employee can advance the appeal to Level Two. To do this, the employee must complete the top half of the Level Two Termination Appeal Form (see Appendix) within five working days of the discussion with the immediate supervisor, citing the manner in

which the specific personnel policy was violated that has given rise to the termination appeal, and submit the Form to his/her immediate supervisor. The supervisor will have ten working days to respond to the termination appeal using the bottom half of the Level Two Termination Appeal Form that he/she will submit to the Executive Director.

Level Two: Upon receipt of a Level Two Grievance Form, the Executive Director will have ten working days to schedule a conference with the employee filing the termination appeal. The Executive Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the Executive Director will have ten working days in which to deliver a written response to the termination appeal to the employee.

Process for School Directors and C-Level staff:

Level One: A School Director or C-Level staff member who believes that he/she has been wrongfully terminated shall inform the Executive Director and discuss the matter with him/her within five working days of the termination. The Executive Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. If the termination appeal is not advanced to Level Two within five working days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said termination.

If the Executive Director cannot resolve the termination, the employee can advance the appeal to Level Two. To do this, the employee must complete the top half of the Level Two Termination Appeal Form (see Appendix) within five working days of the discussion with the Executive Director, citing the manner in which the specific personnel policy was violated that has given rise to the termination appeal, and submit the Form to the Executive Director. The Executive Director will have ten working days to respond to the termination appeal using the bottom half of the Level Two Termination Appeal Form that he/she will submit to the KIPP Delta Board of Directors' Governance and Nominating Committee.

Level Two: Upon receipt of a Level Two Grievance Form, the KIPP Delta Board of Directors' Governance and Nominating Committee will have ten working days to schedule a conference with the employee filing the termination appeal. The Committee shall offer the employee an opportunity to have a witness or representative who is not a member of the employee's immediate family present at their conference. After the conference, the Committee will have ten working days in which to deliver a written response to the termination appeal to the employee.

Legal Reference: A.C.A. § 6-17-2301

Date Adopted: July 2014

Date Revised and Approved: May 19, 2020

### Code of Conduct for Employees Involved in Procurement in the Child Nutrition Program

For purposes of this policy, "Family member" includes:

- An individual's spouse;
- Children of the individual or children of the individual's spouse;
- The spouse of a child of the individual or the spouse of a child of the individual's spouse;
- Parents of the individual or parents of the individual's spouse;
- Brothers and sisters of the individual or brothers and sisters of the individual's spouse;
- Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual's spouse; or
- Anyone acting or serving as an agent of the individual or as an agent of the individual's spouse.

No KIPP Delta employee, administrator, official, or agent shall participate in the selection, award, or administration of a contract supported by the District Child Nutrition Program funds if a conflict of interest exists, whether the conflict is real or apparent. Conflicts of interest arise when one or more of the following has a financial or other interest in the entity selected for the contract:

1. The employee, administrator, official, or agent;
2. Any family member of the employee, administrator, official, or agent;
3. The employee, administrator, official, or agent's partner; or
4. An organization that currently employs or is about to employ one of the above.

Employees, administrators, officials, or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements including, but not limited to:

- a) Entertainment;
- b) Hotel rooms;
- c) Transportation;
- d) Gifts;
- e) Meals; or
- f) Items of nominal value (e.g. calendar or coffee mug).

Violations of the Code of Conduct shall result in discipline, up to and including termination. The employer reserves the right to pursue legal action for violations.

All child nutrition personnel and any KIPP Delta employees involved in purchasing for the Child Nutrition Program shall receive training on the Code of Conduct. Training should include guidance about how to respond when a gratuity, favor, or item with monetary value is offered.<sup>2</sup>

Notes: This policy is similar to Policy 3.52. If you change this policy, review 3.52 at the same time to ensure applicable consistency between the two.

Legal References: A.C.A. § 6-24-101 et seq.  
 Arkansas Department of Education Rules Governing the Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and Other Parties  
 Commissioner's Memo FIN 09-036  
 Commissioner's Memo FIN-10-048  
 Commissioner's Memo FIN 15-074  
 7 C.F.R. § 3016.36  
 7 C.F.R. § 3019.42

Date Adopted: September 2015

## **Licensed Personnel Policies**

## Licensed Personnel Salary Schedule

KIPP Delta's salary schedule is included in the Appendix. State law requires each Region to include its teacher salary schedule in its written personnel policies unless the Region recognizes a teachers' union in its policies for, among other things, the negotiation of salaries. For the purposes of the salary schedule, a teacher will have worked a "year" if he/she works at least 120 days. The Region is required to post the salary schedule on its website by September 15 of each year and should place an obvious hyperlink, button, or menu item on the website's homepage that links directly to the current year licensed policies and salary schedule.

The salary schedule does not have to contain steps, nor does it have to list employees specifically.

For the purposes of this policy, a master's degree or higher is considered "relevant to the employee's position" if it is related to education, guidance counseling, or the teacher's content area and has been awarded for successful completion of a program at the master's level or higher by an institution of higher education accredited under Arkansas statutory requirements applicable at the time the degree was awarded.

Teachers who have earned additional, relevant degrees or sufficient college hours to warrant a salary change are responsible for reporting and supplying a transcript to the Human Resources Director. The appropriate salary increase will be reflected in the next paycheck provided it is at least two weeks from the time the notice and documentation is delivered. All salary changes will be on a "go forward" basis, and no back pay will be awarded.

Alternative Licensure Program, no prior teaching license

Each employee newly hired by the region to teach under the Non-Traditional Licensure Program (NTLP) shall initially be placed on the salary schedule in the category of a bachelor's degree with no experience, unless the NTLP employee has previous teaching experience which requires a different placement on the schedule. Upon receiving his/her teaching license, the employee shall be moved to the position on the salary schedule that corresponds to the level of education degree earned by the employee. Employee's degrees which are not relevant to the NTLP's position shall not apply when determining his/her placement on the salary schedule. An alternative licensed teacher shall be eligible for step increases with each successive year of employment, just as would a teacher possessing a traditional teaching license.

Licensed employee, seeking additional area or areas of licensure

Licensed employees who are working on an (Additional Licensure Plan) ALP to gain licensure in an additional area are entitled to placement on the salary schedule commensurate with their current license, level of education degree and years of experience. Degrees of a content area not relevant to the employee's position shall apply when determining his/her placement on the salary schedule.

Legal References: A.C.A. § 6-17-201, 202, 2403 A.C.A. § 6-20-2305(f) (4), A.C.A. § 6-17-2301

Date Adopted: April 2017

## Licensed Personnel Evaluations

### Definitions

"Inquiry category" is a category in which the building level or district level leader consistently demonstrates progressing, proficient, and/or exemplary performance on standards and functions in the Leader Excellence and Development System (LEADS) rubric.

"Intensive Category" is a category in which a building level or district level leader receives a rating of not meeting standards on the summative evaluation rubric as defined by the LEADS Rules.

"Novice Category" is a building level or district level leader who has not completed three consecutive years of experience in one district as a building level or district level administrator.

"Probationary teacher" has the same definition as A.C.A. § 6-17-1502.

"Teacher" has the same definition as A.C.A. § 6-17-2803(19).

### Teachers

The Executive Director or designee(s) shall develop procedures to govern the evaluation process and timelines for the evaluations.

KIPP Delta Public Schools uses the KIPP Framework for Excellent Teaching for formal evaluations. Each school-year, the organization will conduct a summative evaluation over all domains and components on all probationary teachers as well as any teacher currently on an "intensive support" improvement plan or who has successfully completed intensive support or participated in an improvement plan during the current or previous school-year. All teachers not covered in the previous sentence will have a summative evaluation over all domains and components at least once every four (4) years. To establish the initial four-year rotation schedule for non-probationary teachers to be summatively evaluated, at least one-quarter of each school's non-probationary teachers will be selected for evaluation by a non-biased method.

All teachers shall develop a Professional Growth Plan (PGP) annually that must be approved by the teacher's evaluator. If there is disagreement between a teacher and the teacher's evaluator concerning the PGP, the decision of the evaluator shall be final.

In an interim appraisal year, the teacher's annual performance rating will be derived from the average score of the components that align with the teacher's PGP.

In a summative evaluation year, the teacher's annual overall rating will be derived from both the teacher's performance rating and the applicable student growth measure as defined in the Arkansas Department of Education (ADE) TESS Rules.

While teachers are only required to be summatively evaluated once every four years, the teacher's evaluator may conduct a summative evaluation in any year.

In addition to a teacher's summative evaluation, an evaluator or designee shall conduct interim teacher appraisals during the year to provide a teacher with immediate feedback about the teacher's teaching practices; engage the teacher in a collaborative, supportive learning process; and help the teacher use formative assessments to inform the teacher of student progress and adapt teaching practices based on the formative assessments.

Evaluators may also conduct informal classroom observations during the year for the same purpose as a formal classroom observation but that are of shorter duration and are unannounced.

### Building Level or District Level Evaluations

Building level or district level leaders will be evaluated under the schedule and provisions required by LEADS.

The Executive Director or designee(s) shall develop procedures to govern the evaluation process and timelines for the evaluations.

Novice category and probationary building level or district level leaders, those building level or district level leaders who have been placed in the Intensive category, and those building level or district level leaders who have not had a summative evaluation the previous three (3) years will have a summative evaluation. A building level or district level leader shall complete a PGP based on the standards and functions determined during the initial summative evaluation meeting with the Executive Director or designee. If there is disagreement between a building level or district level leader and the leader's evaluator concerning the PGP, the decision of the evaluator shall be final. In subsequent years, he/she shall revise his/her PGP and associated documents required under LEADS.

The building level or district level leader shall annually revise his/her PGP and associated documents required under LEADS. In a non-summative evaluation year, his/her job performance will be measured on how well the PGP's goals have been met.

When the Executive Director or designee conducts a summative evaluation, he/she will base the building level or district level leader's continuing employment recommendation on:

- The level of performance based on the performance functions and standards of the evaluation rubric;
- The evidence of teacher performance and growth applicable to the building- or district-level leader; and
- The building- or district-level leader's progression on his or her professional growth plan.

To establish the initial four-year rotation schedule for inquiry category building level or district level leaders to be summatively evaluated, at least one-quarter of each school's inquiry category building level or district level leaders will be selected for evaluation by a non-biased method.

While building level or district level leaders are required to be summatively evaluated once every four-years, the Executive Director or designee may conduct a summative evaluation in any year.

Legal References: A.C.A. § 6-17-1501 et seq.  
 A.C.A. § 6-17-2801 et seq.  
 ADE Rules Governing the Teacher Excellence and Support System  
 ADE Rules Governing the Leader Excellence and  
 Development System (LEADS)

Date Adopted: September 2015



**Licensed Personnel Reduction in Force**

The School Board acknowledges its authority to conduct a reduction in force (RIF) when a decrease in enrollment or other reason(s) make such a reduction necessary or desirable. A RIF will be conducted when the need for a reduction in the work force exceeds the normal rate of attrition for that portion of the staff that is in excess of the needs of KIPP Delta as determined by the Executive Director.

In effecting a reduction in force, the primary goals of the organization shall be: what is in the best interests of the students; to maintain accreditation in compliance with the Standards of Accreditation for Arkansas Public Schools and/or the North Central Association; and the needs of KIPP Delta. A reduction in force will be implemented when the Executive Director determines it is advisable to do so and shall be effected through non-renewal, termination, or both. Any reduction in force will be conducted by evaluating the needs and long- and short-term goals of the organization.

If a reduction in force becomes necessary in an instructional area and/or specific grade level(s) the teacher's evaluations at KIPP Delta shall be the initial determining factor. The teacher with the highest evaluation scores as a teacher with KIPP Delta as compared to other teachers in the same instruction area and/or specific grade level(s) shall prevail.

If a reduction in force becomes necessary for teaching personnel, the RIF shall be conducted separately for each occupational category of personnel identified within the organization on the basis of each employee's evaluations. The employee within each occupational category with the highest evaluation scores shall be laid off last. In the event that employees within a given occupational category have the same evaluation scores, the one with the earlier hire date will prevail.

Pursuant to any reduction in force brought about by consolidation or annexation and as a part of it, the salaries of all employees will be brought into compliance by a partial RIF if necessary, with the receiving district's salary schedule. Further adjustments will be made if the job assignment changes. A partial RIF may also be conducted in conjunction with any job reassignment whether or not it is conducted in relation to an annexation or consolidation.

Legal Reference: A.C.A. § 6-17-2407

Date Adopted: July 2013

## Licensed Personnel Professional Development

For the purposes of this policy, professional development means a set of coordinated, planned learning activities for teachers and administrators that:

- Is required by statute or the Arkansas Department of Education; or
- Meets the following criteria:
  - Improves the knowledge, skills, and effectiveness of teachers;
  - Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies and methods;
  - Leads to improved student academic achievement; and
  - Is researched-based and standards-based.

All employees shall attend all local professional development training sessions as directed by his/her supervisor.

KIPP Delta shall develop and implement a plan for the professional development of its licensed employees. KIPP Delta's plan shall, in part, align KDPS resources to address the professional development activities identified in each school's Arkansas Comprehensive School Improvement Plan (ACSIP). The plan shall describe how the KDPS categorical funds will be used to address deficiencies in student performance and any identified academic achievement gaps between groups of students. At the end of each school year, the organization shall evaluate the professional development activities' effectiveness in improving student performance and closing achievement gaps.

Each licensed employee shall receive a minimum of thirty-six (36) hours of professional development annually to be fulfilled between July 1 and June 30. Licensed employees are required to obtain their thirty-six (36) hours of approved professional development each year over a five-year period as part of licensure renewal requirements. Professional development hours earned in excess of thirty-six (36) in the designated year cannot be carried over to the next year.

Licensed employees who are prevented from obtaining the required professional development hours due to their illness or the illness of an immediate family member as defined in A.C.A. § 6-17-1202 have until the end of the following school year to make up the deficient hours. Missed hours of professional development shall be made up with professional development that is substantially similar to that which was missed. This time extension does not absolve the employee from also obtaining the following year's required 36 hours of professional development. Failure to obtain required professional development or to make up missed professional development could lead to disciplinary consequences, up to termination or nonrenewal of the agreement of employment.

The goal of all professional development activities shall be improved student achievement and academic performance that results in individual, school-wide, and system-wide improvement designed to ensure that all students demonstrate proficiency on the state's assessments. The KIPP Delta's professional development plan shall demonstrate scientifically research-based best practice, and shall be based on student achievement data and in alignment with applicable ADE Rules and/or Arkansas code.

Teachers and administrators shall be involved in the design, implementation, and evaluation of the plan for their own professional development. The results of the evaluation made by the participants in each program shall be used to continuously improve the professional development offerings and to revise the school improvement plan.

Flexible professional development hours (flex hours) are those hours which an employee is allowed to substitute professional development activities, different than those offered by KIPP Delta, but which still meet criteria of either the employee's Individual Improvement Plan, Professional Growth Plan, the school's ACSIP, or both. KDPS shall determine on an annual basis how many, if any, flex hours of professional development it will allow to be substituted for scheduled professional development offerings. The determination may be made at an individual building, a grade, or by subject basis. The administration and the building leader have the authority to require attendance at specific professional development activities. Employees must receive advance approval from the building principal for activities they wish to have qualify for flex professional

development hours. To the fullest extent possible, professional development activities are to be scheduled and attended such that teachers do not miss their regular teaching assignments. Six (6) approved flex hours credited toward fulfilling the thirty-six (36) hour requirement shall equal one contract day. Hours of professional development earned by an employee that is not at the request KIPP Delta and is in excess of thirty-six (36) or not pre-approved by the building leader shall not be credited toward fulfilling the required number of days for that employee. Hours earned that count toward the required thirty-six (36) also count toward the required number of days for that employee. Employees shall be paid their daily rate of pay for professional development hours earned at the request of KIPP Delta that necessitate the employee work more than the number of days required by their offer letter.

Teachers and administrators who, for any reason, miss part or all of any scheduled professional development activity they were required to attend, must make up the required hours in comparable activities which are to be pre-approved by the building principal.

To receive credit for his/her professional development activity each employee is responsible for obtaining and submitting documents of attendance, or completion for each professional development activity he/she attends. Documentation is to be submitted to the Executive Director or designee. KIPP Delta shall maintain all documents submitted by its employees that reflect completion of professional development programs, whether KPDS or an outside organization provided such programs.

To the extent required by ADE Rules, employees will receive up to six (6) hours of educational technology professional development that is to be integrated within other professional development offerings.

The following PD shall count toward a licensed employee's required PD hours to the extent the District's or school's PD plan includes such training, is approved for flex hours, or is part of the employee's PDP and it provides him/her with knowledge and skills for teaching:

- Students with intellectual disabilities, including Autism Spectrum Disorder;
- Students with specific learning disorders, including dyslexia;
- Culturally and linguistically diverse students;
- Gifted students.

Beginning in the 2013-14 school-year and every fourth year thereafter, all mandated reporters and licensed personnel shall receive the training related to child maltreatment required under A.C.A. § 6-61-133(d)(e)(2). For the purposes of this training, "mandated reporters" includes school social workers, psychologists, and nurses.

Beginning in school-year 2014-15 and every fourth year thereafter, teachers shall receive two (2) hours of professional development designed to enhance their understanding of effective parental involvement strategies.

Beginning in school-year 2014-15 and every fourth year thereafter, administrators shall receive two (2) hours of professional development designed to enhance their understanding of effective parental involvement strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parental participation.

Beginning in the 2015-16 school-year and every fourth year thereafter, all licensed personnel shall receive two (2) hours of professional development in teen suicide awareness and prevention which may be obtained by self-review of suitable suicide prevention materials approved by ADE.

Beginning in the 2016-17 school-year and every fourth year thereafter, teachers who provide instruction in Arkansas history shall receive at least two (2) hours of professional development in Arkansas history as part of the teacher's thirty-six (36) hours annual requirement.

Anticipated rescuers shall receive training in cardiopulmonary resuscitation and the use of automated external defibrillators as required by ADE Rule. Such training shall count toward the required annual hours of professional development.

At least once every three (3) years, persons employed as athletics coaches shall receive training related to concussions, dehydration, or other health emergencies as well as students' health and safety issues related to environmental issues and communicable diseases.

All licensed personnel shall receive training related to compliance with KIPP Delta's anti-bullying policies.

For each administrator, the thirty-six (36) hour PD requirement shall include training in data disaggregation, instructional leadership, and fiscal management. This training may include the Initial, Tier 1, and Tier 2 training required for Executive Directors and other designees by ADE's Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

Building level administrators shall complete the credentialing assessment for the teacher evaluation PD program prior to conducting any summative teacher evaluations.

By the end of the 2014-15 school-year, teachers shall have received professional awareness on the [evidence-based interventions and accommodations for dyslexia](#).

Teachers required by the Executive Director, building leader, or their designee to take approved training related to teaching an advance placement class for a subject covered by the College Board and Educational Testing Service shall receive up to thirty (30) hours of credit toward the professional development required annually.

Licensed personnel may earn up to twelve (12) hours of professional development for time they are required to spend in their instructional classroom, office or media center prior to the first day of student/teacher interaction provided the time is spent in accordance with the state law and current ADE rules that deal with professional development. The hours may be earned through online professional development approved by the ADE provided the professional development relates to KIPP Delta's ASCIP and the teacher's professional growth plan.

Licensed personnel are eligible to receive five (5) professional development hours for each one-hour graduate level college course that meets the criteria identified in law and the applicable ADE rules. The Board shall determine if the hours earned apply toward the required thirty-six (36). A maximum of fifteen (15) such hours may be applied toward the thirty-six (36) hours of professional development required annually.

District administrators as well as licensed personnel selected by the Executive Director leader shall receive training on the appropriate use of restraint and seclusion in accordance with ADE's Advisory Guidelines for the Use of Student Restraints in Public School or Educational Settings.

Employees who do not receive or furnish documentation of the required annual professional development jeopardize the accreditation of their school and academic achievement of their students. Failure of an employee to receive thirty-six (36) hours of professional development in any given year, unless due to illness as permitted by law, ADE Rule, and this policy, shall be grounds for disciplinary action up to and including termination.

Approved PD activities may include:

- Conferences/workshops/institutes;
- Mentoring/peer coaching;
- Study groups/learning teams;
- National Board for Professional Teaching Standards Certification;
- Distance and online learning (including ArkansasIDEAS);
- Internships;
- State/district /school programs;
- Approved college/university course work;
- Action research; and
- Individually guided (to be noted in the employee's PDP).

Approved PD activities that occur during the instructional day or outside the licensed employee's annual contract days may apply toward the annual minimum PD requirement.

PD activities shall relate to the following areas:

- Content (K-12);
- Instructional strategies;
- Assessment/data-driven decision making;
- Advocacy/leadership/fiscal management;
- Systemic change process;
- Standards, frameworks, and curriculum alignment;
- Supervision;
- Mentoring/peer coaching;
- Next generation learning/integrated technology;
- Principles of learning/developmental stages/diverse learners;
- Cognitive research;
- Parent involvement/academic planning and scholarship;
- Building a collaborative learning community;
- Student health and wellness; and
- The Code of Ethics for Arkansas Educators.

Additional activities eligible for PD credit, as included in the District, school, and licensed employee's PDP, include:

- School Fire Marshall program (A.C.A. § 6-10-110);
- Tornado safety drills (A.C.A. § 6-10-121);
- Literacy assessments and/or mathematics assessments (A.C.A. § 6-15-420);
- Test security and confidentiality (A.C.A. § 6-15-438);
- Emergency plans for terrorist attacks (A.C.A. § 6-15-1302);
- Teacher Excellence and Support System (A.C.A. § 6-17-2806);
- Student discipline training (A.C.A. § 6-18-502);
- Student Services Program (A.C.A. § 6-18-1004);
- Training required by ADE under academic, fiscal and facilities distress statutes and rules; and
- Annual active shooter drills (6-15-1303).

Legal References: Arkansas State Board of Education: Standards of Accreditation 15.04

ADE Rules Governing Professional Development

ADE Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements

ADE Rules Governing Student Special Needs Funding

ADE Advisory Guidelines for the Use of Student Restraints in Public School or Educational Settings

A.C.A. § 6-10-121

A.C.A. § 6-10-122

A.C.A. § 6-10-123

A.C.A. § 6-15-404(f) (2)

A.C.A. § 6-15-420

A.C.A. § 6-15-426(f) (g)(h)

A.C.A. § 6-15-438

A.C.A. § 6-15-1004(c)

A.C.A. § 6-15-1302

A.C.A. § 6-15-1303

A.C.A. § 6-15-1703

A.C.A. § 6-16-1203

A.C.A. § 6-17-703

A.C.A. § 6-17-704

A.C.A. § 6-17-708

A.C.A. § 6-17-709  
 A.C.A. § 6-17-2806  
 A.C.A. § 6-17-2808  
 A.C.A. § 6-18-502(f)  
 A.C.A. § 6-18-514(f)  
 A.C.A. § 6-20-2204  
 A.C.A. § 6-20-2303 (15)  
 A.C.A. § 6-41-608  
 A.C.A. § 6-61-133

Date Adopted: August 2012

Date Modified: September 2015

### **Licensed Personnel Family Medical Leave**

The Family and Medical Leave Act (FMLA) leave offers job protection for what might otherwise be considered excessive absences. Employees need to carefully comply with this policy to ensure they do not lose FMLA protection due to inaction or failure to provide employer with needed information. The FMLA provides up to 12 work weeks (or in some cases 26 weeks) of job-protected leave to eligible employees with absences that qualify under the FMLA. While an employee can request FMLA leave and has a duty to inform their employer as provided in this policy of foreseeable absences that may qualify for FMLA leave, it is KIPP Delta's ultimate responsibility to identify qualifying absences as FMLA or non-FMLA. FMLA leave is unpaid, except to the extent that paid leave applies to any given absence as governed by the FMLA and this policy.

#### SECTION ONE

##### Definitions:

**Eligible Employee:** is an employee who has been employed by KIPP Delta for at least twelve (12) months and for 1250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave.

**FMLA:** is the Family and Medical Leave Act

**Health Care Provider:** is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices. It also includes any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

**Instructional Employee:** is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting and includes athletic coaches, driving instructors, preschool teachers, and special education assistants such as signers for the hearing impaired. The term does not include, and the special rules related to the taking of leave near the end of a semester do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include administrators, counselors, librarians, psychologists, or curriculum specialists.

**Intermittent leave:** is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

**Next of Kin:** used in respect to an individual, means the nearest blood relative of that individual.

**Parent:** is the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or a daughter. This term does not include parents "in-law."

**Serious Health Condition:** is an injury, illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.

**Son or daughter, for numbers 1, 2, or 3 below:** is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

**Year:** the twelve (12) month period of eligibility shall begin on July first of each school-year.

### Policy

The provisions of this policy are intended to be in line with the provisions of the FMLA. If any conflict(s) exist, the Family and Medical Leave Act of 1993 as amended shall govern.

### Leave Eligibility

KIPP Delta will grant up to twelve (12) weeks of leave in a year in accordance with the FMLA as amended, to its eligible employees for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. (See Section Two)
6. To care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury. (See Section Two)

The entitlement to leave for reasons 1 and 2 listed above shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

A husband and wife who are both eligible employees employed by KIPP Delta may not take more than a combined total of 12 weeks of FMLA leave for reasons 1, 2, 3 and 5.

### Provisions Applicable to both Sections One and Two

#### Notice to Employees

KIPP Delta shall post, in conspicuous places in each school/building where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA’s provisions and providing information about the procedure for filing complaints with the Department of Labor.

#### Designation Notice to Employee

When an employee requests FMLA leave or KIPP Delta determines that an employee’s absence may be covered under the FMLA, KIPP Delta shall provide written notice within five (5) business days (absent extenuating circumstances) to the employee of KIPP Delta’s determination of his/her eligibility for FMLA leave. If the employee is eligible, KIPP Delta may request additional information from the employee and/or certification from a health care provider to help make the applicability determination. After receiving sufficient information as requested, KIPP Delta shall provide a written notice within five (5) business days

(absent extenuating circumstances) to the employee of whether the leave qualifies as FMLA leave and will be so designated.

If the circumstances for the leave don't change, KIPP Delta is only required to notify the employee once of the determination regarding the designation of FMLA leave within any applicable twelve (12) month period.

#### Concurrent Leave under the FMLA

All FMLA leave is unpaid unless substituted by applicable accrued leave. KIPP Delta requires employees to substitute any applicable accrued leave (in the order of sick, personal, or vacation leave as may be applicable) for any period of FMLA leave.<sup>6</sup>

#### Health Insurance Coverage

KIPP Delta shall maintain coverage under any group health plan for the duration of FMLA leave the employee takes at the level and under the conditions coverage would have been provided if the employee had continued in active employment with KIPP Delta. Additionally, if KIPP Delta makes a change to its health insurance benefits or plans that apply to other employees, the employee on FMLA leave must be afforded the opportunity to access additional benefits and/or the same responsibility for changes to premiums. Any changes made to a group health plan which apply to other KDPS employees, must also apply to the employee on FMLA leave. KIPP Delta will notify the employee on FMLA leave of any opportunities to change plans or benefits. KIPP Delta will assume responsibility for any portion of premium payments customarily paid by the employee if an employee is on unpaid FMLA leave.

KIPP Delta has the right to pay an employee's unpaid insurance premiums during the employee's unpaid FMLA leave to maintain the employee's coverage during his/her leave. KIPP Delta may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which KIPP Delta maintains health coverage for the employee by paying the his/her share. Such recovery shall be made by offsetting the employee's debt through payroll deductions or by other means against any monies owed the employee by KIPP Delta.

An employee who chooses to not continue group health plan coverage while on FMLA leave, is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

If an employee gives unequivocal notice of intent not to return to work, or if the employment relationship would have terminated if the employee had not taken FMLA leave, KIPP Delta's obligation to maintain health benefits ceases.

If the employee fails to return from leave after the period of leave to which the employee was entitled has expired, KIPP Delta may recover the premiums it paid to maintain health care coverage unless:

- a) The employee fails to return to work due to the continuation, reoccurrence, or onset of a serious health condition that entitles the employee to leave under reasons 3 or 4 listed above; and/or
- b) Other circumstances exist beyond the employee's control.

Circumstances under "a" listed above shall be certified by a licensed, practicing health care provider verifying the employee's inability to return to work.

#### Reporting Requirements during Leave

Unless circumstances exist beyond the employee's control, the employee shall inform KIPP Delta every two weeks<sup>10</sup> during FMLA leave of their current status and intent to return to work.

#### Return to Previous Position

An employee returning from FMLA leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must involve the same or substantially similar duties and



responsibilities, which must entail substantially equivalent skill, effort, and authority. Specifically, upon returning from FMLA leave, a teacher may be assigned to another position that is not necessarily the same as the teacher's former job assignment. The employee may not be restored to a position requiring additional licensure or certification.

The employee's right to return to work and/or to the same or an equivalent position does not supersede any actions taken by KIPP Delta, such as conducting a RIF, which the employee would have been subject to had the employee not been on FMLA leave at the time of KIPP Delta's actions.

Provisions Applicable to Section One Employee Notice to KIPP Delta Foreseeable Leave:

When the need for leave is foreseeable for reasons 1 through 4 listed above, the employee shall provide KIPP Delta with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide KIPP Delta with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If there is a lack of knowledge of approximately when the leave will be required to begin, a change in circumstances, or an emergency, notice must be given as soon as practicable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

When the need for leave is for reasons 3 or 4 listed above, the eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of KIPP Delta subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify KIPP Delta as soon as practicable. If the employee fails to notify as soon as practicable, KIPP Delta may delay granting FMLA leave for the number of days in advance that the employee should have provided notice and when the employee actually gave notice.

Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide KIPP Delta notice of the need for leave as soon as practicable given the facts and circumstances of the particular case.

Ordinarily, the employee shall notify KIPP Delta within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify KIPP Delta as required, unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

Medical Certification

Second and Third Opinions: In any case where KIPP Delta has reason to doubt the validity of the initial certification provided, KIPP Delta may require, at its expense, the employee to obtain the opinion of a second health care provider designated or approved by the employer. If the second opinion differs from the first, KIPP Delta may require, at its expense, the employee to obtain a third opinion from a health care provider agreed upon by both KIPP Delta and the employee. The opinion of the third health care provider shall be considered final and be binding upon both KIPP Delta and the employee.

Recertification: KIPP Delta may request, either orally or in writing, the employee obtain a recertification in connection with the employee's absence, at the employee's expense, no more often than every thirty (30) days unless one or more of the following circumstances apply;

- a. The original certification is for a period greater than 30 days. In this situation, KIPP Delta may require a recertification after the time of the original certification expires, but in any case, KIPP Delta may require a recertification every six (6) months.
- b. The employee requests an extension of leave;
- c. Circumstances described by the previous certification have changed significantly; and/or

- d. KIPP Delta receives information that casts doubt upon the continuing validity of the certification. The employee must provide the recertification in fifteen (15) calendar days after KIPP Delta's request. No second or third opinion on recertification may be required.

KIPP Delta may deny FMLA leave if an eligible employee fails to provide requested certification.

#### Substitution of Paid Leave

When an employee's leave has been designated as FMLA leave for reasons 1 (as applicable), 2, 3, or 4 above, KIPP Delta requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.

To the extent the employee has accrued paid vacation or personal leave, any leave taken that qualifies for FMLA leave for reasons 1 or 2 above shall be paid leave and charged against the employee's accrued leave.

Workers Compensation: FMLA leave may run concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a "light duty job," but is unable to return to the employee's same or equivalent job, the employee may decline KIPP Delta's offer of a "light duty job." As a result, the employee may lose his/her workers' compensation payments, but for the duration of the employee's FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

#### Return to Work

If KIPP Delta's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness- for-duty" certification from a health care provider for the employee to resume work, the employee must provide such certification prior to returning to work. The employee's failure to do so voids KIPP Delta's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

If KIPP Delta's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness- for-duty" certification from a health care provider for the employee to resume work and the designation determination listed the employee's essential job functions, the employee must provide certification that the employee is able to perform those functions prior to returning to work. The employee's failure to do so or his/her inability to perform his/her job's essential functions voids KIPP Delta's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

#### Failure to Return to Work:

In the event that an employee is unable or fails to return to work within FMLA's leave timelines, the Executive Director will make a determination at that time regarding the documented need for a severance of the employee's contract due to the inability of the employee to fulfill the responsibilities and requirements of their contract.

#### Intermittent or Reduced Schedule Leave

To the extent practicable, employees requesting intermittent or reduced schedule leave shall provide KIPP Delta with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may only take intermittent or reduced schedule leave for reasons 1 and 2 listed above if KIPP Delta agrees to permit such leave upon request of the employee. If KIPP Delta agrees to permit an employee to take intermittent or reduced schedule leave for such reasons, the agreement shall be consistent with this policy's requirements governing intermittent or reduced schedule leave. The employee may be transferred temporarily during the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than

does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties.

Eligible employees may take intermittent or reduced schedule FMLA leave due to reasons 3 or 4 listed above when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule for reasons 3 or 4 above that is foreseeable based on planned medical treatment, KIPP Delta may temporarily transfer non-instructional, eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

If an eligible employee who meets the definition of an instructional employee requests intermittent or reduced schedule leave for reasons 3 or 4 above that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, KIPP Delta may require the employee to elect either

- a) to take medical leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- b) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

If the employee chooses to transfer to an alternative position it shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

An eligible instructional employee who needs intermittent leave or leave on a reduced leave schedule for reasons 3 or 4 above may not be transferred to an alternative position during the period of the employee's intermittent or reduced leave schedule if, based on the foreseeable planned medical treatment, the employee would be on leave for 20 percent or less of the total number of working days over the period the leave would extend.

#### Leave taken by eligible instructional employees near the end of the semester

In any of the following scenarios, if KIPP Delta chooses to require the eligible, instructional employee to stay on leave until the end of the semester, only the portion of the leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The required non-FMLA leave will not be considered excessive absenteeism.

#### Leave more than 5 weeks prior to end of the semester

If the eligible, instructional employee begins leave, due to reasons 1 through 4 listed above, more than 5 weeks prior to the end of the academic term, KIPP Delta may require the employee to continue taking leave until the end of the semester, if

- a) the leave is of at least 3 weeks duration; and
- b) the return to employment would occur during the 3-week period before the end of the semester.

#### Leave less than 5 weeks prior to end of the semester

If the eligible, instructional employee begins leave, due to reasons 1, 2, or 3 listed above, during the period that commences 5 weeks prior to the end of the academic term, KIPP Delta may require the employee to continue taking leave until the end of the semester, if

- a) the leave is of greater than 2 weeks duration; and
- b) the return to employment would occur during the 2-week period before the end of the semester.

#### Leave less than 3 weeks prior to end of the semester

If the eligible, instructional employee begins leave, due to 1, 2, or 3 listed above, during the period that commences 3 weeks prior to the end of the semester and the duration of the leave is greater than 5 working days, KIPP Delta may require the employee to continue to take leave until the end of the semester.

## SECTION TWO

### FMLA LEAVE CONNECTED TO MILITARY SERVICE Leave Eligibility

The FMLA provision of military associated leave is in two categories. Each one has some of its own definitions and stipulations. Therefore, they are dealt with separately in this Section of the policy. Definitions different than those in Section One are included under the respective reason for leave. Definitions that are the same as in Section One are NOT repeated in this Section.

### QUALIFYING EXIGENCY

An eligible employee may take FMLA leave for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. Examples include issues involved with short-notice deployment, military events and related activities, childcare and school activities, the need for financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as defined by federal regulations.

#### Definitions:

Covered active duty means

- in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country under a call to order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

Son or daughter on active duty or call to active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

### Certification

KIPP Delta may require the eligible employee to obtain certification to help KIPP Delta determine if the requested leave qualifies for FMLA leave for the purposes of a qualifying exigency. KIPP Delta may deny FMLA leave if an eligible employee fails to provide requested certification.

### Employee Notice to KIPP Delta Foreseeable Leave:

When the necessity for leave for any qualifying exigency is foreseeable, whether because the spouse, son, daughter, or parent of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to KIPP Delta as is reasonable and practicable regardless of how far in advance the leave is foreseeable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

### Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide KIPP Delta notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify KIPP Delta within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by

telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify KIPP Delta as required unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

#### Substitution of Paid Leave

When an employee's leave has been designated as FMLA leave any qualifying exigency, KIPP Delta requires employees to substitute accrued vacation, or personal leave for the period of FMLA leave.

#### Intermittent or Reduced Schedule Leave

Eligible employees may take intermittent or reduced schedule leave for any qualifying exigency. The employee shall provide KIPP Delta with as much notice as is practicable.

Leave taken by eligible instructional employees more than 5 weeks prior to end of the semester

If an eligible, instructional employee begins leave due to any qualifying exigency more than 5 weeks prior to the end of the semester, KIPP Delta may require the employee to continue taking leave until the end of the semester, if

- a) the leave is of at least 3 weeks' duration; and
- b) the return to employment would occur during the 3-week period before the end of the semester.

If KIPP Delta chooses to require the eligible, instructional employee to stay on leave until the end of the semester, only the portion of the leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement.

### SERIOUS ILLNESS

An eligible employee is eligible for leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury under the following conditions and definitions.

Definitions:

Covered Service Member is

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is an undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Outpatient Status: used in respect to a covered service member, means the status of a member of the Armed Forces assigned to

- a) a military medical treatment facility as an outpatient; or
- b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Parent of a covered service member: is a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

Serious Injury or Illness:

- a) in the case of a member of the Armed Forces, including the National Guard or Reserves, it means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of

duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating and

- b) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard of Reserves, at any time during a period as a covered service member defined in this policy, it means a qualifying (as defined by the U.S. Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Son or daughter of a covered service member means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

Year: for leave to care for the serious injury or illness of a covered service member, the twelve (12) month period begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 weeks of leave during one 12-month period to care for the service member who has a serious injury or illness as defined in this policy. An eligible employee who cares for such a covered service member continues to be limited for reasons 1 through 4 in Section One and for any qualifying exigency to a total of 12 weeks of leave during a year as defined in this policy. For example, an eligible employee who cares for such a covered service member for 16 weeks during a 12-month period could only take a total of 10 weeks for reasons 1 through 4 in Section One and for any qualifying exigency. An eligible employee may not take more than 12 weeks of FMLA leave for reasons 1 through 4 in Section One and for any qualifying exigency regardless of how little leave the eligible employee may take to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury.

If husband and wife are both eligible employees employed by KIPP Delta, the husband and wife are entitled to a combined total of 26 weeks of leave during one 12-month period to care for their spouse, son, daughter, parent, or next of kin who is a covered service member with a serious injury or illness as defined in this policy. A husband and wife who care for such a covered service member continues to be limited to a combined total of 12 weeks FMLA leave for reasons 1 through 3 in Section One and for any qualifying exigency during a year as defined in this policy. For example, a husband and wife who are both eligible employees and who care for such a covered service member for 16 weeks during a 12-month period could only take a combined total of 10 weeks for reasons 1 through 3 in Section One and for any qualifying exigency.

#### Medical Certification

KIPP Delta may require the eligible employee to obtain certification of the covered service member's serious health condition to help KIPP Delta determine if the requested leave qualifies for FMLA leave. KIPP Delta may deny FMLA leave if an eligible employee fails to provide requested certification.

#### Employee Notice to KIPP Delta

##### Foreseeable Leave:

When the need for leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury is clearly foreseeable at least 30 days in advance, the employee shall provide KIPP Delta with not less than 30 days' notice before the date the leave is to begin of the employee's intention to take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide KIPP Delta with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify KIPP Delta as soon as practicable. If the employee fails to notify as soon as practicable, KIPP Delta may delay granting FMLA

leave for the length of time that the employee should have provided notice and when the employee actually gave notice.

When the need for leave is to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of KIPP Delta subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide KIPP Delta notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify KIPP Delta within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify KIPP Delta as required unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

Substitution of Paid Leave

When an employee's leave has been designated as FMLA leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury, KIPP Delta requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.

Intermittent or Reduced Schedule Leave

To the extent practicable, employees requesting intermittent or reduced schedule leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury shall provide KIPP Delta with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may take intermittent or reduced schedule FMLA leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury that is foreseeable based on planned medical treatment, KIPP Delta may temporarily transfer non-instructional eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. Specifically, upon returning from FMLA leave, an employee may be assigned to another position that is not necessarily the same as the employee's former job assignment. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

If an eligible employee who meets the definition of an instructional employee requests intermittent or reduced schedule leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, KIPP Delta may require the employee to choose either

- a) to take medical leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

- b) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

If the employee chooses to transfer to an alternative position it shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. Specifically, upon returning from FMLA leave, a teacher may be assigned to another position that is not necessarily the same as the teacher's former job assignment. The employee will not be required to take more FMLA leave than necessary to address the circumstances the required the need for the leave.

An eligible instructional employee, who needs intermittent leave or leave on a reduced leave schedule leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury, may not be transferred to an alternative position during the period of the employee's intermittent or reduced leave schedule if, based on the foreseeable planned medical treatment, the employee would be on leave for 20 percent or less of the total number of working days over the period the leave would extend.

Leave taken by eligible instructional employees near the end of the academic the semester

In any of the following scenarios, if KIPP Delta chooses to require the eligible, instructional employee to stay on leave until the end of the semester, only the portion of the leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The excess non-FMLA leave will not be considered excessive absenteeism.

Leave more than 5 weeks prior to end of the semester

If the eligible, instructional employee begins leave, for any qualifying exigency or to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury more than 5 weeks prior to the end of the semester, KIPP Delta may require the employee to continue taking leave until the end of the semester, if

- a) the leave is of at least 3 weeks' duration; and
- b) the return to employment would occur during the 3-week period before the end of the semester.

Leave less than 5 weeks prior to end of the semester

If the eligible, instructional employee begins leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury during the period that commences 5 weeks prior to the end of the semester, KIPP Delta may require the employee to continue taking leave until the end of the semester, if

- a) the leave is of greater than 2 weeks' duration; and
- b) the return to employment would occur during the 2-week period before the end of the semester.

Leave less than 3 weeks prior to end of the semester

If the eligible, instructional employee begins leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury during the period that commences 3 weeks prior to the end of the semester and the duration of the leave is greater than 5 working days, KIPP Delta may require the employee to continue to take leave until the end of the semester.

Legal References: 29 USC §§ 2601 et seq.  
29 CFR part 825

Date Adopted: April 2017

**Licensed Personnel Video Surveillance and Other 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 KIPP Delta facilities, vehicles, and



equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras, automatic identification, data compilation devices, and technology capable of tracking the physical location of KIPP Delta equipment, students, and/or personnel.

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

Signs shall be posted on KIPP Delta property and in or on KIPP Delta vehicles to notify students, staff, and visitors that video cameras may be in use. Violations of school personnel policies or laws caught by the cameras and other technologies authorized in this policy may result in disciplinary action.

KIPP Delta shall retain copies of video recordings until they are erased that may be accomplished by either deletion or copying over with a new recording.

Videos, automatic identification, or data compilations containing evidence of a violation of KIPP Delta personnel policies 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 staff handbook; any release or viewing of such records shall be in accordance with current law.

Staff who vandalize, damage, defeat, 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.

Video recordings and automatic identification or data compilation records may become a part of a staff member's personnel record.

Date Adopted: August 2012

**Licensed Personnel Planning Time**

KIPP Delta recommends that a master schedule providing a minimum of two-hundred (200) minutes each week shall be created by the building level school director indicating when each teacher's planning period and scheduled lunch period will be. Planning time is for the purpose of scheduling conferences, instructional planning, and preparation. Each teacher will have the ability to schedule these activities during his/her designated planning time. Teachers may not leave campus during their planning time without prior permission from their building level supervisor.

KIPP Delta recommends the planning time be in increments of not less than forty (40) minutes and shall occur during the student instructional day unless a teacher requests, in writing, to have his/her planning time occur outside of the student instructional day. For the purposes of this policy, the student instructional day means the time that students are required to be present at school.

Note: KIPP Delta has a waiver from A.C.A. § 6-17-114. While we believe these recommendations are useful, KIPP Delta reserves the right to exercise flexibility with planning periods to better meet the needs of students in the building.

Legal Reference: A.C.A. § 6-17-114

Date Adopted: August 2012

**Licensed Personnel Leave- Injury from Assault**

Any teacher who, while in the course of their employment, is personally injured by either an assault or a criminal act committed against the teacher, shall be granted a leave of absence for up to one (1) year from the date of the injury, with full pay. Teachers who suffer personal injury while intervening in student fights, restraining a student or protecting a student from harm shall be considered to be injured as a result of an assault or a criminal act.

A leave of absence granted under this policy shall not be charged to the teacher's sick leave. In order to obtain leave under this policy, the teacher must present documentation of the injury from a physician, with an estimate for time of recovery sufficient to enable the teacher to return to work, and written statements from witnesses (or other documentation as appropriate to a given incident) to prove that the incident occurred in the course of the teacher's employment.

Legal Reference: A.C.A. § 6-17-1209

Date Adopted: August 2012

**Insult or Abuse of Licensed Personnel**

Employees are protected from abusive language and conduct by state law. An employee may report to the police any language which is calculated to:

1. Cause a breach of the peace;
2. Materially and substantially interfere with the operation of the school or department; and/or
3. Arouse the person to whom the language is addressed to anger, to the extent likely to cause imminent retaliation.

Legal Reference: A.C.A. § 6-17-106

Date Adopted: April 2017

### **Licensed Personnel Reimbursement for Purchase of Supplies**

Prekindergarten through sixth grade teachers shall be allotted the amount required by law to be used by the teacher in his/her classroom or for class activities. The amount shall be credited to an account from which the teacher shall be reimbursed for his/her covered purchases to the extent funds are available in the account.

For the purposes of this policy, pre-kindergarten through sixth grade teachers shall be allotted the greater of:

1. Twenty dollars (\$20) per student enrolled in the teacher's class for more than fifty percent (50%) of the school day at the end of the first three (3) months of the school year; or
2. Five hundred dollars (\$500).

Teachers may purchase supplies and supplementary materials from KIPP Delta at KIPP Delta's cost to take advantage of the school's bulk buying power. To do so, teachers shall complete and have approved by their School Director a purchase order for supplies which will then be purchased on the teacher's behalf by the school and subtracted from the teacher's total supply and material allocation. Teachers may also purchase materials and supplies using their own funds and apply for reimbursement by submitting itemized receipts. Receipts totaling less than \$25.00 will be held until total receipts are equal to or greater than \$25.00. Supplies and materials purchased with school funds, or for which the teacher is reimbursed with school funds, are school property, and should remain on school property except to the extent they are used up or consumed or the purchased supplies and/or materials are intended/designed for use away from the school campus.

Unused allotments shall not be carried over from one fiscal year to the next.

Legal Reference: A.C.A. § 6-21-303(b)(1)

Date Adopted: August 2012

### **Parent-Teacher Communication**

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

Teachers are required to communicate during the school year with the parent(s) or legal guardian(s) of each of their students to discuss their academic progress. More frequent communication is required with the parent(s) or legal guardian(s) of students who are performing below grade level.

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

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

Legal References: State Board of Education Standards of Accreditation 12.04.1, 12.04.2, and 12.04.3  
A.C.A. § 6-15-1701

Date Adopted: August 2012

### **Assignment of Teacher Aides**

The School Director or his/her designee shall make the assignment of teacher aides. Changes in the assignments may be made as necessary due to changes in the student population, teacher changes, and to best meet the educational needs of the students.

Legal Reference: A.C.A. § 6-17-201

Date Adopted: August 2012

### **Licensed Personnel Responsibilities Governing Bullying**

Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of bullying as defined in this policy, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the School Director. The School Director or his/her designee shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted.

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

KIPP Delta staff members are required to help enforce implementation of KIPP Delta's anti-bullying policy. KIPP Delta's definition of bullying is included below. Students who bully another person are to be held accountable for their actions whether they occur on school equipment or property; off school property at a school-sponsored or school-approved function, activity, or event; or going to or from school or a school activity. Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the building School Director. The report may be made anonymously.

Notice of what constitutes bullying and that bullying is prohibited and will not be tolerated shall be posted in every classroom, cafeteria, restroom, gymnasium, auditorium and school bus.

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

#### **Definitions:**

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

Bullying means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that causes or creates a clear and present danger of:

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

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

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

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

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

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

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

1. Sarcastic "compliments" about another student's personal appearance,
2. Pointed questions intended to embarrass or humiliate,
3. Mocking, taunting or belittling,
4. Non-verbal threats and/or intimidation such as "fronting" or "chesting" a person,
5. Demeaning humor relating to a student's race, gender, religion, ethnicity, nationality, personal or physical characteristics,
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
7. Blocking access to school property or facilities,
8. Deliberate physical contact or injury to person or property,
9. Stealing or hiding books or belongings, and/or
10. Threats of harm to student(s), possessions, or others.

Notes: A school employee who has reported violations under KIPP Delta's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.

Legal Reference: A.C.A. § 6-18-514

Date Adopted: August 2012

### **Licensed Personnel Records and Reports**

The Executive Director or his/her designee shall determine, by individual or by position, those records a teacher is responsible to keep and those reports he/she is required to maintain. It is a requirement of employment that all required records and reports be completed, submitted, or otherwise tendered, and be accepted by the School Director or Executive Director as complete and satisfactory, before the last month's pay will be released to the licensed employee.

Legal Reference: A.C.A. § 6-17-104

Date Adopted: August 2012

### **Licensed Personnel Duty to Report Child Abuse, Maltreatment or Neglect**

It is the statutory duty of licensed school employees who have reasonable cause to suspect child abuse or maltreatment to directly and personally report these suspicions to the Arkansas Child Abuse Hotline, by calling 1-800-482-5964. Failure to report suspected child abuse, maltreatment or neglect by calling the Hotline can lead to criminal prosecution and individual civil liability of the person who has this duty. Notification of local or state law enforcement does not satisfy the duty to report; only notification by means of the Child Abuse Hotline discharges this duty.

The duty to report suspected child abuse or maltreatment is a direct and personal duty, and cannot be assigned or delegated to another person. There is no duty to investigate, confirm or substantiate statements a student may have made which form the basis of the reasonable cause to believe that the student may have been abused or subjected to maltreatment by another person; however, a person with a duty to report may find it helpful to make a limited inquiry to assist in the formation of a belief that child abuse, maltreatment or neglect has occurred, or to rule out such a belief. Employees and volunteers who call the Child Abuse Hotline in good faith are immune from civil liability and criminal prosecution.

By law, no school district or school district employee may prohibit or restrict an employee or volunteer from directly reporting suspected child abuse or maltreatment, or require that any person notify or seek permission from any person before making a report to the Child Abuse Hotline.

KIPP Delta will provide Professional Development Training to all personnel regarding this policy.

Legal References: A.C.A. § 12-18-201 et seq.  
A.C.A. § 12-18-201 et seq.  
A.C.A. § 12-18-402

Date Adopted: August 2012

## Licensed Personnel Highly Qualified Policy

It is the policy of KIPP Delta Public Schools that all of its full-time teachers, regardless of whether they teach a core academic class, shall be upon hiring or shall become highly qualified. “Highly qualified” is defined as meeting Arkansas Qualified Teacher Requirement.

Any teacher provided an offer letter prior to July 1 of the fiscal year shall have attained highly qualified status within thirty (30) days of the start of the regular school year. Any teacher provided an offer letter subsequent to July 1 of the fiscal year shall have attained highly qualified status within ninety (90) days of the onset of their employment.

An employee who has not attained highly qualified status within the appropriate timeline shall be placed on a written plan indicating the action steps the teacher must take to attain highly qualified status. The teacher, building school director, and human resources director shall sign the plan. An inability to attain highly qualified status within the timeline required under the plan shall result in consequences, including and up to, termination.

The recently passed Every Student Succeeds Act (ESSA) rescinded the Highly Qualified Teacher (HQT) provisions in No Child Left Behind.

The Arkansas Department of Education has instituted **Arkansas Qualified Teacher (AQT)** requirements.

>AQT is **NOT** a pathway to becoming a licensed teacher.

>AQT **IS** solely a way for teachers to demonstrate content knowledge in the subject they teach.

AQT **ONLY APPLIES** when:

1. 1. A teacher is teaching in a **Core Academic Subject Area** for which licensure is otherwise required but where the licensure requirements have been legally waived by one of the following provisions:
  1. Act 1240 of 2015 Approval to Waive Licensure
  2. Charter School Approval to Waive Licensure
  3. School of Innovation Approved Waiver of Licensure, or
1. 2. A teacher is teaching Core Academic Subject Areas in Special Education or in an Alternative Learning Environment (ALE)

An Arkansas Qualified Teacher must have (1) a minimum of a bachelor’s degree and (2) demonstrated content knowledge in the Core Academic subject area being taught ([See AQT Rules](#)), and, **when applicable** (3) a Special Education license for a Special Education class, or a teaching license when teaching in an Alternative Learning Environment (ALE); except where licensure is officially waived.

### Core Academic Subject Areas are:

Early Childhood (Elementary) | English Language Arts | Science  
Social Studies | Foreign Language | Mathematics | Music | Art

Teachers in the above circumstance(s) must be designated as AQT for that subject content and grade level.

### Demonstration of content knowledge may be achieved by any one of the following:

- Passed a content area assessment approved by the State Board of Education for the subject/content/grade level the educator will teach
- Passed a content exam which was accepted as demonstration of content knowledge for a teaching license in another state that is acceptable through reciprocity for an Arkansas teaching license
- Has a bachelor’s degree or advanced degree in the content area
- Has a minimum of 18 college credit hours in the content area
- Has National Board Certification in the content area
- Has documented successful, relevant work experience in the content area to be taught, established by at least one year of employment in a specific field or occupation that required the educator to demonstrate knowledge and skills in the content area. This is to be supported by two professional letters of recommendation from the educator’s employers or supervisors.

For Special Education or ALE teachers who do not meet any of the above conditions, demonstration of content knowledge may be met by either:



A. Achieving a passing score on the [Praxis® Fundamental Subjects: Content Knowledge Exam \(5511\)](#), with a minimum score of 148, or

B. Having the appropriate number of points via the Arkansas High Objective Uniform State Standard of Evaluation (ARHOUSSE) matrix on one of the AQT Designation Forms below:

- [Arkansas Qualified Teacher Designation Form \(SINGLE SUBJECT\)](#)
- [Arkansas Qualified Teacher Designation Form \(MULTI-SUBJECT for Middle Childhood grades\)](#)
- [Arkansas Qualified Teacher Designation Form \(MULTI-SUBJECT for Secondary grades\)](#)

Date Adopted: April 2018

## **Classified Personnel Policies**

## **Classified Personnel Salary Schedule**

KIPP Delta's Classified Personnel Salary Schedule is included in the appendix (posted to [www.kippdelta.org](http://www.kippdelta.org)). State law requires each District to include its classified employee's salary schedule in its written personnel policies unless the District recognizes a classified employees' union in its policies for, among other things, the negotiation of salaries. Each district is required to have a salary schedule for at least the following five categories of classified personnel: 1) Maintenance and Operations; 2) Transportation; 3) Food Service; 4) Secretarial and Clerical; and 5) Aids and Paraprofessionals. KIPP Delta is required to post the salary schedule on its website by September 15 of each year and should place an obvious hyperlink, button, or menu item on the website's homepage that links directly to the current year classified policies and salary schedule.

For the purposes of this policy, an employee must work two thirds (2/3) of the number of their regularly assigned annual work days to qualify for a step increase.

The Executive Director has the authority, when recommending an applicant and his/her placement on KIPP Delta's salary schedule to the Board for its approval, to consider the applicant's previous work experience with similar duties, responsibilities, and skill sets to those job duties and responsibilities the applicant would assume for KIPP Delta.

Legal Reference: A.C.A. § 6-17-2203

A.C.A. § 6-17-2301

ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

Date Adopted: August 2012

## **Overtime and Complying with FLSA**

KIPP Delta Public Schools shall comply with those portions of the Fair Labor Standards Act that relate to the operation of public schools. The act requires that covered employees be compensated for all hours worked at greater than or equal to the applicable minimum wage for workweeks of less than or equal to 40 hours. It also requires that employees be compensated for workweeks of greater than 40 hours at 1 1/2 times their regular rate of pay.

### Definitions

Overtime is hours worked in excess of 40 per workweek. Compensation given for hours not worked such as for holidays or sick days do not count in determining hours worked per workweek.

Workweek is the seven-day consecutive period of time from 12:00AM on Sunday to midnight on the following Saturday. Each workweek is independent of every other workweek for the purpose of determining the number of hours worked and the remuneration entitled to by the employee for that week.

Exempt Employees are those employees who are not covered under the FLSA. They include administrators and professional employees such as teachers, counselors, registered nurses, and supervisors. Any employee who is unsure of their coverage status should consult with the Human Resources Department.

Covered Employees (also defined as non-exempt employees) are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionists, paraprofessionals, food service workers, secretaries, and bookkeepers.

Regular Rate of Pay includes all forms of remuneration for employment and shall be expressed as an hourly rate. For those employees previously paid on a salary basis, the salary shall be converted to an hourly equivalent. Employees shall be paid for each and every hour worked.

## Employment Relationships

- KIPP Delta does not have an employment relationship in the following instances:
  - Between KIPP Delta and student teachers;
  - Between KIPP Delta and its students (unless explicitly stated with an offer letter);
  - Between KIPP Delta and individuals who as a public service volunteer or donate their time to KIPP Delta without expectation or promise of compensation.

KIPP Delta does not have a joint employment relationship in the following instances.

1. Between KIPP Delta and off-duty policemen or deputies who are hired on a part-time basis for security purposes or crowd control. KIPP Delta is separate from and acts independently of other governmental entities.
2. Between KIPP Delta and any agency contracted with to provide transportation services, security services, or other services.

## Hours Worked

Employees shall be compensated for all the time they are required to be on duty and shall be paid for all hours worked each workweek. Employees shall accurately record the hours they work each week.

KIPP Delta shall determine the manner to be used by employees to accurately record the hours they work. Each employee shall record the exact time they commence and cease work including meal breaks. Employees arriving early may socialize with fellow workers who are off the clock, but shall not commence working without first recording their starting time.

Employees shall sign in/clock in where they start work and sign out/clock out at the site where they cease working. Employees who do not start and end their workday at the same site shall carry a time card or sheet with them to accurately record their times. They shall turn in their time sheets or cards to their immediate supervisor no later than the following Monday morning after reviewing them to be sure that they accurately reflect their hours worked for that week.

Each employee is to personally record his or her own times. Any employee who signs in or out (or who punches a time clock) for another employee or who asks another employee to do so for him or her will be dismissed.

Employees whose normal workweek is less than 40 hours and who work more than their normal number of hours in a given workweek may, at KIPP Delta's option, be given compensatory time for the hours they worked in excess of their normal workweek in lieu of their regular rate pay. Compensatory time given in this manner shall be subject to the same conditions regarding accumulation and use as compensatory time given in lieu of overtime pay.

## Breaks and Meals

Any classified, non-exempt employee who works more than 30 hours per week is required to be provided and to take one 30-minute unpaid break per school day. Pay at an hourly rate may also be offered in lieu of the paid break.

KIPP Delta will provide no fewer than two (2) paid fifteen (15) minute breaks during each regular workday for each (non-exempt) classified school employee who works more than twenty (20) hours per week under the Arkansas Department of Education Fair Labor Standard Act Assurance. No breaks or lunches are required for exempt, licensed employees.

## Overtime

Covered employees shall be compensated at not less than 1.5 times his or her regular rate of pay for all hours worked over 40 in a workweek. Overtime compensation shall be computed on the basis of the hours worked in each week and may not be waived by either the employee or KIPP Delta. Overtime compensation shall be paid on the next regular payday for the period in which the overtime was earned.

Employees working two or more jobs for KIPP Delta at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

#### Overtime Authorization

There will be instances where KIPP Delta's needs necessitate an employee work overtime. It is the Board's desire to keep overtime worked to a minimum. To facilitate this, employees shall receive authorization from their supervisor in advance of working overtime except in the rare instance when it is unforeseen and unavoidable.

All overtime worked will be paid in accordance with the provisions of the FLSA, but unless the overtime was pre-approved or fit into the exceptions noted previously, disciplinary action must be taken for failure to follow KIPP Delta policy. In extreme and repeated cases, disciplinary action could include the termination of the employee.

#### Leave Requests

All covered employees shall submit a leave request form prior to taking the leave if possible. If, due to unforeseen or emergency circumstances, advance request was not possible the leave form shall be turned in the day the employee returns to work. Unless specifically granted by the Board for special circumstances, the reason necessitating the leave must fall within KIPP Delta policy.

Payment for leave could be delayed or not occur if an employee fails to turn in the required leave form. Leave may be taken in any increment.

#### Record Keeping and Postings

KIPP Delta shall keep and maintain records as required by the FLSA for the period of time required by the act. KIPP Delta shall display minimum wage posters where employees can readily observe them.

#### Cooperation with Enforcement Officials

All records relating to the FLSA shall be available for inspection by, and KIPP Delta employees shall cooperate fully with, officials from the DOL and/or its authorized representatives in the performance of their jobs relating to:

1. Investigating and gathering data regarding the wages, hours, and other conditions and practices of employment;
2. Entering, inspecting, and/or transcribing the premises and its records;
3. Questioning employees and investigating such facts as the inspectors deem necessary to determine whether any person has violated any provision of the FLSA.

Legal References: 29 USC § 206(a), ACA § 6-17-2203

29 USC § 207(a)(1), 29 CFR § 778.100

29 USC § 207(o), 29 CFR § 553.50

29 CFR § 778.218(a)

29 CFR § 778.105

29 USC § 213(a), 29 CFR §§ 541 et seq.

29 USC § 207(e), 29 CFR § 778.108

29 CFR §§ 785.9, 785.16

29 CFR § 516.2(7)

29 CFR §§ 785.1 et seq. ACA § 6-17-2205 and 2207

29 CFR §§ 785.19  
29 USC § 207(a), 29 CFR § 778.100, 29 USC § 207(o), 29 CFR §§ 553.20 – 553.32  
29 CFR § 778.106  
29 USC § 207(g)(2), 29 CFR § 778.115  
29 USC § 207(o)(2)(A), 29 CFR § 553.23  
29 CFR § 553.20  
29 USC § 207(o)(4), 29 CFR § 553.27  
29 USC § 211(c), 29 CFR §§ 516.2, 516.3, 553.50  
29 CFR § 516.4  
29 CFR §§ 516.5, 516.6  
29 USC § 211(a)(b)

Date Adopted: January 2014

Date Modified: April 2017

## Classified Personnel Family Medical Leave

The Family and Medical Leave Act (FMLA) leave offers job protection for what might otherwise be considered excessive absences. Employees need to carefully comply with this policy to ensure they do not lose FMLA protection due to inaction or failure to provide KIPP Delta with needed information. The FMLA provides up to 12 work weeks (or in some cases 26 weeks) of job-protected leave to eligible employees with absences that qualify under the FMLA. While an employee can request FMLA leave and has a duty to inform KIPP Delta as provided in this policy of foreseeable absences that may qualify for FMLA leave, it is KIPP Delta's ultimate responsibility to identify qualifying absences as FMLA or non-FMLA. FMLA leave is unpaid, except to the extent that paid leave applies to any given absence as governed by the FMLA and this policy.

### SECTION ONE

**Eligible Employee:** is an employee who has been employed by KIPP Delta for at least twelve (12) months and for 1250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave.

**FMLA:** is the Family and Medical Leave Act

**Health Care Provider:** is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices. It also includes any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

**Instructional Employee:** is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting and includes athletic coaches, driving instructors, preschool teachers, and special education assistants such as signers for the hearing impaired. The term does not include, and the special rules related to the taking of leave near the end of a semester do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include administrators, counselors, librarians, psychologists, or curriculum specialists.

**Intermittent leave:** is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, normally from full-time to part-time.

**Next of Kin:** used in respect to an individual, means the nearest blood relative of that individual. **Parent:** is the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or a daughter. This term does not include parents "in-law."

**Serious Health Condition:** is an injury, illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.

**Son or daughter, for numbers 1, 2, or 3 below:** is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

**Year:** the twelve (12) month period of eligibility shall begin on July first of each school-year. Policy

The provisions of this policy are intended to be in line with the provisions of the FMLA. If any conflict(s) exist, the Family and Medical Leave Act of 1993, as amended, shall govern.

### Leave Eligibility

KIPP Delta will grant up to twelve (12) weeks of leave in a year in accordance with the FMLA, as amended, to its eligible employees for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. (See Section Two)
6. To care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury. (See Section Two)

The entitlement to leave for reasons 1 and 2 listed above shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

A husband and wife who are both eligible employees employed by KIPP Delta may not take more than a combined total of 12 weeks of FMLA leave for reasons 1, 2, 3 and 5.

#### Provisions Applicable to both Sections One and Two KIPP Delta Notice to Employees

KIPP Delta shall post, in conspicuous places in each school within KIPP Delta where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor.

#### Designation Notice to Employee

When an employee requests FMLA leave or KIPP Delta determines that an employee's absence may be covered under the FMLA, KIPP Delta shall provide written notice within five (5) business days (absent extenuating circumstances) to the employee of KIPP Delta's determination of his/her eligibility for FMLA leave. If the employee is eligible, KIPP Delta may request additional information from the employee and/or certification from a health care provider to help make the applicability determination. After receiving sufficient information as requested, KIPP Delta, shall provide a written notice within five (5) business days (absent extenuating circumstances) to the employee of whether the leave qualifies as FMLA leave and will be so designated.

If the circumstances for the leave don't change, KIPP Delta is only required to notify the employee once of the determination regarding the designation of FMLA leave within any applicable twelve (12) month period.

#### Concurrent Leave under the FMLA

All FMLA leave is unpaid unless substituted by applicable accrued leave. KIPP Delta requires employees to substitute any applicable accrued leave (in the order of sick, personal, or vacation leave as may be applicable) for any period of FMLA leave.

#### Health Insurance Coverage

KIPP Delta shall maintain coverage under any group health plan for the duration of FMLA leave the employee takes at the level and under the conditions coverage would have been provided if the employee had continued in active employment with KIPP Delta. Additionally, if KIPP Delta makes a change to its health insurance benefits or plans that apply to other employees, the employee on FMLA leave must be afforded the opportunity to access additional benefits and/or the same responsibility for changes to premiums. Any changes made to a group health plan which apply to other KIPP Delta employees, must also apply to the employee on FMLA leave. KIPP Delta will notify the employee on FMLA leave of any opportunities to change plans or benefits. KIPP Delta will assume responsibility for any portion of premium payments customarily paid by the employee when the employee is on unpaid FMLA leave.

KIPP Delta has the right to pay an employee's unpaid insurance premiums during the employee's unpaid FMLA leave to maintain the employee's coverage during his/her leave. KIPP Delta may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which



KIPP Delta maintains health coverage for the employee by paying the his/her share. Such recovery shall be made by offsetting the employee's debt through payroll deductions or by other means against any monies owed the employee by KIPP Delta.

An employee who chooses to not continue group health plan coverage while on FMLA leave, is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre - existing conditions, etc.

If an employee gives unequivocal notice of intent not to return to work, or if the employment relationship would have terminated if the employee had not taken FMLA leave, KIPP Delta's obligation to maintain health benefits ceases.

If the employee fails to return from leave after the period of leave to which the employee was entitled has expired, KIPP Delta may recover the premiums it paid to maintain health care coverage unless:

- a) The employee fails to return to work due to the continuation, reoccurrence, or onset of a serious health condition that entitles the employee to leave under reasons 3 or 4 listed above; and/or
- b) Other circumstances exist beyond the employee's control.

Circumstances under "a" listed above shall be certified by a licensed, practicing health care provider verifying the employee's inability to return to work.

#### Reporting Requirements during Leave

Unless circumstances exist beyond the employee's control, the employee shall inform KIPP Delta every two weeks during FMLA leave of their current status and intent to return to work. Return to Previous Position An employee returning from FMLA leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, and authority.

The employee's right to return to work and/or to the same or an equivalent position does not supersede any actions taken by KIPP Delta, such as conducting a RIF, which the employee would have been subject to had the employee not been on FMLA leave at the time of KIPP Delta's actions.

#### Provisions Applicable to Section One Employee Notice to KIPP Delta Foreseeable Leave:

When the need for leave is foreseeable for reasons 1 through 4 listed above, the employee shall provide KIPP Delta with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide KIPP Delta with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If there is a lack of knowledge of approximately when the leave will be required to begin, a change in circumstances, or an emergency, notice must be given as soon as practicable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

When the need for leave is for reasons 3 or 4 listed above, the eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of KIPP Delta subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify KIPP Delta as soon as practicable. If the employee fails to notify as soon as practicable, KIPP Delta may delay granting FMLA leave for the number of days in advance that the employee should have provided notice and when the employee actually gave notice.

#### Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide KIPP Delta notice of the need for leave as soon as practicable given the facts and circumstances of the particular case.

Ordinarily, the employee shall notify KIPP Delta within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify KIPP Delta as required, unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

#### Medical Certification

Second and Third Opinions: In any case where KIPP Delta has reason to doubt the validity of the initial certification provided, KIPP Delta may require, at its expense, the employee to obtain the opinion of a second health care provider designated or approved by the employer. If the second opinion differs from the first, KIPP Delta may require, at its expense, the employee to obtain a third opinion from a health care provider agreed upon by both KIPP Delta and the employee.

The opinion of the third health care provider shall be considered final and be binding upon both KIPP Delta and the employee.

Recertification: KIPP Delta may request, either orally or in writing, the employee obtain a recertification in connection with the employee's absence, at the employee's expense, no more often than every thirty (30) days unless one or more of the following circumstances apply;

- a) The original certification is for a period greater than 30 days. In this situation, KIPP Delta may require a recertification after the time of the original certification expires, but in any case, KIPP Delta may require a recertification every six (6) months.
- b) The employee requests an extension of leave;
- c) Circumstances described by the previous certification have changed significantly; and/or
- d) KIPP Delta receives information that casts doubt upon the continuing validity of the certification. The employee must provide the recertification in fifteen (15) calendar days after KIPP Delta's request. No second or third opinion on recertification may be required.

KIPP Delta may deny FMLA leave if an eligible employee fails to provide requested certification.

#### Substitution of Paid Leave

When an employee's leave has been designated as FMLA leave for reasons 1 (as applicable), 2, 3, or 4 above, KIPP Delta requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.

To the extent the employee has accrued paid vacation or personal leave, any leave taken that qualifies for FMLA leave for reasons 1 or 2 above shall be paid leave and charged against the employee's accrued leave.

Workers Compensation: FMLA leave may run concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a "light duty job," but is unable to return to the employee's same or equivalent job, the employee may decline KIPP Delta's offer of a "light duty job." As a result, the employee may lose his/her workers' compensation payments, but for the duration of the employee's FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

#### Return to Work

If KIPP Delta's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness- for-duty" certification from a health care provider for the employee to resume work, the employee must provide such certification prior to returning to work. The employee's failure to do so voids KIPP Delta's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

If KIPP Delta's written designation determination that the eligible employee's leave qualified as FMLA leave under reason 4 above stated that the employee would have to provide a "fitness- for-duty" certification from a health care provider for the employee to resume work and the designation determination listed the employee's essential job functions, the employee must provide certification that the employee is able to perform those functions prior to returning to work. The employee's failure to do so or his/her inability to perform his/her job's essential functions voids KIPP Delta's obligation to reinstate the employee under the FMLA and the employee shall be terminated.

#### Failure to Return to Work:

In the event that an employee is unable or fails to return to work within FMLA's leave timelines, the Executive Director will make a determination at that time regarding the documented need for a severance of the employee's contract due to the inability of the employee to fulfill the responsibilities and requirements of their contract.

#### Intermittent or Reduced Schedule Leave

To the extent practicable, employees requesting intermittent or reduced schedule leave shall provide KIPP Delta with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may only take intermittent or reduced schedule leave for reasons 1 and 2 listed above if KIPP Delta agrees to permit such leave upon request of the employee. If KIPP Delta agrees to permit an employee to take intermittent or reduced schedule leave for such reasons, the agreement shall be consistent with this policy's requirements governing intermittent or reduced schedule leave. The employee may be transferred temporarily during the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties.

Eligible employees may take intermittent or reduced schedule FMLA leave due to reasons 3 or 4 listed above when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule for reasons 3 or 4 above that is foreseeable based on planned medical treatment, KIPP Delta may temporarily transfer eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began. The employee will not be required to take more FMLA leave than necessary to address the circumstances requiring the need for the leave.

#### Special Provisions relating to Instructional Employees as Defined in This Policy

The FMLA definition of "instructional employees" covers a small number of classified employees. Any classified employee covered under the FMLA definition of an "instructional employee" and whose FMLA leave falls under Act's special leave provisions relating to "instructional employees" shall be governed by the applicable portions of the policy, CERTIFIED PERSONNEL FAMILY MEDICAL LEAVE.

## SECTION TWO

### FMLA LEAVE CONNECTED TO MILITARY SERVICE Leave Eligibility

The FMLA provision of military associated leave is in two categories. Each one has some of its own definitions and stipulations. Therefore, they are dealt with separately in this Section of the policy. Definitions different than those in Section One are included under the respective reason for leave. Definitions that are the same as in Section One are NOT repeated in this Section.

### QUALIFYING EXIGENCY

An eligible employee may take FMLA leave for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. Examples include issues involved with short-notice deployment, military events and related activities, childcare and school activities, the need for financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as defined by federal regulations.

Definitions:

Covered active duty means

- in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during deployment of the member with the armed forces to a foreign country under a call to order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

Son or daughter on active duty or call to active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

#### Certification

KIPP Delta may require the eligible employee to obtain certification to help KIPP Delta determine if the requested leave qualifies for FMLA leave for the purposes of a qualifying exigency. KIPP Delta may deny FMLA leave if an eligible employee fails to provide requested certification.

#### Employee Notice to KIPP Delta

##### Foreseeable Leave:

When the necessity for leave for any qualifying exigency is foreseeable, whether because the spouse, son, daughter, or parent of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to KIPP Delta as is reasonable and practicable regardless of how far in advance the leave is foreseeable. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

##### Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide KIPP Delta notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify KIPP Delta within two (2) working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify KIPP Delta as required unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

##### Substitution of Paid Leave

When an employee's leave has been designated as FMLA leave any qualifying exigency, KIPP Delta requires employees to substitute accrued vacation, or personal leave for the period of FMLA leave.

##### Intermittent or Reduced Schedule Leave

Eligible employees may take intermittent or reduced schedule leave for any qualifying exigency. The employee shall provide KIPP Delta with as much notice as is practicable.

Special Provisions relating to Instructional Employees as Defined in This Policy

The FMLA definition of "instructional employees" covers a small number of classified employees. Any classified employee covered under the FMLA definition of an "instructional employee" and who's FMLA leave falls under Act's special leave provisions relating to "instructional employees" shall be governed by the applicable portions of policy 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE.

## SERIOUS ILLNESS

An eligible employee is eligible for leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury under the following conditions and definitions.

## Definitions:

## Covered Service Member is

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Outpatient Status: used in respect to a covered service member, means the status of a member of the Armed Forces assigned to

- a) a military medical treatment facility as an outpatient; or
- b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Parent of a covered service member: is a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

Serious Injury or Illness:

- a) in the case of a member of the Armed Forces, including the National Guard or Reserves, it means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating and
- b) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period as a covered service member defined in this policy, it means a qualifying (as defined by the U.S. Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Son or daughter of a covered service member means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

Year: for leave to care for the serious injury or illness of a covered service member, the twelve (12) month period begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 weeks of leave during one 12-month period to care for the service member who has a serious injury or illness as defined in this policy. An eligible employee who cares for such a covered service member continues to be limited for reasons 1 through 4 in Section One and for any qualifying exigency to a total of 12 weeks of leave during a year as defined in this policy. For example, an eligible employee who cares for such a covered service member for 16 weeks during a 12-month period could only take a total of 10 weeks for reasons 1 through 4 in Section One and for any qualifying exigency. An eligible employee may not take more than 12 weeks of FMLA leave for reasons 1 through 4 in Section One and for any qualifying exigency regardless of how little leave the eligible employee may take to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury.

If husband and wife are both eligible employees employed by KIPP Delta, the husband and wife are entitled to a combined total of 26 weeks of leave during one 12-month period to care for their spouse, son, daughter, parent, or next of kin who is a covered service member with a serious injury or illness as defined in this policy. A husband and wife who care for such a covered service member continues to be limited to a combined total of 12 weeks FMLA leave for reasons 1 through 3 in Section One and for any qualifying exigency during a year as defined in this policy. For example, a husband and wife who are both eligible employees and who care for such a covered service member for 16 weeks during a 12-month period could only take a combined total of 10 weeks for reasons 1 through 3 in Section One and for any qualifying exigency.

#### Medical Certification

KIPP Delta may require the eligible employee to obtain certification of the covered service member's serious health condition to help KIPP Delta determine if the requested leave qualifies for FMLA leave. KIPP Delta may deny FMLA leave if an eligible employee fails to provide requested certification.

#### Employee Notice to KIPP Delta

##### Foreseeable Leave:

When the need for leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury is clearly foreseeable at least 30 days in advance, the employee shall provide KIPP Delta with not less than 30 days' notice before the date the leave is to begin of the employee's intention take leave for the specified reason. An eligible employee who has no reasonable excuse for his/her failure to provide KIPP Delta with timely advance notice of the need for FMLA leave may delay the FMLA coverage of such leave until 30 days after the date the employee provides notice.

If the need for FMLA leave is foreseeable less than 30 days in advance, the employee shall notify KIPP Delta as soon as practicable. If the employee fails to notify as soon as practicable, KIPP Delta may delay granting FMLA leave for the length of time that the employee should have provided notice and when the employee actually gave notice.

When the need for leave is to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of KIPP Delta subject to the approval of the health care provider of the spouse, son, daughter, or parent of the employee.

##### Unforeseeable Leave:

When the approximate timing of the need for leave is not foreseeable, an employee shall provide KIPP Delta notice of the need for leave as soon as practicable given the facts and circumstances of the particular case. Ordinarily, the employee shall notify KIPP Delta within two (2) working days of learning of the need for leave, except in extra ordinary circumstances where such notice is not feasible. Notice may be provided in person, by telephone, telegraph, fax, or other electronic means. If the eligible employee fails to notify KIPP Delta as required unless the failure to comply is justified by unusual circumstances, the FMLA leave may be delayed or denied.

#### Substitution of Paid Leave

When an employee's leave has been designated as FMLA leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury, KIPP Delta requires employees to substitute accrued sick, vacation, or personal leave for the period of FMLA leave.

Intermittent or Reduced Schedule Leave

To the extent practicable, employees requesting intermittent or reduced schedule leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury shall provide KIPP Delta with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave.

Eligible employees may take intermittent or reduced schedule FMLA leave to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury when the medical need is best accommodated by such a schedule. The eligible employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider.

When granting leave on an intermittent or reduced schedule to care for a spouse, child, parent or next of kin who is a covered service member with a serious illness or injury that is foreseeable based on planned medical treatment, KIPP Delta may temporarily transfer eligible employees for the period of scheduled intermittent or reduced leave to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position shall have equivalent pay and benefits but does not have to have equivalent duties. When the employee is able to return to full-time work, the employee shall be placed in the same or equivalent job as he/she had when the leave began.

Special Provisions relating to Instructional Employees (as defined in this policy)

The FMLA definition of "instructional employees" covers a small number of classified employees. Any classified employee covered under the FMLA definition of an "instructional employee" and whose FMLA leave falls under Act's special leave provisions relating to "instructional employees" shall be governed by the applicable portions of the policy, CERTIFIED PERSONNEL FAMILY MEDICAL LEAVE.

Legal References: 29 USC §§ 2601 et seq.  
29 CFR part 825

Date Adopted: April 2017

**School Bus Driver's Use of Mobile Communication Devices**

"School Bus" is a motorized vehicle that meets the following requirements:

1. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of KIPP Delta; and
2. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

Any driver of a school bus shall not operate the school bus while using a device to browse the internet, make or receive phone calls or compose or read emails or text messages. If the school bus is safely off the road with the parking brake engaged, exceptions are allowed to call for assistance due to a mechanical problem with the bus, or to communicate with any of the following during an emergency involving the safety of students, staff, or others:

- An emergency system response operator or 911 public safety communications dispatcher;
- A hospital or emergency room;
- A physician's office or health clinic;
- An ambulance or fire department rescue service;
- A fire department, fire protection district, or volunteer fire department; or
- A police department.

In addition to statutorily permitted fines, violations of this policy shall be grounds for disciplinary action up to and including termination.

Legal References:       A.C.A. § 6 -19 -120  
                              A.C.A. § 27-51-1504  
                              A.C.A. § 27-51-1609

Date Adopted: August 2012  
Last Revised: September 2015



## **School, Home, and Community Relations Policies**

## Volunteers

Enlisting the support of volunteers is a way in which KIPP Delta can expand the scope of resources and knowledge available to enrich the students' educational experiences, while strengthening the relationship between the school and the community. Volunteers can also perform non-instructional tasks that allow licensed personnel more time to devote to instruction.

The Executive Director shall be responsible for establishing and maintaining a program to coordinate the services volunteers are willing and able to contribute with the needs of KIPP Delta personnel. The program shall establish guidelines to ensure volunteers are aware of pertinent KIPP Delta policies and rules. Volunteers who violate school policies or rules, or knowingly allow students to violate school rules, may be asked to leave the school campus. The guidelines should also include provision for evaluation of the volunteer program and a method for soliciting suggestions from both the volunteers and staff for its improvement.

All volunteers who intend to act as head coaches or assistant coaches must:

- 1) Be at least twenty-two (22) years of age;
- 2) Not be a member of the board of directors of KIPP Delta or the spouse of a member of the board of directors of KIPP Delta; and
- 3) Meet the requirements adopted by the Arkansas Activities Association (AAA) to volunteer for any athletics program for grades 7-12.

A volunteer may act as a head coach in all varsity junior and senior high sports administered by the AAA except in the following sports:

- Football;
- Basketball; and
- Track and field.

### Background Checks for Volunteers

For the purposes of this policy, "clear background check" shall mean that a background check was performed, as authorized by A.C.A. §§ 12-12-1601 et seq., and that a potential school volunteer has not committed any of the crimes or offenses contained in A.C.A. §§ 6-17-410, 6-17-411 or 6-17-414, as amended, with regard to both the Arkansas and national background checks, and whose name is not found on the Child Abuse Central Registry.

A person wishing to volunteer in a capacity that requires a background check may not perform volunteer services requiring a background check until KIPP Delta receives a clear background check. Once received, a clear background check is good for five (5) years; a background check renewal must be applied for and a clear background check received prior to the time of renewal or an interruption of permitted volunteer service could occur. A clear background check will be accepted of any individual wishing to volunteer provided it was conducted within the timeframe provided for in this policy.

The Application for an initial background check may be made through KIPP Delta administrative office. KIPP Delta may charge the potential volunteer the same fee charged by the State of Arkansas for performing the check. For a volunteer who has passed his/her previous background check, KIPP Delta will incur the fee charged by the State of Arkansas for performing a renewal background check.

A person who failed a previous background check may petition the Board for a waiver from this policy's requirement. The petition shall be accompanied by a signed authorization for disclosure of his or her entire criminal and child abuse registry history. In deciding whether to grant a waiver, the board may take into consideration the circumstance or circumstances under which the act or omission leading to conviction or Child Abuse Registry true finding, the age of the person at the time of the act or omission, the length of time that has passed without reoffending, and other relevant circumstances. If the Executive Director recommends a waiver be granted, the Board may, by a majority vote adopt a resolution providing an exception to this

policy's requirement for a time period not to exceed five years. The board must consider this matter in open session, and may not confer or deliberate in closed or executive session.

The board shall not have the authority to waive the application of this policy to any potential volunteer who is a Registered Sex Offender.

Clear background checks for school volunteers are required prior to any volunteer service to the school district, school, teacher, or classroom, and all clear check volunteers will be issued special volunteer identification to wear prominently when performing their volunteer duties; no person may serve as a volunteer without wearing the provided identification.

No information relating to the application for or receipt of a criminal background check, including that a background check has or has not been applied for, shall be subject to disclosure under the Arkansas Freedom of Information Act, as provided by A.C.A. §§ 12-12-1601 et seq. Requests for background checks and reports on background checks obtained under this policy shall be retained by KIPP Delta for a minimum of three years.

KIPP Delta shall maintain the following information on volunteers:

- a) The total number, location, and duties of all volunteers;
- b) The total number of annual hours of service provided by volunteers; and
- c) Any reimbursements made to volunteers for expenses, transportation, or other costs incurred in connection with volunteer services.

Legal References:       A.C.A. §§ 6-17-410, 411, 414  
                                   A.C.A. § 6-22-101 et seq.  
                                   A.C.A. §§ 12-12-1601 et seq.  
                                   A.C.A. § 12-18-402  
                                   A.C.A. § 12-18-909(g)(21)  
                                   A.C.A. § 21-13-101 et seq.

Date Adopted: October 2013

Date Modified: September 2015

## Website Policy

KIPP Delta Public Schools shall maintain a web page to provide information about its schools, students, and activities to the community. This policy is adopted to promote continuity between the different pages on the web site by establishing guidelines for their construction and operation.

The KIPP Delta web site shall be used for educational purposes only. It shall not create either a public or a limited public forum. Any link from any page on KIPP Delta's site may only be to another educational site.<sup>1</sup> The web site shall not use "cookies" to collect or retain identifying information about visitors to its web site nor shall any such information be given to "third parties." Any data collected shall be used solely for the purpose of monitoring site activity to help KIPP Delta improve the usefulness of the site to its visitors.

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

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

- 1) All pages on KIPP Delta's web site may contain advertising and links only to educational sources.
- 2) KIPP Delta's home page shall contain links to existing individual school's web pages and the school home pages shall link back to KIPP Delta's home page. KIPP Delta's home page may also include links to educational extracurricular organization's web pages which shall also link back to KIPP Delta's home page.
- 3) Photos along with the student's name shall only be posted on web pages after receiving written permission from the student or their parents if the student is under the age of 18.<sup>3</sup>
- 4) KIPP Delta's web server shall host the organization's web site.
- 5) No web page on KIPP Delta's web site may contain public message boards or chat rooms.
- 6) All web pages on KIPP Delta's web site shall be constructed to download in a reasonable length of time.
- 7) KIPP Delta's home page shall contain a link to a privacy policy notice which must be placed in a clear and prominent place and manner.
- 8) With the exception of students who may retain the copyright of material they have created that is displayed on a District web page, all materials displayed on the KIPP Delta web site are owned by KIPP Delta Public Schools.
- 9) Included on the District's web site shall be:
  - a. Local and state revenue sources;
  - b. Administrator and teacher salary and benefit expenditure data;
  - c. District balances, including legal balances and building fund balances;
  - d. Minutes of regular and special meetings of the school board;
  - e. The region's budget for the ensuing year;
  - f. A financial breakdown of monthly expenditures of the organization;
  - g. The salary schedule for all employees including extended contract and supplementary pay amounts;
  - h. Current contract information (not including social security numbers, telephone numbers, personal addresses or signatures) for all employees;
  - i. The annual budget;
  - j. The annual statistical report;
  - k. The organization's personnel policies.

The information and data required in 9) above shall be the actual data for the previous two school-years and the projected data for the current school-year.

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

Date Adopted: September 2015

## Visitors to the Schools

This policy provides guidelines for KIPP Delta Public Schools staff members for their interactions with visitors. All KDPS staff, volunteers, and vendors are responsible for maintaining a safe and secure environment for our students and staff. We have visitors on each campus daily and with each visit, we must ensure the safety of our Team and Family.

A Visitor is any person that is on a KIPP Delta Public Schools campus and is not gainfully employed by KIPP Delta Public Schools or a student *of that school*. Examples of such are parents, guardians, relatives, volunteers, counselors, vendors, salespersons. Non-permanent visitors should make every attempt to schedule their visits prior to coming on to campus.

A Permanent Visitor is a volunteer that has completed the KDPS Volunteer Form (found in the Forms Library) or a recurring vendor (example is WIRED staff).

A Flagged Visitor is any person whose status is determined as a threat to a school either by our visitor tracking system or by school leaders. This includes but is not limited to a registered sex offender, non-custodial parents or those with a court order. Under no circumstances may this person proceed onto a KIPP Delta campus. Exceptions shall be made for parents/guardians with a registered sex offender status. It is the intention of the board of directors that KIPP Delta staff not stigmatize students whose parents or guardians are sex offenders while taking necessary steps to safeguard the school community and comply with state law. Each school's administration should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians. For example, if a sex offender parent will arrive for conferences at the same time as other parents, staff should escort additional parents to their student's classroom, not just the sex offender parent. All principals, designees, and school employees who will or may have contact with the sex offender parents shall be required to keep confidential both the sex offender status and sex offender accommodations made for a parent.

When a visitor is on campus during school hours

- The visitor must check in at the front desk and receive a visitor badge.
- A staff member will escort visitor to his or her destination on campus. They are not to be on campus alone at any time during the visit.
- The visitor must check out with the front office upon departure.
- Staff members are required to stop visitors without a visible visitor badge and walk them to the front office to receive a badge.

When a visitor is on campus after hours

- The visitor must check in at the front desk and provide identification.
- A staff member will escort visitor to his or her destination on campus. They are not to be on campus alone at any time during the visit.
- The visitor must check out with the front office upon departure.  
Staff members are required to stop visitors without a staff member and escort them off property.

As campus security is of utmost importance, all KIPP Delta staff members are accountable to uphold this policy. If any step in this policy is violated consequences up to and including termination may follow.

Date Adopted: October 2013

**Water Bottles in the Classroom Policy**

This water-bottle policy is in support of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, which establishes a requirement for making free, potable water available during meal times to children in the National School Lunch Program (NSLP). Because water is a necessary nutrient to maintain and improve health, as such, KIPP Delta Public Schools will encourage students and staff to carry a clear, plastic water-bottle while on campus. In an effort to limit confusion, the following guidelines apply:

- To prevent spills, the bottle must have a cap, push-top, screw-top, automatic seal lid, push button lid, or slide lid.
- The container must contain only unflavored water. Juice, soda, addables, or energy drinks are not permitted, unless the student has a documented medical need on file with the school nurse.
- To limit class disruptions, students will be responsible for filling or re-filling their bottle between classes or during lunch.
- Regular classroom rules regarding the use of the restroom will be in effect. Students and staff should do their best to take care of restroom needs before class starts and be personally responsible for the amount of water that is taken in during classroom time.
- Water can be consumed during class, but not in close proximity to any technology (computers, overheads, document cameras, smart writes, or projectors), during science or computer labs, or in the library. Students should place any water bottles on the floor, under their seats, while in computer/science labs.
- Water bottles should not be played with on school grounds. This includes throwing the bottle or pouring the contents of the bottle onto other students, staff, or upon equipment.

Any failure to follow the guidelines set forth in this policy will result in at minimum of losing the opportunity of the use of a water bottle for a set period of time and additional repercussions, if needed.

Date of Adoption: February 25, 2020

## **Curriculum and Instructional Policies**



## **Educational Philosophies**

KIPP Delta Public Schools assumes the responsibility of providing students attending its schools a high quality education that challenges each student to achieve to their maximum potential. KIPP Delta shall endeavor to create the environment within the schools necessary to attain this goal. The creation of the necessary climate shall be based on the following core beliefs:

1. KIPP Delta's vision statement will be developed with input from students, parents, business leaders, and other community members.
2. All students can be successful learners.
3. Students learn at different rates and in different ways.
4. A primary goal shall be to give students the skills they need to be life-long learners.
5. The education of all citizens is basic to our community's well-being.
6. Student achievement is affected positively by the involvement of parents and the community in the schools.
7. KIPP Delta is responsible for helping cultivate good citizenship skills in its students.
8. Students reflect the moral and ethical values of their environment.
9. All people have a right to a safe environment.
10. Each person is responsible for his/her own actions.
11. Innovation involves taking risks.
12. Schools are responsible for creating the conditions that promote success.
13. Each person is entitled to retain his/her dignity.
14. All people have the right to be treated with respect and the responsibility to treat others respectfully.
15. For teachers to succeed in cultivating high student achievement, they need to be given the materials, training, and environment necessary to produce such results.

Date Adopted: August 2012

## Planning for Educational Improvement

Each school in KIPP Delta shall develop a comprehensive school improvement plan to address deficiencies in student performance based on analysis of students' grade-level benchmark assessments and other relevant data, which shall be reported to the public. The purpose of each plan shall be to ensure that all students meet the state assessment standards established by the State Board of Education, as well as student achievement goals established by KIPP Delta. A cumulative review of all academic improvement plans shall also be part of the data used to develop the comprehensive school improvement plan. Each plan shall be developed with administrator, teacher, other school staff, parent, community, and student (when appropriate) input and shall have as one of its components a plan for a parental involvement program. Professional development activities are to be designed to meet the needs identified in each schools' plan. Each plan is to be reviewed annually and revised to meet the changing needs reflected in student data. Progress on improved achievement shall be included as part of the school's annual report and the school KIPP Delta's annual report to the public.

Any school that fails to achieve expected levels of student performance on the Arkansas Comprehensive Assessment Program examinations and related indicators, shall participate in a school improvement plan accepted by the Department of Education to assist those students performing below grade level in achieving the expected standard.

KIPP Delta shall develop, with appropriate staff and community input, a comprehensive improvement plan. The plan shall coordinate the actions of the various comprehensive school improvement plans within KIPP Delta. The KIPP Delta plan shall align regional resources to help ensure all of its students attain proficiency on the Benchmark exams.

Legal References: A.C.A. § 6-15-404 (i)(1)

A.C.A. § 6-15-404 (i)(2)(B)

A.C.A. § 6-15-404 (i) (2)(A)(i)(ii)

A.C.A. § 6-15-419(2)(B)(iii)

A.C.A. § 6-15-419(9)

A.C.A. § 6-15-419(12)

ADE Rules Governing the ACTAAP and the Academic Distress Program 3.08, 3.14, 9.0 – 9.04, 10.01.1  
Arkansas Department of Education Rules for Governing Standards for Accreditation of Arkansas Public Schools and School Districts 7.0 and 16.0 – 16.03.5

Date Adopted: August 2012

## Curriculum Development

Sequential curricula should be developed for each subject area. Curricula are to be aligned with the curriculum frameworks and used to plan instruction leading to student proficiency on Arkansas' content standards. Curricula should be in alignment with KIPP Delta's vision, mission, goals, and educational philosophy. Student achievement is increased through an integrated curriculum that promotes continuity and a growth in skills and knowledge from grade to grade and from school to school. Therefore, the KIPP Delta Board desires that unnecessary duplication of work among the various grades and schools be eliminated and that courses of study and their corresponding content guides be coordinated effectively.

The Board of Directors is responsible for reviewing and approving all instructional programs offered by KIPP Delta as well as approving significant changes to courses or course materials before they are implemented. The Executive Director is responsible for making curriculum recommendations.

Each school shall review each curriculum area annually to address the continued relevancy, adequacy, and cost effectiveness of individual courses and instructional programs and to ensure each curriculum area is aligned with the current curriculum frameworks, course content standards approved by the State Board of Education, and student performance expectations at each grade level. Each school's administration shall

implement a monitoring process to ensure that the instructional content of each course offered is consistent with the content standards and curriculum frameworks approved by the State Board of Education.

In addition to the requirements listed above, KIPP Delta's administration shall work with staff as may be appropriate to ensure a successful transition to the implementation of the Common Core State Standards.

Legal References: Standards of Accreditation 9.01.2, 7.04.2  
ADE Rules Governing the ACTAAP and the Academic Distress Program 4.05  
A.C.A. § 6-15-101  
A.C.A. § 6-15-1505(a)

Date Adopted: August 2012

**Selection/Inspection of Instructional Materials**

The use of instructional materials beyond those approved as part of the curriculum/textbook program must be compatible with school and KIPP Delta policies. If there is uncertainty concerning the appropriateness of supplemental materials, the personnel desiring to use the materials shall get approval from the school's School Director prior to putting the materials into use.

All instructional materials used as part of the educational curriculum of a student shall be available for inspection by the parents or guardians of the student. For the purposes of this policy, instructional materials are defined as instructional content provided to the student regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats. The term does not include academic tests or academic assessments.

Parents or guardians wishing to inspect instructional materials used as part of the educational curriculum for their child may schedule an appointment with the student's teacher at a mutually agreeable time within a reasonable period of time after the request is received. Parents/guardians wishing to challenge the appropriateness of any instructional materials shall follow the procedures outlined in Challenge of Instructional/Supplemental Materials Policy.

The rights provided to parents under this policy transfer to the student when he/she turns 18 years old.

Notice of such policies shall be provided to the parents of enrolled students at least annually, at the beginning of the school year and within a reasonable period of time after any substantive change in such policies.

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

Date Adopted: August 2012

### **Challenge of Instructional/Supplemental Materials**

Instructional and supplemental materials are selected for their compatibility with KIPP Delta's educational program and their ability to help fulfill KIPP Delta's educational goals and objectives. Individuals wishing to challenge or express concerns about instructional or supplemental materials may do so by filling out a Challenge to Instructional Material form available in the school's office.

The contesting individual may present a copy of the form to the School Director and request a conference be held at a time of mutual convenience. Prior to the conference, the School Director shall consult with the teacher regarding the contested material. In the conference, the School Director shall explain to the contesting individual the criteria used for the selection of the material and its relevancy to the educational program as well as any other pertinent information in support of the use of the material.

Following the conclusion of the meeting, the School Director shall have five (5) working days to submit a summary of the concerns expressed by the individual and the School Director's response to those concerns to the Executive Director.

If the contesting individual is not satisfied with the School Director's response, the individual may, after the five (5) working day period, request a meeting with the Executive Director where the individual shall present the same Challenge to Instructional Material form previously presented to the School Director. The Executive Director shall explain to the contesting individual the criteria used for the selection of the material and its relevancy to the educational program as well as any other pertinent information in support of the use of the material.

Following the conclusion of the meeting, the Executive Director shall have five (5) working days to write a summary of the concerns expressed by the individual and the Executive Director's response to those concerns. The Executive Director shall create a file of his/her response along with a copy of the School Director's response and a copy of the contesting individual's Challenge to Instructional Material form.

If, after meeting with the Executive Director, the contesting individual is not satisfied with the Executive Director's response regarding the appropriateness of the instructional or supplemental material, he/she may appeal the Executive Director's decision to the KIPP Delta Board. The Executive Director shall present the contesting individual's Challenge to Instructional Material form to the Board at the next regularly scheduled meeting along with the written responses to the challenge. The Board may elect, if it so chooses, to hear brief verbal presentations from the parties involved in the challenge.

The Board shall decide at that meeting or their next regularly scheduled meeting whether to retain the material, limit the availability of the material, or remove the material from the school. The Board's primary consideration in reaching its decision shall be the appropriateness of the material for its intended educational use.

Legal Reference: A.C.A. § 6-25-105

Date Adopted: August 2012

**Use of Copyrighted Materials**

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 Executive Director, or his designee, will provide KIPP Delta 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.”

KIPP Delta will not be responsible for any employee violations of the use of copyrighted materials.

Legal Reference: 17 USCS § 101 to 1010 (Federal Copyright Law of 1976)

Date Adopted: August 2012

### **Computer Software Copyright**

KIPP Delta shall observe copyright laws governing computer software reproduction. Unless specifically allowed by the software purchase agreement, the Copyright Act allows the purchaser of software to:

1. Make one copy of software for archival purposes in case the original is destroyed or damaged through mechanical failure of a computer. However, if the original is sold or given away, the archival copy must be destroyed;
2. Make necessary adaptations to use the program; and/or
3. Add features to the program for specific applications. These improvements may not be sold or given away without the copyright owner's permission.

KIPP Delta shall abide by applicable licensing agreements before using computer software on local-area or wide-area networks.

Legal Reference: 17 USC § 117 Amended Dec. 12, 1980

Date Adopted: August 2012

### **Promotion/Retention/Course Credit for 9-12 Schools**

A disservice is done to students through social promotion and is prohibited by state law. KIPP Delta shall, at a minimum, evaluate each student annually in an effort to help each student who is not performing at grade level. Each school in KIPP Delta Public Schools shall include in the student handbook the criteria for promotion of students to the next grade as well as the criteria for being required to retake a course, if applicable. Parents or guardians shall be kept informed concerning the progress of their student(s). Notice of a student's possible retention or required retaking of a course shall be included with the student's grades sent home to each parent/guardian or the student if 18 or older. Parent-teacher conferences are encouraged and may be held as necessary in an effort to improve a student's academic success.

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

Promotion or retention of students, or their required retaking of a course shall be primarily based on the following criteria:

- **Classroom Academics:** Students must meet the classroom expectations and demonstrate proficiency or mastery of the curriculum as indicated by report cards.
- **Standardized Testing:** Students who perform significantly below grade level on norm-referenced tests or do not pass the State Assessments may be retained.
- **Attendance:** Students are not allowed to miss more than ten days per semester. For high school students, any student deficient more than 1.5 credit units will be retained. Students who fail courses will be considered credit deficient until those credits are recovered.

If there is doubt concerning the promotion or retention of a student, or their required retaking of a course, a conference between the parents/guardians, teacher(s), other pertinent personnel, and principal shall be held before a final decision is made. The conference shall be held at a time and place that best accommodates those participating in the conference. The school shall document participation or non-participation in required conferences. If the conference attendees fail to agree concerning the student's placement, the final decision to promote or retain shall rest with the principal or his/her designee.

All students must successfully pass all general EOC assessments they are required to take, unless exempted by the student's individualized education program (IEP). To receive academic credit in a course requiring a student to take a general EOC assessment, the student must either receive a passing score on the initial assessment or successfully participate in the remediation program identified in his/her Individualized Academic Improvement Plan (IAIP). A student is not eligible to graduate if he/she fails to receive academic credit in a course requiring a general EOC. Additionally, the lack of credit could jeopardize the student's grade promotion or classification.

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

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

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



exercises. The student shall remain ineligible to participate until the student takes the same or a following State mandated assessment, as applicable, or completes the required remediation for the assessment the student failed to put forth a good faith effort on. The Executive Director or designee may wave this paragraph's provisions when the student's failure was due to exceptional or extraordinary circumstances.<sup>3</sup> Students falling under the provisions of this paragraph shall be permitted to attend curriculum related field trips occurring during the school day

Legal References:           A.C.A. § 6-15-402  
                                  A.C.A. § 6-15-404  
                                  A.C.A. § 6-15-1602  
                                  A.C.A. § 6-15-2001  
                                  A.C.A. § 6-15-2005  
                                  A.C.A. § 6-15-2009

State Board of Education: Standards of Accreditation 12.04.3

ADE Rules Governing the ACTAAP and the Academic Distress Program 7.02-7.02.9, 7.03-7.03.7.3

Arkansas Department of Education Rules Governing Public School End-Of-Course Assessments and Remediation 4.0 and 5.0

Date Adopted: April 2013

Date Modified: September 2015

### Promotion/Retention/Course Credit for K-8 Schools

A disservice is done to students through social promotion and is prohibited by state law. KIPP Delta shall, at a minimum, evaluate each student annually in an effort to help each student who is not performing at grade level. Each school in KIPP Delta Public Schools shall include in the student handbook, the criteria for promotion of students to the next grade. Parents or guardians shall be kept informed concerning the progress of their student(s). Notice of a student's possible retention shall be included with the student's grades sent home to each parent/guardian. Parent-teacher conferences are encouraged and may be held as necessary in an effort to improve a student's academic success.

Promotion or retention of students shall be primarily based on the following criteria.

- **Classroom Academics:** Students must meet the classroom expectations and demonstrate proficiency or mastery of the curriculum as indicated by report cards.
- **Standardized Testing:** Students who perform significantly below grade level on norm-referenced tests or do not pass the Arkansas Benchmark Exam may be retained.
- **Attendance:** Students are not allowed to miss more than ten days per semester. For high school students, any student deficient more than 1.5 credit units will be retained. Students who fail courses will be considered credit deficient until those credits are recovered.

If there is doubt concerning the promotion or retention of a student, before a final decision is made, a conference between the parents/guardians, teacher(s), other pertinent personnel, and principal shall be held. The conference shall be held at a time and place that best accommodates those participating in the conference. The school shall document participation or non-participation in required conferences. If the conference attendees fail to agree concerning the student's placement, the final decision to promote or retain shall rest with the principal.

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

In addition to the Benchmark Exam requirements and unless exempted by the student's individualized education program (IEP), students who take a course requiring an end-of-course (EOC) assessment must either receive a passing score on the initial assessment or successfully participate in an Individualized Academic Improvement Plan (IAIP) created for them to receive academic credit for the course.

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

Legal References:

- A.C.A. § 6-15-402
- A.C.A. § 6-15-404
- A.C.A. § 6-15-1602
- A.C.A. § 6-15-2001
- A.C.A. § 6-15-2005
- A.C.A. § 6-15-2009
- State Board of Education: Standards of Accreditation 12.04.3
- ADE Rules Governing the ACTAAP and the Academic Distress Program 7.02-7.02.9, 7.03-7.03.7.3
- Arkansas Department of Education Rules Governing Public School End-Of-Course Assessments and Remediation 4.0 and 5.0

Date Adopted: April 2013

**Academic Improvement Plans**

Students who do not score proficient or above on Benchmark Exams, End-of-Course tests or on the Grade 11 Literacy test shall successfully participate in an Academic Improvement Plan (AIP) so they can receive credit for the course. The lack of participation in the AIP shall result in the student's retention in their present grade.

Legal References: A.C.A. § 6-15-402

State Board of Education: Standards of Accreditation 12.04.3

ADE Rules Governing the ACTAAP and the Academic Distress Program 7.05.1, 7.05.2, 7.05.5, 7.05.7

Date Adopted: April 2013

**Homework**

Homework is considered to be part of the educational program of KIPP Delta Public Schools. Assignments shall promote the development of students' independent study skills and work to be done outside the classroom which will reinforce and strengthen academic skills, broaden the educational experiences of students, and relate those experiences to the real life of the community.

School Directors are responsible for monitoring homework to ensure that the appropriate amount is being given at each grade level and for each course.

Parents shall be notified of the policy at the beginning of each school year through the handbook.

Legal Reference: State Board of Education Rules & Regulations: Accreditation Standards 10.07

Date Adopted: August 2012

## Grading

Parents or guardians shall be kept informed concerning the progress of their student. Parent-teacher conferences are encouraged and may be requested by parents, guardians, or teachers. If the progress of a student is unsatisfactory in a subject, the teacher shall attempt to schedule a parent-teacher conference. In the conference, the teacher shall explain the reasons for difficulties and shall develop, cooperatively with the parents, a plan for remediation which may enhance the probability of the student succeeding. The school shall also send timely progress reports and issue grades for each nine-week grading period to keep parents/guardians informed of their student's progress.

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

The grading scale for all schools in KIPP Delta shall be as follows.

A = 100 – 90  
 B = 89 – 80  
 C = 79 – 70  
 F = 69 and below

The only exception to the grading scale is for Art, Music, and Physical Education classes at the K-2 levels. These classes shall be graded as follows.

E = Exceeds Standard  
 M = Meets Standard  
 I = In Progress  
 U = Unsatisfactory

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

A = 4 points  
 B = 3 points  
 C = 2 points  
 F = 0 points

The grade point values for AP and approved honor courses shall be one point greater than for regular courses with the exception that an F shall still be worth 0 points.

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

For example: The grading period had 40 days. A student transferred in with a grade of 83% earned in 10 days at the previous school. The student had a grade of 75% in KIPP Delta's school earned in the remaining 30 days of the grading period. 10 days is 25% of 40 days while 30 days is 75% of 40 days. Thus the final grade would be  $.25 (83) + .75 (73) = 75.5\%$ .

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

Date Adopted: April 2013

### **Honor Graduates**

Students who have successfully completed the minimum core of courses recommended for preparation for college as defined by the State Board of Higher Education and the State Board of Education and have a cumulative grade point average (GPA) of 3.5 will be designated as honor students. The GPA shall be derived from courses taken in public schools in grades nine (9) through twelve (12).

Legal References: A.C.A. § 6-18-101 (a) (2)

A.C.A. § 6-18-101 (b)

A.C.A. § 6-61-217(a)

Date Adopted: August 2012

### **Valedictorian and Salutatorian**

The honor student with the highest GPA and who has been enrolled in public school in grades 9 through 12 and in KIPP Delta Collegiate High School for his/her entire senior year shall serve as the valedictorian of his/her graduating class. Students who finished their 9<sup>th</sup>, 10<sup>th</sup>, or 11<sup>th</sup> grade year enrolled in a high school which has been closed due to consolidation/annexation with the another district shall be selected valedictorian on the basis of the criteria in existence in their high school at the time of the closure and their subsequent academic achievement in the other district's high school. Their selection shall be separate from and in addition to selection of the valedictorian from non-consolidated/annexed students enrolled in the other district's high school.

The honor student with the second highest GPA and who has been enrolled in public school in grades 9 through 12 and in KIPP Delta Collegiate High School for his/her entire senior year shall serve as the salutatorian of his/her graduating class. Students who finished their 9<sup>th</sup>, 10<sup>th</sup>, or 11<sup>th</sup> grade year enrolled in a high school which has been closed due to consolidation/annexation with another district shall be selected salutatorian on the basis of the criteria in existence in their high school at the time of the closure and their subsequent academic achievement in the other district's high school. Their selection shall be separate from and in addition to selection of the salutatorian from non-consolidated/annexed students enrolled in the other district's high school.

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

Legal References: A.C.A. § 6-18-101 (a) (1)

A.C.A. § 6-18-101 (a) (2)

A.C.A. § 6-18-101 (b)

A.C.A. § 6-18-101(e)

A.C.A. § 6-61-217(a)

Date Adopted: August 2012

## **Health Services**

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

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

Date Adopted: August 2012

## **Extra-curricular Activities –Secondary Schools**

Each school in the KIPP Delta Public Schools region shall post on its website its schedule of interscholastic activities, including sign-up, tryout, and participation deadlines, at least one semester in advance of those activities. A hard copy of the schedule shall be available upon request.

The Board believes in providing opportunities for students to participate in extracurricular activities that can help enrich the student's educational experience. At the same time, the Board believes that a student's participation in extracurricular activities cannot come at the expense of his/her classroom academic achievement. Interruptions of instructional time in the classroom are to be minimal and absences from class to participate in extracurricular activities shall not exceed one per week per extracurricular activity (tournaments excepted). Additionally, a student's participation in, and KIPP Delta's operation of, extracurricular activities shall be subject to the following policy. All students meeting this policy's criteria are eligible for extracurricular activities.

### Definitions:

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

Academic Courses are those courses for which class time is scheduled which can be credited to meet the minimum requirements for graduation which is taught by a teacher required to have State certification in the course, and has a course content guide which has been approved by the Arkansas Department of Education. Any of these courses for which concurrent high school credit is earned may be from an institution of higher education recognized by the Arkansas Department of Education. If a student passes an academic course offered on a block schedule, the course can be counted twice toward meeting the requirement for students to pass four (4) academic courses per semester as required by this policy.

Supplemental Improvement Program is an additional instructional opportunity for identified students outside of their regular classroom and meets the criteria outlined in the current Arkansas Activities Association Handbook.

### Academic Requirements: Middle School

A student promoted from the fifth to the sixth grade automatically meets scholarship requirements. A student promoted from the sixth to the seventh grade automatically meets scholarship requirements for the first semester. The second semester seventh-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester, three (3) of which shall be in the core curriculum areas specified by the Arkansas Department of Education's Standards of Accreditation of Arkansas Public Schools.

The first and second semester eighth-grade student meets the scholarship requirements for junior high if he/she has successfully passed four (4) academic courses the previous semester, three (3) of which shall be in the core curriculum areas specified by the Arkansas Department of Education's Standards of Accreditation of Arkansas Public Schools.

Ninth-grade students must meet the requirements of the senior high scholarship rule by the end of the second semester in the ninth grade in order to be eligible to participate the fall semester of their tenth-grade year.

Academic Requirements: High School

In order to remain eligible for competitive interscholastic activity, a student must have passed (4) academic courses the previous semester and either:

- 1) Have earned a minimum Grade Point Average of 2.0 from all academic courses the previous semester; or
- 2) If the student has passed four (4) academic courses the previous semester but does not have a 2.0 GPA the student must be enrolled and successfully participating in a supplemental instruction program to maintain their competitive interscholastic extracurricular eligibility.

Students with an Individualized Education Program

In order to be considered eligible to participate in competitive interscholastic activities, students with disabilities must pass at least four (4) courses per semester as required by their individual education program (IEP).

Arkansas Activities Association

In addition to the foregoing rules, KIPP Delta shall abide by the rules and regulations of the Arkansas Activities Association (AAA) governing interscholastic activities. AAA provides catastrophic insurance coverage for students participating in AAA governed extracurricular activities who are enrolled in school. As a matter of policy, no student may participate in an AAA governed extracurricular activity unless he or she is enrolled in a district school, to ensure all students are eligible for AAA catastrophic insurance.

Legal References: State Board of Education Standards for Accreditation 10.05 and 10.06  
Arkansas Activities Association Handbook

Date Adopted: August 2012

**Extracurricular Activities –Elementary School**

The Board believes in providing opportunities for students to participate in extracurricular activities that can help enrich the student's educational experience. At the same time, the Board believes that a student's participation in extracurricular activities cannot come at the expense of his/her classroom academic achievement. Interruptions of instructional time in the classroom are to be minimal and absences from class to participate in extracurricular activities shall not exceed one per week per extracurricular activity (tournaments or other similar events excepted with approval of the School Director). All students are eligible for extracurricular activities unless specifically denied eligibility on the basis of criteria outlined in this policy.

A student may lose his/her eligibility to participate in extracurricular activities when, in the opinion of the school's administration, the student's participation in such an activity may adversely jeopardize his/her academic achievement. Students may also be denied permission to participate in extracurricular activities as a consequence of disciplinary action taken by the administration for inappropriate behavior.

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

Legal References: State Board of Education Standards for Accreditation 10.05 and 10.06

Date Adopted: August 2012



### **Advanced Placement, International Baccalaureate, and Honors Courses**

Students in grades 7-12 who take advanced placement courses, International Baccalaureate courses, or honors or concurrent credit college courses approved for weighted credit by the Arkansas Department of Education shall be graded according to the following schedule.

A = 100 - 90  
 B = 89 - 80  
 C = 79 - 70  
 D = 69-60  
 F = 59 and below

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

A = 5 points  
 B = 4 points  
 C = 3 points  
 D = 2 point  
 F = 0 points

For a student to be eligible to receive weighted credit for an AP, or IB course, the student's course must have been taught by an Arkansas licensed teacher who has received the appropriate training required by Arkansas statute and ADE Rule or, for an AP teacher, is in the process of completing an Additional Training Plan.

Additionally, for students taking AP or International Baccalaureate courses to receive weighted credit as described in this policy they must take the applicable AP or IB examination after completing the entire course. Credit shall be given for each grading period during the course of the year, but shall be retroactively removed from a student's grade for any course in which the student fails to take the applicable AP exam. Students who do not take the AP exam shall receive the same numeric value for the grade he/she receives in the course as if it were a non-AP course.

"Honors Courses" are those courses that have been approved by a Department of Education Committee as honors courses. Honors courses must stress higher order learning and be offered in addition to curriculum offerings required by the Standards for Accreditation, Arkansas Public Schools.

Students who transfer to KDPS will be given weighted credit for the Advanced Placement courses, International Baccalaureate courses, honors courses approved by the Arkansas Department of Education, and concurrent college courses taken for weighted credit at his/her previous school(s) according to the preceding scale.

Legal References:           Arkansas Department of Education Rules and Regulations Governing Uniform Grading Scales for Public Secondary Schools  
 ADE Rules Governing Advanced Placement Courses in the Four Core Areas in High School for Advanced Placement and International Baccalaureate Diploma Incentive Program  
                                   A.C.A. § 6-15-902(c)(1)  
                                   A.C.A. § 6-16-806

Date Adopted: April 2013

## Concurrent Credit

A ninth through twelfth grade student who successfully completes a college course(s) from an institution approved by the Arkansas Department of Education shall be given credit toward high school grades and graduation at the rate of one high school credit for each three (3) semester hours of college credit. Unless approved by the school's principal, **prior to enrolling for the course**, the concurrent credit shall be applied toward the student's graduation requirements as an elective.

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

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

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

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

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

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

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

Date Adopted: August 2012

## Student Participation in Surveys

**Section One:** No student shall be required to submit to a survey, analysis, or evaluation which is administered or distributed by a school, and is funded in whole or in part by any program administered by the U.S. Department of Education without the prior written consent of the parent/guardian that reveals information concerning the following:

1. political affiliations;
2. mental and psychological problems potentially embarrassing to the student or his family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating, and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

**Section Two:** No surveys shall be administered without the prior approval of the building School Director. Any survey created by a third party, or funded, in whole or in part, as part of any US Department of Education administered program, containing one or more of the eight categories listed above shall be available to be inspected by a student's parent/guardian before the survey is administered or distributed by a school to a student. Parents/guardians shall have the right to deny permission for their child to participate in the taking of the survey. The school shall not penalize students whose parents/guardians exercise this option. The school shall take reasonable precautions to protect students' privacy during their participation in the administration of any survey, analysis, or evaluation containing one or more of the eight categories listed above.

**Section Three:** Parents or guardians wishing to inspect a survey, analysis, or evaluation shall be able to do so in the administrative office of the administering school where the surveys shall be available for inspection for a period of ten (10) days (regular school days when school is in session) after the notice of intent to administer the survey is sent. Included in the notice shall be information regarding how the survey or questionnaire will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey or questionnaire. Parents may refuse to allow their student to participate before or after reviewing the survey or questionnaire.

The requirements of sections one, two, and three of this policy do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

**Section Four:** Prior written parental permission is required before any survey or questionnaire (not including tests mandated by state or Federal law or regulation and standardized scholastic achievement tests) is administered to a student the responses to which are to be provided to a person or entity other than another public school, school district, or any branch of the Federal Government and which requests or requires a student to provide any of the eight (8) categories of information listed above and/or the following;

1. A student's name;
2. The name of the student's parent or member of the student's family;
3. The address, telephone number, or email address of a student or a member of a student's family;
4. A personal identification number, such as a social security number, driver's license number, or student identification number of a student or a member of the student's family;
5. Any information, the disclosure of which is regulated, or prohibited by any other state or federal law or regulation.

The rights provided to parents under this policy transfer to the student when he/she turns 18 years old.

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

Date Adopted: August 2012

**Marketing of Personal Information**

KIPP Delta Public Schools shall not collect, disclose, or use personal information for the purpose of marketing or for selling that information or to otherwise provide that information to others for that purpose.

Personal information is defined, for the purposes of this policy only, as individually identifiable information including:

1. a student or parent's first and last name,
2. a home or other physical address (including street name and the name of the city or town),
3. telephone number, and
4. social security identification number.

KIPP Delta may collect, disclose, or use personal information that is collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutional such as the following:

1. College or other postsecondary education recruitment, or military recruitment;
2. Book clubs, magazines, and programs providing access to low cost literary products;
3. Curriculum and instructional materials used by elementary schools and secondary schools;
4. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. The sale by students of products or services to raise funds for school related or education related activities; and
6. Student recognition programs.

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

Date Adopted: August 2012

## Wellness Policy

The health and physical well-being of our students directly affects their ability to learn.

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

### Goals

In its efforts to improve the school nutrition environment, promote student health, and reduce childhood obesity, KIPP Delta will adhere to the Arkansas Rules Governing Nutrition and Physical Activity Standards in Arkansas Public Schools. To promote nutrition, physical activity, and other school-based activities that will improve student wellness, KIPP Delta has established the following goals.

1. Appoint a Wellness Committee of teachers, staff and parents who shall be responsible for ensuring that each school fulfills the requirements of this policy;
2. Implement a grade appropriate nutrition education program that will develop an awareness of and appreciation for nutrition and physical activity throughout the curriculum;
3. Enforce existing physical education requirements and engage students in healthy levels of vigorous physical activity;
4. Strive to improve the quality of physical education curricula and increase the training of physical education teachers;
5. Follow the Arkansas Physical Education and Health Education Frameworks in grades K-12;
6. Not use food or beverages as rewards for academic, classroom, or sports performances;
7. Ensure that drinking water is available without charge to all students;
8. Establish class schedules, and bus routes that don't directly or indirectly restrict meal access;
9. Provide students with ample time to eat their meals in pleasant cafeteria and dining areas;
10. Establish no more than nine (9) school wide events which permit exceptions to the food and beverage limitations established by Rule 8.0. The schedule of the events shall be by school, approved by the school director, and shall be part of the annual school calendar;
11. Abide by the current allowable food and beverage portion standards;
12. Meet or exceed the more stringent of Arkansas' or the U.S. Department of Agriculture's Nutrition Standards for reimbursable meals and a la' carte foods served in the cafeteria;
13. Restrict access to vended foods, competitive foods, and foods of minimal nutritional value (FMNV) as required by law and Rule 6.02.7;
14. Conform new and/or renewed vending contracts to the content restrictions contained in the Rules and reduce dependence on profits from the sale of FMNV.
15. Provide professional development to all staff on the topics of nutrition and/or physical activity;
16. Annually assess each school campus using the School Health Index for Physical Activity, Healthy Eating and a Tobacco Free Lifestyle.

### Wellness Committee

To enhance KDPS's efforts to improve the health of our students, a School Nutrition and Physical Activity Advisory Committee (SNPAAC) shall be formed. It shall be structured in a way that ensures age-appropriate recommendations are made which correlate to our grade configurations. The SNPAAC shall have the powers and responsibilities delegated to it by statute and Rule and are incorporated into this policy by reference. The overarching goal of the committee shall be to promote student wellness by monitoring how well KDPS is doing at implementing this policy. The results of the annual assessment shall be included in each school's ACSIP, provided to each school's principal, and reported to the board. Goals and objectives for nutrition and physical activity shall also be included in the ACSIP.

Parents, students, the organization's teachers of physical education, school health professionals, the School Board of Directors, the school administrators, members of the community, and representatives of the District's school food authority shall be included in the development, implementation, and periodic review of the KDPS's wellness policy to the extent interested persons from each group desire to be included.

The SNPAAC shall provide recommendations to the school district concerning menus and other foods sold in the school cafeteria. Such recommendations shall be based, at least in part, on the information the Committee receives from KIPP Delta on the requirements and standards of the National School Lunch Program and information and from menus for the National School Lunch Program and other food sold in the school cafeteria on a quarterly basis.

KDPS shall periodically assess, with input from the SNPACC, the regional and individual schools' status regarding implementing this policy. The assessment shall be based, at least in part, on:

- the extent to which schools are in compliance with this policy;
- the extent to which this policy compares to other model local school wellness policies; and
- a description of the progress made in attaining the goals of this policy.

The assessment results along with the content of this policy shall be periodically reported to the public, including parents, students, and other members of the community.

Legal References: Richard B. Russell National School Lunch Act 42 U.S.C. § 1751 et seq. as amended by PL 111-296 (Section 204) of 2010. (Section 204 is codified at 42 U.S.C. § 1758(b))  
Child Nutrition Act of 1966 42 U.S.C. § 1771 et seq.  
A.C.A. § 6-20-709  
A.C.A. §§ 20-7-133, 134, and 135  
ADE Rules Governing Nutrition and Physical Activity Standards in Arkansas Public Schools  
Allowable Competitive Foods/Beverages - Maximum Portion Size List for Middle, Junior High, and High School  
Nutrition Standards for Arkansas Public Schools

Date Adopted: January 2014

**Parental Contact Policies**

KIPP Delta Public Schools requires teachers to communicate with the parent(s) or guardian(s) of each student during the school year to discuss the student's academic progress and requires more frequent communication with the parent(s) or guardian(s) of students not performing at the level expected for their grade.

All teachers, parents, and students must meet, discuss, and sign the KIPP Delta College Preparatory School Commitment to Excellence before enrolling a child in the school.

All teachers will record transactions with parents, albeit by phone, letter, or person.

Teachers and/or Grade Level Chairs will maintain parent contact logs for that particular grade level.

Teachers and/or Grade Level Chairs are responsible to make sure that parents receive updates once a week through the school's paycheck system at the Middle School.

Teachers and/or Grade Level Chairs are responsible to make sure that parents receive academic updates bi-weekly at the High School Level.

Parents will receive report cards at the end of each quarter, for a total of four times a year.

Parents will also be required to attend two mandatory conferences during the school year. The school will set aside three days during the year for parent-teacher conferences, centered around academic progress.

All grade level conferences with parent(s) and or guardian(s) shall be scheduled at a time and place to best accommodate those participating in the conference. The school shall document participation or nonparticipation in required conferences. If a student is to be retained at any grade level, notice of retention and the reasons for retention shall be communicated promptly in a personal conference.

Date Adopted: August 2012



**Parent-Teacher Conferences- Elementary Schools**

All elementary teachers will meet with the parents or guardians of each student at least once a semester through a parent-teacher conference, telephone conference, or a home visit. Teachers shall communicate more often with parents/guardians of students performing below grade level.

Parent-teacher conferences are encouraged and may be requested by parents or guardians when they feel they need to discuss their child's progress with his/her teacher. Conferences shall be scheduled at a time and place to best accommodate those participating in the conference.

Legal Reference: State Board of Education Standards of Accreditation VQ (DX1 )(2)

Date Adopted: August 2012

**Parent-Teacher Conferences- Secondary Schools**

Teachers shall communicate personally with the parents or guardians of each student at least twice during the school year to discuss the student's academic progress. Teachers shall communicate more often with parents/guardians of students performing below the level expected for their grade.

Parent-teacher conferences are encouraged and may be requested by parents or guardians when they feel they need to discuss their child's progress with his/her teacher. Conferences shall be scheduled at a time and place to best accommodate those participating in the conference.

Legal Reference: State Board of Education Standards of Accreditation VII (DX1)

Date Adopted: August 2012

## **Student Policies**

## Attendance Policies

### Compulsory Attendance Requirements

Every parent, guardian, or other person having custody or charge of any child age five (5) through seventeen (17) years on or before August 1st of that year who resides, as defined by Residence Requirements Policy within the District shall enroll and send the child to a District school with the following exceptions.

1. The child will not be age six (6) on or before August 1st of that particular school year and the parent, guardian, or other person having custody or charge of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Department of Education must be signed and on file with the District administrative office.
2. The child has received a high school diploma or its equivalent as determined by the State Board of Education.
3. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
4. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).
5. The child is enrolled in private or parochial school.
6. The child is being home-schooled and the conditions of the Home Schooling Policy have been met.

Legal Reference: A.C.A. § 6-18-201

Date Adopted: August 2012

## Residence Requirements

### Definitions:

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

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

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

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

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

In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the District’s schools separate and apart from his or her parents, guardians, or other persons having lawful control of him or her under an order of a court, the person must actually reside in the District for a primary purpose other than that of school attendance. However, a student previously enrolled in the district who is placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty may continue to attend district schools. A foster child who was previously enrolled in a District school and who has had a change in placement to a residence outside the District, may continue to remain enrolled in his/her current school unless the presiding court rules otherwise.

Under instances prescribed in A.C.A. § 6-18-203, a child or ward of an employee of the district or of the education coop to which the district belongs may enroll in the district even though the employee and his/her child or ward reside outside the district.

Legal References: A.C.A. § 6-4-302

A.C.A. § 6-18-202

A.C.A. § 6-18-203

A.C.A. § 9-28-113

Date Adopted: August 2012

## Entrance Requirements

All students seeking entrance at KIPP Delta must have a parent or guardian fill out and return to the school all required registration documents prior to official enrollment.

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

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

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

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

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

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

Prior to the child's admission to a KIPP Delta school:

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

4. In accordance with the policy "Immunizations," the child shall be age appropriately immunized, or have an exemption issued by the Arkansas Department of Health.

**Uniformed Services Member's Children**

For the purposes of this policy, "active duty members of the uniformed services" includes members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

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

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

"Eligible child" means the children of:

- active duty members of the uniformed services;
- members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

An eligible child as defined in this policy shall:

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

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

Date Adopted: August 2012

**Immunizations**

Definitions

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

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

General Requirements

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

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

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

The only types of proof of immunization KIPP Delta will accept are immunization records provided by a:

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

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

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

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

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

Temporary Admittance

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

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

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

#### Exclusion From School

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

Students who are excluded from school are not eligible to receive homebound instruction unless the excluded student had a pre-existing IEP or 504 Plan and the IEP/504 team determines homebound instruction to be in the best interest of the student. To the extent possible, the student's teacher(s) shall place in the principal's office a copy of the student's assignments:

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

It is the responsibility of the student or the student's parent/legal guardian to make sure that the student's assignments are collected.

Students excluded from school shall have five (5) school days from the day the student returns to school to submit any homework and to make up any examinations. State mandated assessments are not included in "examinations" and KIPP Delta has no control over administering state mandated make-up assessments outside of the state's schedule. Students shall receive a grade of zero for any assignment or examination not completed or submitted on time.

Legal References:           A.C.A. § 6-18-702  
                                   ADE Rules Governing Kindergarten Through 12<sup>th</sup> Grade Immunization  
                                   Requirements In Arkansas Public Schools  
                                   ADH Rules and Regulations Pertaining to Immunization Requirements

Date Adopted: September 2015



### Home or Non-Accredited School Transfers Policy

The Home School Act 42 of 1985 (State of Arkansas) gives students the legal right to receive instruction through homeschooling. However, the local school district has the responsibility of determining whether or not credit is to be given should a student desire to receive public school credit toward graduation. The following procedures have been established:

#### I. Procedure for students in grades 9-12:

A. A student must provide the following evidence:

1. Home school Transcript
2. Name of textbook(s)
3. Copy of Content Guide from textbook show objectives or skills covered.
4. End of Course exams provided by home school curriculum.

B. If the student is unable to provide the aforementioned evidence, then the student must score 70% or higher on a current semester test, provided by the school district, for each subject in which credit is sought. The appropriate department will construct the tests.  
(70%-100%=full credit) (0%-69%=no credit)

C. If provisions are met, credit may be granted.

D. Any credit given will be credit only and no letter grade. Transcripts will reflect credit only and that the credits were obtained through home schooling.

E. The maximum number of credits accepted for each school year of home schooling or non-accredited private school instruction cannot exceed the number of credits that could be earned by a student enrolled in KIPP Delta Public Schools for a comparable period of time.

F. A student must attend an accredited public or private school a maximum of (6) semesters (ninth grade and above) to be considered for recognition as an honor graduate.

#### II. Procedures for students in grades 1-8:

A. School Directors will use all available information, including consultations with counselors and parents, in making the grade placement decision. The School Director may change the placement depending on the performance of the child and after consultation with the teachers, counselors, and parents.

Legal Reference: A.C.A. § 6-15-50

Date Adopted: August 2012

## Absences

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

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

## Excused Absences

Excused absences are those where the student was on official school business or when the absence was due to one of the following reasons and the student brings a written statement to the principal or designee upon his/her return to school from the parent or legal guardian stating such reason. A written statement presented for an absence having occurred more than five (5) school days prior to its presentation will **not** be accepted.

1. The student's illness or when attendance could jeopardize the health of other students. A maximum of six (6) such days are allowed per semester unless the condition(s) causing such absences is of a chronic or recurring nature, is medically documented, and approved by the principal.
2. Death or serious illness in their immediate family;
3. Observance of recognized holidays observed by the student's faith;
4. Attendance at an appointment with a government agency;
5. Attendance at a medical appointment;
6. Exceptional circumstances with prior approval of the principal; or
7. Participation in an FFA, FHA, or 4-H sanctioned activity;
8. Participation in the election poll workers program for high school students.
9. Absences granted to allow a student to visit his/her parent or legal guardian who is a member of the military and been called to active duty, is on leave from active duty, or has returned from deployment to a combat zone or combat support posting. The number of additional excused absences shall be at the discretion of the Executive Director or designee.
10. Absences granted, at the Executive Director's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in eleventh grade to complete basic combat training between grades eleven (11) and (12).

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

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

## Unexcused Absences

Absences not defined above or not having an accompanying note from the parent or legal guardian, presented in the timeline required by this policy, shall be considered as unexcused absences. Students with ten (10) unexcused absences in a course in a semester shall not receive credit for that course. At the discretion of the

principal after consultation with persons having knowledge of the circumstances of the unexcused absences, the student may be denied promotion or graduation. Excessive absences shall not be a reason for expulsion or dismissal of a student.

When a student has five (5) unexcused absences, his/her parents, guardians, or persons in loco parentis shall be notified. Notification shall be by telephone by the end of the school day in which such absence occurred or by regular mail with a return address sent no later than the following school day.

Whenever a student exceeds ten (10) unexcused absences in a semester, KIPP Delta shall notify the prosecuting authority and the parent, guardian, or persons in loco parentis shall be subject to a civil penalty as prescribed by law.

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

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

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

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

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

Legal References:       A.C.A. § 6-4-302  
                                   A.C.A. § 6-18-209  
                                   A.C.A. § 6-18-220  
                                   A.C.A. § 6-18-222  
                                   A.C.A. § 6-18-229  
                                   A.C.A. § 6-18-231  
                                   A.C.A. § 6-18-507(g)  
                                   A.C.A. § 7-4-116  
                                   A.C.A. § 9-28-113(f)  
                                   A.C.A. § 27-16-701

Date Adopted: August 2012

Date Revised and Approved: May 19, 2020

**Tardiness**

Promptness is an important character trait that KIPP Delta staff is encouraged to model and help develop in our schools' students. At the same time, promptness is the responsibility of each student. Students who are late to class show a disregard for both the teacher and their classmates, compromise potential student achievement and disrupt an orderly learning environment. Students receiving a tardy designation will receive after school detention and will lose the opportunity to participate during after school activities occurring at that time. Excessive tardiness will lead to the loss of privilege in activities, at the discretion of the school director.

Date Adopted: August 2012

**Closed Campuses**

All schools in KIPP Delta shall operate closed campuses. Students are required to stay on campus from their arrival until dismissal at the end of the regular school day. Students may be given permission to leave the campus by a school official and must sign out in the office upon their departure.

Date Adopted: August 2012

## **Attendance Requirements for Students in Grades 9-12**

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

### Study Halls

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

### Extracurricular Classes

Students may be assigned to no more than one (1) class period each day for organized and scheduled student extracurricular classes that the student shall be required to attend and participate in for the full class period. Extracurricular classes related to a seasonal activity shall meet for an entire semester whether or not the season ends prior to the end of the semester. Students must attend and participate in the class for the entire semester in order to receive credit for the course. For the purpose of this policy, extracurricular classes are defined as school sponsored activities which are not an Arkansas Department of Education approved course counting toward graduation requirements or classes that have not been approved by the Arkansas Department of Education for academic credit. Such classes may include special interest, fine arts, technical, scholastic, intramural, and interscholastic opportunities.

### Course Enrollment Outside of KIPP Delta

Enrollment and attendance in vocational-educational training courses, college courses, school work programs, and other department-sanctioned educational programs may be used to satisfy the student attendance requirement even if the programs are not located at the public schools. Attendance in such alternative programs must be pre-approved by the school's administration. KIPP Delta shall strive to assign students who have been dropped from a course of study or removed from a school work program job during the semester into another placement or course of study. In the instances where a subsequent placement is unable to be made, KIPP Delta may grant a waiver for the student for the duration of the semester in which the placement is unable to be made.

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

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

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

Arkansas Department of Education Rules Governing the Mandatory Attendance Requirements for Students in Grades Nine through Twelve

Date Adopted: August 2012

## Students who are Foster Children

KIPP Delta will afford the same services and educational opportunities to foster children that are afforded other children and youth. KDPS shall work with the Department of Human Services (“DHS”), the [Arkansas Department of Education \(ADE\)](#), and individuals involved with each foster child to ensure that he/she is able to maintain his/her continuity of educational services to the fullest extent that is practical and reasonable.

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

KIPP Delta, working with other individuals and agencies shall, unless the presiding court rules otherwise, ensure that the foster child remains in his/her ~~current~~ 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, KDPS 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 KIPP Delta’s foster care liaison by a foster child’s caseworker that a foster child’s school enrollment is being changed to one of KIPP Delta’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 KDPS 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, KDPS shall issue the child a diploma.

Notes: The name and contact information of the liaison must be sent to the Special Education Section of ADE at the beginning of each school year. A.C.A. § 9-28-113(c)(d) specify additional requirements/duties of the liaison.

While A.C.A. § 9-28-113(b)(4) encourages districts to “arrange for transportation,” there is no explanation of costs or methods.

A.C.A. § 9-28-113 does not address a district’s right to refuse enrollment for a student that has been expelled from another school, but we believe that right is retained even in this circumstance.

Legal Reference: A.C.A. § 9-28-113

### Students who are Homeless

KIPP Delta Public Schools will afford the same services and educational opportunities to homeless children as are afforded to non-homeless children. The Executive Director 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 coordinating with the state educational liaison for homeless children and youth to ensure that homeless children are not stigmatized or segregated on the basis of their status as homeless and such other duties as are prescribed by law and this policy.

Notwithstanding Policy Residence Requirements, 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 Residence and Entrance Requirements, the child shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. The school will waive uniform fees for homeless students. It is the responsibility of the KIPP Delta's local educational liaison for homeless children and youth to carry out the dispute resolution process.

KIPP Delta shall act, according to the best interests of a homeless child and to the extent feasible do one of the following. (For the purposes of this policy "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled.)

1. Continue educating the child who become homeless between academic years or during an academic year in their school of origin for the duration of their homelessness;
2. continue educating the child in his/her school of origin who become permanently housed during an academic year for the remainder of the academic year; or
3. enroll the homeless child in the school appropriate for the attendance zone where the child lives.

If KIPP Delta elects to enroll a homeless child in a school other than their school of origin and such action is against the wishes of the child's parent or guardian, KDPS shall provide the parent or guardian with a written explanation of their reason for so doing which shall include a statement of the parent/guardian's right to appeal.

In any instance where the child is unaccompanied by a parent or guardian, KIPP Delta's local educational liaison for homeless children and youth shall assist the child in determining his/her place of enrollment. The Liaison shall provide the child with a notice of his/her right to appeal the enrollment decision.

KIPP Delta 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 Liaison), to and from the child's school of origin.\*

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

- (a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- (b) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- (c) are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (d) are migratory children who are living in circumstances described in clauses (a) through (c).

#### Legal References\*\*:

42 U.S.C. § 11431 et seq.

42 U.S.C. § 11431 (2)

42 U.S.C. § 11432(g)(1)(H)(I)

42 U.S.C. § 11432 (g)(1)(J)(i), (ii), (iii), (iii)(I), (iii)(II)

42 U.S.C. § 11432 (g)(3)(A), (A)(i), (A)(i)(I), (A)(i)(II), (A)(ii)  
42 U.S.C. § 11432 (g)(3)(B)(i), (ii), (iii)  
42 U.S.C. § 11432 (g)(3)(C)(i), (ii), (iii)  
42 U.S.C. § 11432 (g)(3)(E)(i), (ii), (iii)  
42 U.S.C. § 11432 (g)(3)(G)  
42 U.S.C. § 11432 (g)(4) (A), (B), (C), (D), (E)  
42 U.S.C. § 11434a

\*\*42 U.S.C. §11431 et seq. as it is included in the NCLB Act of 2001 is Title X, Part C, Subtitle B, Sections 721 through 726. If you prefer to locate the legal references through the NCLB Act, change the 42 U.S.C. §11431 to 721, 42 U.S.C. §11432 to 722, etc. with the numbers and letters that follow those references remaining the same.

Date Adopted: August 2012



## **Discipline Policies**

### **Definitions**

“Executive Director” means the Chief Executive Officer of KIPP Delta.

“Expulsion” means separation from the school for a period longer than ten (10) days.

“In-school Suspension” means on-campus separation from scheduled educational activities for a period of one (1) to ten (10) days.

“KIPP Delta Disciplinary Policy” means the policy described in this document.

“KIPP Delta” has the meaning set forth in Section II.

“Out-of-school Suspension” means separation from the school for a period of one (1) to ten (10) days.

“School” means each individual school that is part of KIPP Delta.

“School Board” means the KIPP Delta Board of Directors.

“School Director” means the principal or leaders of a school.

Date Adopted: August 2012

## Disciplinary Action

Students are expected to act in a manner commensurate with KIPP Delta's educational function and purpose, and in accordance with the KIPP Delta Disciplinary Policy. Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Students that fail to comply with the KIPP Delta Disciplinary Policy may be subject to the following disciplinary measures:

1. Suspension from school
2. Expulsion from school
3. Removal from class
4. Detention after school hours
5. Counseling with the student
6. Conference with parents
7. Rearrangement class schedules
8. Restriction of extracurricular activities
9. Assignment of additional school work
10. Other measures reasonably determined by the Executive Director or School Director

Students not present at school cannot benefit from the educational opportunities the school environment affords. Administrators, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. Where a student violates the KIPP Delta Disciplinary Policy, or series of violations, that trigger suspension or expulsion proceeding, each school must adhere to the student suspension and expulsion policies described below. Any disciplinary action pursued by the KIPP Delta shall be in accordance with the student's due process rights.

KIPP Delta directs each School to develop implementation regulations for prohibited student conduct consistent with this KIPP Delta Disciplinary Policy, the laws of the State of Arkansas and the United States, and the United States Constitution. KIPP Delta also authorizes each School (under the supervision of the School Director) to prohibit other conduct if doing so is necessary to maintain the orderly and safe education function of their school, provided that such policies are consistent with this KIPP Delta Disciplinary Policy, the laws of the State of Arkansas and the United States, and the United States Constitution.

KIPP Delta students will be held accountable to the standards and policies of the school's handbook.

The **minimum** consequence for any infraction or violation is a conference with the student.

The **maximum** consequence for any infraction or violation is expulsion\* from the school.

Other consequences include but are not limited to the following:

- Students will receive a paycheck deduction.
- Parents will be notified.
- Students will lose privileges at KIPP Delta College Preparatory School.
- Students will not be allowed to attend end of the month trips or end of the year of the trips.
- A parent conference may be held.
- Students may be placed in in-school suspension.
- Students may be suspended for a number of days.
- Students may provide community service.

\* Students who are expelled from KIPP Delta may not return to any Arkansas school for the term of the expulsion.

Where a School identifies further infractions in its own disciplinary policy, such School shall establish appropriate procedures for notice to students and parents of charges, hearings, and others due process proceedings to be applicable in the enforcement and administration of such policies by the School Director and by the School Board. Due process is at a minimum, (1) notice of charge; (2) opportunity for denial; (3)

evidence against him/her (if denies); (4) opportunity to tell his/her side; (5) decision, and timely notice and an opportunity for a fair hearing. The degree of due process is directly proportional to the degree of loss to the student. Any penalty that effectively denies a student's education will require the greatest degree of due process. This means notice in writing at a time sufficient for the student to prepare for a full hearing before the School Board.

It is required by law that the School Director or the person in charge report to the police any incidents where 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.

\* A.C.A. § 6-18-502 (b)(3)(D)(ii) provides that the policy may allow an exemption for possession of such a device after normal school hours for extracurricular activities.

Date Adopted: January 2013

## Teachers' Removal of Student from Classroom

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

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

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

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

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

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

However, the failure of the parents, guardians, or persons in loco parentis to attend the conference does not prevent any action from being taken as a result of the conference.

Legal References:           A.C.A. § 6-18-511  
                                   Arkansas Department of Education Guidelines for the Development, Review and  
                                   Revision of School District Student Discipline and School Safety Policies

Date Adopted: September 2015

## Prohibited Conduct

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

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

21. Sexual harassment; and
22. Bullying; and
23. Operating a vehicle on school grounds while using a wireless communication device.

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. § 6-18-506  
                              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

Date Adopted: August 2012  
Date Modified: February 2019



**Conduct Off Campus**

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

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

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

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

Date Adopted: August 2012



**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 School Director or School Director's designee office a student whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students, the class, or with the ability of the student's classmates to learn. Students who refuse to leave the classroom voluntarily will be escorted from the classroom by the school administration.

Legal Reference: A.C.A. § 6-18-511

Date Adopted: August 2012

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

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

Date Adopted: August 2012

### **Weapons and Dangerous Instruments**

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

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

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

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of not less than one year. The Executive Director shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by KIPP Delta that include the use of firearms. Such activities may include ROTC programs, hunting safety or military education, or before or

after-school hunting or rifle clubs. Firearms brought to school for such purposes shall be brought to the school employee designated to receive such firearms. The designated employee shall store the firearms in a secure location until they are removed for use in the approved activity.

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

Notes: A.C.A. § 5-73-119 trumps the more lenient US DOE Guidelines relating to a student's accidental possession of a firearm on campus. Consequently, the leniency provisions of the policy for students who inadvertently bring a weapon to school cannot be extended to a firearm.

Legal References:       A.C.A. § 6-18-502 (c) (2)(A)(B)  
                               A.C.A. § 6-18-507 (e) (1)(2)  
                               A.C.A. § 6-21-608  
                               A.C.A. § 5-4-201  
                               A.C.A. § 5-4-401  
                               A.C.A. § 5-27-210  
                               A.C.A. § 5-73-119(b)(e)(8)(9)(10)  
                               20 USC § 7151

Date Adopted: September 2015

### **Search, Seizure, and Interrogations**

KIPP Delta 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 KIPP Delta in order to promote an environment conducive to student learning. The Executive Director, school leaders, and their designees have the right to inspect and search school property and equipment. They may also search students and their personal property in which the student has a reasonable expectation of privacy, when there is reasonable and individualized suspicion to believe such student or property contains illegal items or other items in violation of Board policy or dangerous to the school community. School authorities may seize evidence found in the search and disciplinary action may be taken. Evidence found which appears to be in violation of the law shall be reported to the appropriate authority.

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

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

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

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

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

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

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

Date Adopted: September 2015

**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 KIPP Delta school, including school buses, 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, or under any other name or descriptor.

Legal Reference: A.C.A. § 6-21-609

Date Adopted: August 2012

## **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, disruptive to the educational environment, and diminishes the capacity of students to learn and function properly in our schools.

Therefore, no student in KIPP Delta Public Schools shall possess, attempt to possess, consume, use, distribute, sell, attempt to sell, give to any person, or be under the influence of any substance as defined in this policy, or what the student represents or believes to be any substance as defined in this policy. This policy applies to any student who; is on or about school property; is in attendance at school or any school sponsored activity; has left the school campus for any reason and returns to the campus; is in route to or from school or any school sponsored activity.

The Executive Director, at his/her discretion, shall have the authority to implement alternative sanctions for students found to be in violation of the Drugs and Alcohol policy. These will include, but not be limited to: inability to use KIPP Delta transportation, random searches of personal belongings at school, and attendance at mandatory counseling. Failure to comply with these alternative sanctions may result in a recommendation for expulsion.

Furthermore, the Executive Director reserves the right to mandate drug testing for any student who is reasonably suspected to be in violation of this policy. Positive screens resulting from this testing may be grounds for a recommendation for expulsion. Refusal by a student to take a drug test will constitute a positive screen.

Prohibited substances shall include, but are not limited to, alcohol, or any alcoholic beverage, inhalants 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 (including synthetic and derivative drugs), or any controlled substance.

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

Date Adopted: August 2012

## **Drugs and Alcohol – Student Testing**

No student at KIPP Delta Public Schools shall possess, attempt to possess, consume, use, distribute, sell, buy, attempt to sell, attempt to buy, give to any person, or be under the influence of any substance as defined in this policy, or what the student represents or believes to be any substance as defined in this policy. This policy applies to any student who; is on or about school property; is in attendance at school or any school sponsored activity; has left the school campus for any reason and returns to the campus; is in route to or from school or any school sponsored activity.

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

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

KIPP Delta shall report criminal activity to the justice system or juvenile delinquency system by notifying local law enforcement.

KIPP Delta recognizes the use of mood-altering chemicals as a significant health problem for many students, resulting in negative effects on behavior, learning, and the total development of each individual. The misuse and abuse of mood-altering chemicals for some students affect academic growth, achievement, activities participation and development of related skills. Others are affected by the misuse, and abuse family, teammates, school mates, or other significant persons in their lives.

### Purpose

The purposes of chemical screenings by KIPP Delta is:

1. To emphasize concerns for the health of students in areas of safety while participating in activities, and the long-term physical and emotional effects of chemical use on their health.
2. To work with parents to assist in keeping their children free of mood-altering chemicals.
3. To promote a sense of order and discipline among students.
4. To confirm and support the existing state laws which restrain the use of such mood-altering chemicals.
5. To establish standards of conduct for those students who are leaders and standard-bearers among their peers
6. To assist students who desire to resist peer pressure directing them toward the use of mood-altering chemicals.
7. To assist students who should be referred for assistance or evaluation regarding their use of mood-altering chemicals.

Drugs which may be screened include, but are not limited to, the following:

1. Amphetamines
2. Barbiturates
3. Benzodiazepines
4. Cocaine
5. Methaqualone
6. Opiates
7. PCP
8. THC (Cannabinoids)

### Supervised Urine Collection and Chain of Procedure for Substance Abuse Screening

"Testing," as referred to throughout this policy, encompasses all scientifically-valid analysis procedures used by certified medical facilities which test for the presence of drugs. Such tests include, but are not limited to, urinalysis and blood testing. All testing will be performed in compliance with National Institute on Drug Abuse and College of American Pathologists criteria.

The following precautions should be taken, as appropriate, at the collection site:

1. Positively identify the examinee.
2. Use a dedicated washroom and process only one person at any given time.
3. Blue or green toilet bowl cleaner will be used to prevent dilution of sample with toilet water and water faucet will be turned off.
4. Freshly voided specimen temperature will be checked by temperature gauge on container.
5. Examinee will remove outer garments (jackets, coats) and pocket items before entering the washroom. This will prevent examinee from carrying in a substitute specimen or other chemicals and solutions used to adulterate specimens. However, the examinee may retain their wallet. Any garments removed should not be searched.
6. The labels for specimen bottles must have all information completed before testing.
7. Extra specimen containers are not to be left in the washroom.
8. Place the tamper-evident tape over the bottle cap and label in the presence of the examinee.
9. Have the examinee and witness sign the "chain-of-custody" form and have the examinee initial the specimen label.
10. All collected specimens must be delivered at once to the person assigned to deliver specimen to the laboratory.

Note: Any medication or prescribed drugs should be brought to the attention of the testing agent.

#### Method

1. Coaches and activity directors shall survey all potential participants for all activities involved at the beginning of the fall semester. These students will be placed in the drug bank/pool for random testing throughout the year. Therefore, members from all activities may be equally tested at any point during the school year.
2. Any student who wishes to participate in an activity but was not entered into the original pool for the first fall testing must be entered into the pool and screened before participation in his/her respective activity.
3. All students interested in any sport/activity during the school year must sign a consent form for drug screening before participating.
4. Screening will be done on a random basis.

#### Consequences of a Positive Test

First Violation: The principal, athletic director, head coach or activity director of the sport/activity in which the student is participating, and the team physician or family doctor, whichever is applicable, shall be notified each time a student athlete receives a positive drug screen. The head coach or activity director will then communicate to the parents of the student athlete that a positive screen has been obtained.

The student shall be suspended from athletic contests or activity events for a period of ten (10) school days. Five (5) days of the suspension will be forgiven if the parent provides documentation that the student is receiving appropriate counseling from a licensed professional drug rehabilitation counselor at parents' expense. The student will not be allowed to resume athletic or activity participation until a medical release is supplied to the head coach or activity director. After a positive screen, the student will be screened each time a screening is administered until athletic eligibility has expired.

Note: Refusal by an athlete to take a drug test will constitute a positive screen.

Second Violation: After confirmation of the second violation, the athlete shall lose eligibility to participate in contests/events in the sport/activity in which he or she is participating in for the remainder of the current school year. The student will not be allowed to practice or participate in any athletic contest or activity event during this period. The student shall be recommended to receive counseling at his/her own expense from a licensed professional drug rehabilitation counselor.

Third Violation: After confirmation of the third violation, the athlete shall lose eligibility for one calendar year from the date of the third violation. The student shall be recommended to receive counseling at his/her own expense from a licensed professional drug rehabilitation counselor.

Subsequent Violations: Any subsequent positive screening after the third violation will result in permanent expulsion from any sports or activity program of KIPP Delta Public Schools. Screening will begin at the seventh (7th) grade level and be accumulative through the twelfth (12th) grade.



Note: Positive test results shall not be provided to the police or any other law enforcement agency.

Exceptions: A single test may be requested by a coach, the athletic director, activity director, or an administrator for reasonable suspicion.

Steroids or similar chemicals could take more than twenty (20) days to leave a student's system. In this case, a doctor's written opinion is requested and is at the student's expense. If, prior to the first offense, an athlete voluntarily acknowledges he/she has a chemical problem, such athlete will not be held in violation if he/she completes a successful drug rehabilitation program. At this point, the student will be subject to screening each time a test is administered until athletic eligibility has expired

Range: All athletes, grades 7 through 12, may be tested.

Drug Counseling: Should counseling be attained, it will be the responsibility of the parent(s) to acquire professional help from an appropriate agency. KIPP Delta Public Schools will not assume any financial responsibility for rehabilitation.

Date Adopted: March 2013

**Gangs and Gang Activity**

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

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

1. Wearing or possessing any clothing, bandanas, jewelry, symbol, or other sign associated with membership in, or representative of, any gang;
2. Engaging in any verbal or nonverbal act such as throwing signs, gestures, or handshakes representative of membership in any gang;
3. Recruiting, soliciting, or encouraging any person through duress or intimidation to become or remain a member of any gang; and/or
4. Extorting payment from any individual in return for protection from harm from any gang.
5. Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion.

Students arrested 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

Date Adopted: August 2012

## Student Sexual Harassment

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

Believing that prevention is the best policy, KIPP Delta will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that KIPP Delta does not tolerate sexual harassment and that students can report inappropriate behavior of a sexual nature without fear of adverse consequences. The information will take into account and be appropriate to the age of the students.

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

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

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

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

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

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

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

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

Individuals who deliberately withhold information from school or law enforcement personnel legitimately investigating a claim of sexual harassment, purposely provide inaccurate facts, or otherwise hinder an investigation of sexual harassment shall be subject to disciplinary action up to and including expulsion.

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

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

Date Adopted: August 2012

### **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; in 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 KIPP Delta.

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

Date Adopted: August 2012

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

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

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

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

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

- a. Building a fake profile or website of the employee;
- b. Posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a school employee;
- c. Posting an original or edited image of the school employee on the Internet;
- d. Accessing, altering, or erasing any computer network, computer data program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords of a school employee;
- e. Making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;

- f. Making, or causing to be made, and disseminating an unauthorized copy of data pertaining to a school employee in any form, including without limitation the printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network;
- g. Signing up a school employee for a pornographic Internet site; or
- h. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Cyberbullying is prohibited whether or not the cyberbullying originated on school property or with school equipment, if the cyberbullying results in the substantial disruption of the orderly operation of the school or educational environment or is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

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

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

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

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

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

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

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

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

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

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion. In determining the appropriate disciplinary action, consideration may be given to other violations of the student handbook which may have simultaneously occurred.<sup>1</sup> In addition to any disciplinary actions, the District shall take appropriate steps to remedy the effects resulting from bullying.

Notice of what constitutes bullying, the District's prohibition against bullying, and the consequences for students who bully shall be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, 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.

Legal References:                      A.C.A. § 5-71-217  
 A.C.A. § 6-18-514  
 DESE Rules Governing Student Discipline and School Safety

Date Adopted: July 30, 2020

### **Discipline of Students with Disabilities**

A student with a disability, who engages in inappropriate behavior that interferes with their personal or educational welfare or the welfare of others, is subject to normal school disciplinary rules and procedures, provided these do not impinge on the student's right to a free and appropriate public education.

The following provisions will apply:

- The individualized education plan (IEP) team for a disabled student should consider whether particular disciplinary procedures should be adopted for a student and included in the IEP.
- Consequences should be considered on a case-by-case basis, given the student's disability and the behavior in question.
- The special education director should be consulted when it is determined to be appropriate for a student to be removed from their classroom(s) for any period of time.
- If a disabled student's removal would result in a removal for over ten cumulative days for the school year, then it could constitute a change of placement and be subject to procedural safeguards. The student's IEP team must convene to conduct a Manifest Determination Review and consider whether a functional behavior assessment, an alternative placement, or an addendum to the student's IEP are warranted.

- If the student has a 504 Plan but not an IEP, then a Behavior Intervention Plan and a Manifestation Determination Review will be considered on a case-by-case basis.

Date Adopted: July 30, 2020

### **Suspension from School**

Students not present at school cannot benefit from the educational opportunities the school environment affords. Administrators, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The Board authorizes school principals or their designees to suspend students for disciplinary reasons for a period of time not to exceed ten (10) school days, including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs: at any time on the school grounds; off school grounds at a school-sponsored function, activity, or event; going to and from school or a school activity. A student may be suspended for behavior including, but not limited to that which:

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

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

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

When possible, notice of the suspension, its duration, and any stipulations for the student's remittance to class will be given to the parent(s), legal guardian(s), or to the student if age 18 or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), or to the student if age 18 or older or mailed to the last address reflected in the records of the school district.

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

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

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

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



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

During the period of their suspension, students serving in-school suspension shall not attend any school-sponsored activities during the imposed suspension nor shall the student participate in any school-sponsored activities.

A student may accrue up to five (5) suspension days in any given semester. After the fifth suspension day, the student will receive at a minimum a warning for expulsion and potentially a recommendation for expulsion depending on the severity of the accumulated disciplinary infractions. In the event that a student receives a recommendation for expulsion, KIPP Delta will follow its expulsion proceeding procedures.

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

Suspensions initiated by the Executive Director may be appealed to the Board.

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

Date Adopted: August 2012

### **Expulsion**

The Board of Education may expel a student for a period longer than ten (10) school days for violation of KIPP Delta's written discipline policies. The Executive Director may make a recommendation of expulsion to the Board of Education for student conduct deemed to be of such gravity that suspension would be inappropriate, or where the student's continued attendance at school would disrupt the orderly learning environment or would pose an unreasonable danger to the welfare of other students or staff.

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

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

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

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

Except as permitted by the Weapons and Dangerous Instruments policy, the Executive Director shall recommend the expulsion of any student for a period of not less than one (1) year for possession of any firearm prohibited on school campus by law. The Executive Director shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of a

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

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

Legal Reference: A.C.A. § 6-18-507

Date Adopted: August 2012

### **Delegation of Authority**

KIPP Delta personnel stand in a supervisory position in relation to the students, and are responsible for maintaining a school environment that is conducive to the school's education function and purpose. Students must follow responsible instructions from KIPP Delta personnel. In accordance with this KIPP Delta Disciplinary Policy, KIPP Delta personnel may support the educational function of their school with the following authority:

1. Teachers and other KIPP Delta personnel shall take those actions reasonably necessary to prevent disruption of the educational function or purpose of KIPP Delta while students are under their charge.
2. Teachers may grant students detention.
3. Teachers shall not suspend or expel a student.
4. KIPP Delta personnel may remove a student from the specific educational function in which such teacher has a supervisory role for a period of one day provide they give the student notice of the reason for such removal, and the student is given an opportunity to explain himself or herself. Removal for longer than one day from a specific education function requires the involvement of a School Director and/or an Assistant Principal, and must follow the guidelines for suspension as described below.
5. The School Director may take those actions reasonably necessary to prevent disruption with the educational function or purpose of KIPP Delta with respect to their School. To address the unique circumstances, grade levels, and requirements of his/her own School, a School Director may establish additional written rules and policies to govern student conduct provided that such rules and policies must be reviewed by the Executive Director (or their designee) and KIPP Delta legal counsel to ensure such rules and policies are consistent with the KIPP Delta Disciplinary Policy, the law of the State of Arkansas, and the United States Constitution. School Directors may also develop written regulations to institute the KIPP Delta Disciplinary Policy, including establishing clear lines of responsibility to address misconduct.
6. The Executive Director, School Director, or Assistant Principal may impose detention on students.
7. The Executive Director, School Director, or Assistant Principal may suspend students in accordance with the student suspension policy described herein.
8. The Executive Director or School Director may initiate and carry out the expulsion procedures with respect to a student in accordance with the student expulsion policy described herein.

Date Adopted: August 2012

## **Parental Grievance Policy**

### *Matters Related to Expulsion or Suspension*

KIPP Delta recognizes and respects each parent's desire to be engaged when their child is subject to disciplinary action. With respect to suspension and expulsion, parents will be immediately notified in accordance with the student suspension and expulsion policies described herein. To further discuss matters related to the expulsion and suspension, a parent may directly contact the School Director. Parents shall not engage the Executive Director until the parent has first discussed the matter with the School Director. After doing so, if the parent still desires to communicate with the Executive Director, the parent must first deliver written communication to the Executive Director which describes the matter to be discussed. The Executive Director will then set up a phone call or meeting as appropriate.

### *Matters Unrelated to Suspension or Expulsion*

KIPP Delta recognizes and respects each parent's desire to be engaged in their child's education. However, their initial point of contact for matters related to a particular educational function should be the KIPP Delta personnel charged with supervising such educational function. For example, if there is a problem in a student's math class, the parent shall first contact the math teacher.

If a satisfactory result is not achieved between the appropriate KIPP Delta personnel and the parent, the parent may request that the School Director or Assistant Principal be engaged in the matter. Such request must be transmitted by the respective KIPP Delta personnel, not by the parent. For matters unrelated to the suspension or expulsion of student, a parent should only contact the School Director if the respective KIPP Delta personnel do not cooperate with such request or in the event of an accusation involving KIPP personnel. A parent is not required to report a complaint regarding a serious accusation against a KIPP employee to that employee, but should instead report the matter directly to the School Director.

Only if a parent has not received satisfactory attention to the matter, after following the above-mentioned procedure, may the parent engage the Executive Director. In doing so, the parent must first deliver written communication to the Executive Director that describes the matter to be discussed. The Executive Director will then set up a phone call or meeting as appropriate.

The goal of this process is to ensure that concerns of parents are addressed at the appropriate level, and in an organized manner.

Date Adopted: August 2012

## **KIPP Delta Public Schools Dyslexia Screening and Intervention Policy**

### **Initial Screening**

All students in kindergarten, first grade and second grade will be screened for dyslexia in the first month of school using aims WEB by their classroom teacher. All students in grades 3-12 will be administered a spelling inventory within the first week of school by their English Language Arts teacher.

### **Level 1 Screeners**

Students scoring in the lowest 20% on initial screeners will be administered the Apple Group dyslexia screener by a trained interventionist.

At any time, a teacher can request that interventionists administer a level 1 screener if there is concern around a student's reading/writing abilities. Needed level 1 screeners will be administered on the following Friday by a trained interventionist.

### **Level 2 Screeners**

The school dyslexia coordinator will identify the lowest outlier students (lowest 50% of level 1 screeners) to meet with their guardian. During the dyslexia notification meeting, the school dyslexia coordinator will request written permission from the guardian to administer a level 2 screener and place the student in tier 3 dyslexia intervention.

### **Level 2 Screeners**

The level 2 screener utilized will be comprised of the following tests:

<b>Underlying Cause</b>	
Phonological Awareness	Woodcock Johnson IV – Test of Oral Language (segmentation and sound blending)
Rapid Naming	Woodcock Johnson IV – Test of Oral Language (rapid picture naming)
Letter Knowledge	Woodcock Johnson IV – Test of Achievement (spelling of sounds)
<b>Characteristics</b>	
Decoding	Woodcock Johnson IV – Test of Achievement (word attack)
Word Recognition	Woodcock Johnson IV – Test of Achievement (letter-word identification)
Fluency	GORT-5 (accuracy & rate) Woodcock Johnson IV – Test of Achievement (oral reading fluency & sentence reading fluency)
Spelling	Woodcock Johnson IV – Test of Achievement (spelling and spelling of sounds)
<b>Outcomes</b>	
Reading Comprehension	Woodcock Johnson IV – Test of Achievement (passage comprehension)
Written Expression	Woodcock Johnson IV – Test of Achievement (writing samples)

### **Elementary Dyslexia Intervention**

A trained interventionist will meet in small group or one-on-one with students identified as demonstrating characteristics of dyslexia. Sessions will be for 60 minutes, two days per week. The interventionist will utilize a state-approved dyslexia intervention curriculum.

### **Secondary Dyslexia Intervention**

A teacher trained in a state-approved reading intervention curriculum will meet with students in groups of 8 or less for 45 minutes per day for tier 2 intervention. Those students who are extremely low in foundational skills (phonemic awareness or phonics), will also receive one-on-one or small group intervention with an interventionist trained in a state-approved dyslexia intervention curriculum.

### **Graduation from Dyslexia Intervention**

Students will “graduate” from dyslexia intervention when they complete (through demonstrated mastery) either state-approved intervention curriculum. A new conference with the student’s guardian and the student will take place with the school dyslexia coordinator. Any additional support will be determined at this meeting.

### **Dyslexia Interventionists**

Each school will employ at least one dyslexia interventionist to provide dyslexia intervention to students. The qualifications for this position are: 1) either hold a bachelor’s degree, or 2) hold an associate’s degree and be fully trained in the utilized dyslexia intervention curriculum, and 3) have a track record of effective small group reading intervention. All interventionists must also complete LETRS units 1-6.

## Technology Policies

### Computer Use Policy

KIPP Delta Public Schools makes computers and/or computer Internet access available to students, to permit students to perform research and to allow students to learn how to use computer technology. Use of KIPP's computers is for educational and/or instructional purposes only. It is the policy of KDPS to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors. For the purposes of this policy "harmful to minors" is defined as any picture, image, graphic image file, or other visual depiction that--

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

No student will be granted Internet access until and unless a computer-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 computer use agreement is incorporated by reference into board policy and is considered part of the student handbook.

Student use of computers 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 computer use, including email, and that monitoring of student computer use is continuous. Students must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the KIPP's technology network security or Internet filtering software, alter data without authorization, or disclose passwords to other students. Students who misuse school/region-owned computers or Internet access in any way, including using computers to violate any other policy or contrary to the computer use agreement, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, as specified in the student handbook and/or computer use agreement.

In an effort to help protect student welfare when they navigate the Internet, KIPP Delta will work to educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

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)  
                                   47 CFR 520(c)(4)  
                                   A.C.A. § 6-21-107  
                                   A.C.A. § 6-21-111

Date Adopted: August 2012

### **Equitable Access**

KIPP Delta Public Schools has taken measures to ensure that all students including those with exceptional needs are provided equitable access to the technology. These measures include:

- Implementing assistive technology devices
- Using staff to assist students with exceptional needs
- Using programs designed to fit the needs of exceptional students.

Date Adopted: August 2012

**Cyberbullying**

To the extent practical, steps shall be taken to educate KIPP Delta students' awareness and response to Cyberbullying. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Cyber-bullying by a student at KIPP Delta Public Schools directed toward another KIPP Delta student or staff member is conduct that disrupts both a student's ability to learn and a school's ability to educate its pupils in a safe environment. KIPP Delta Public Schools prohibits acts of cyber-bullying by KIPP Delta students or staff through the use of any KIPP Delta-owned, operated, and supervised technologies. "Cyber-Bullying" is the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, internet postings, and defamatory websites, that:

1. Deliberately threatens, harasses, intimidates an individual or group of individuals; or
2. Places an individual in reasonable fear of harm to the individual or damage to the individual's property;  
or
3. Has the effect of substantially disrupting the orderly operation of the school. Consequences and appropriate remedial actions for students who commit an act of cyber-bullying range from positive behavioral interventions up to and including suspension or expulsion. In addition, cyberbullying using KIPP Delta technologies violates the Acceptable Use Policy and subjects the student to disciplinary action.

Date Adopted: August 2012

**Access to Inappropriate Material**

To the extent practical, technology protection measures (or “Internet filters”) shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children’s Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Date Adopted: August 2012



## Medical Policies

### Student Medications

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

Unless authorized to self-administer, students are not allowed to carry any medications, including over-the-counter medications or any perceived health remedy not regulated by the US Food and Drug Administration, while at school. The parent or legal guardian shall bring the student's medication to the school nurse. The student may bring the medication if accompanied by a written authorization from the parent or legal guardian. When medications are brought to the school nurse, the nurse shall document, in the presence of the parent, the quantity of the medication(s). If the medications are brought by a student, the school nurse shall ask another school employee to verify, in the presence of the student the quantity of the medication(s). Each person present shall sign a form verifying the quantity of the medication(s).

Medications, including those for self-administration, must be in the original container and be properly labeled with the student's name, the ordering provider's name, the name of the medication, the dosage, frequency, and instructions for the administration of the medication (including times). Additional information accompanying the medication shall state the purpose for the medication, its possible side effects, and any other pertinent instructions (such as special storage requirements) or warnings. Schedule II medications that are permitted by this policy to be brought to school shall be stored in a double locked cabinet.

Students with an individualized health plan (IHP) may be given over-the-counter medications to the extent giving such medications are included in the student's IHP.

Students taking Schedule II medications methylphenidate (e.g. Ritalin or closely related medications as determined by the school nurse), dextroamphetamine (Dexedrine), and amphetamine sulfate (e.g. Adderall or closely related medications as determined by the school nurse) shall be allowed to attend school.

Students taking Schedule II medications not included in the previous sentence shall be allowed to bring them to school under the provisions of this policy and shall be permitted to attend and participate in classes **only** to the extent the student's doctor has specifically authorized such attendance and participation. A doctor's prescription for a student's Schedule II medication is **not** an authorization. Attendance authorization shall specifically state the degree and potential danger of physical exertion the student is permitted to undertake in the student's classes and extracurricular activities. Without a doctor's written authorization, a student taking Schedule II medications, other than those specifically authorized in this policy, shall **not** be eligible to attend classes, but shall be eligible for homebound instruction if provided for in their IEP or 504 plans.

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

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

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

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

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

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

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

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

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

#### Emergency Administration of Epinephrine

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

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

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

The school nurse for each school shall keep epinephrine auto-injectors on hand that are suitable for the students the school serves. The school nurse or other school employee designated by the school nurse as a care provider who has been trained and certified by a licensed physician may administer auto-injector epinephrine to those students who the school nurse, or other school employee certified to administer auto-injector epinephrine, in good faith professionally believes is having a life-threatening anaphylactic reaction.

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

Legal References: Ark. State Board of Nursing: School Nurse Roles and Responsibilities

Arkansas Department of Education and Arkansas State Board of Nursing Rules  
Governing the Administration of Glucagon to Arkansas Public School Students  
Suffering from Type I Diabetes

A.C.A. § 6-18-707

A.C.A. § 6-18-711

A.C.A. § 6-18-1005(a)(6)

A.C.A. § 17-87-103 (11)

Date Adopted: August 2012

Date Modified: September 2015

**Student Illness/Accident**

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

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

Date Adopted: August 2012

### Physical Examinations or Screenings

KIPP Delta Public Schools may provide from time to time for the administration of physical exams or screenings of its students. The intent of the exams or screenings shall be to detect contagious or infectious diseases or defects in hearing, vision, or other elements of health that would adversely affect the student's ability to achieve to their full potential.

KDPS shall notify parents, at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy related to the administration of physical exams or screenings of its students, of the specific or approximate dates of any non-emergency, invasive physical examination or screening that is:

1. required as a condition of attendance;
2. administered by the school and scheduled by the school in advance; and
3. not necessary to protect the immediate health and safety of the student, or of other students.

For the purposes of this policy, "Invasive Physical Examination" is defined as any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Except in instances where a student is suspected of having a contagious or infectious disease, parents shall have the right to opt their student out of the exams or screenings by denying permission or by providing certification from a physician that he/she has recently examined the student.

A student may be required to pass a physical exam before being allowed to participate in certain extracurricular activities to help ensure they are physically capable of withstanding the rigors of the activity. It is understood that students who refuse to take such an exam will not be allowed to participate in the desired activity.

The rights provided to parents under this policy transfer to the student when he/she turns 18 years old.

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

Date Adopted: August 2012

### **School Insurance and Liability**

KIPP Delta Public Schools does not assume liability for accidental injuries sustained by school children on its campuses. Ark. Code Ann. § 21-9-301 states:

"It is declared to be the public policy of the State of Arkansas that all counties, municipal corporations, school districts, special improvement districts, and all other political subdivisions of the state shall be immune from liability for damages. No tort action shall lie against any such political subdivision because of the acts of their agents and employees."

Legal Reference: A.C.A §21-9-301

Date Adopted: August 2012

## Smart Core Policies

### Smart Core Curriculum and Graduation Requirements

All students are required to participate in the Smart Core curriculum unless their parents or guardians, or the students if they are 18 years of age or older, sign a *Smart Core Waiver Form* to not participate. While Smart Core is the default option, both a *Smart Core Informed Consent Form* and a *Smart Core Waiver Form* will be sent home with students prior to their enrolling in seventh grade, or when a 7-12 grade student enrolls at KDPS for the first time and there is not a signed form in the student's permanent record. Parents must sign one of the forms and return it to the school so it can be placed in the students' permanent records. This policy is to be included in student handbooks for grades 6-12 and both students and parents must sign an acknowledgement they have received the policy. Those students not participating in the Smart Core curriculum will be required to fulfill the Core curriculum or the requirements of their IEP (when applicable) to be eligible for graduation. Counseling by trained personnel shall be available to students and their parents or legal guardians prior to the time they are required to sign the consent forms.

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

This policy, the Smart Core curriculum, and the courses necessary for graduation shall be reviewed by staff, students, and parents at least every other year to determine if changes need to be made to better serve the needs of KDPS students. The Executive Director, or his/her designee, shall select the composition of the review panel.

Sufficient information relating to Smart Core and KIPP Delta graduation requirements shall be communicated to parents and students to ensure their informed understanding of each. This may be accomplished through any or all of the following means.

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

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

### GRADUATION REQUIREMENTS

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

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

English: four (4) units – 9th, 10th, 11th, and 12th

Oral Communications: one-half (1/2) unit

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

- Algebra I or Algebra A & B\* which may be taken in grades 7-8 or 8-9
- Geometry or Investigating Geometry or Geometry A & B\* which may be taken in grades 8-9 or 9-10

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

- Algebra II; and
- The fourth unit may be either:
  - A math unit beyond Algebra II: this can include Pre-Calculus, Calculus, AP Statistics, Algebra III, Advanced Topic and Modeling in Mathematics, Mathematical Applications and Algorithms, Linear Systems and Statistics, or any of several IB or Advanced Placement math courses (Comparable concurrent credit college courses may be substituted where applicable) or
  - [one unit of computer science chosen from ADE Essentials of Computer Programming, ADE Computer Science and Mathematics, AP Computer Science, IB Computer Science, or other options approved by ADE.](#)

Natural Science: a total of three (3) units with lab experience chosen from

One unit of Biology; and either:

Two units chosen from the following three categories (there are acceptable options listed by the ADE for each)

- Physical Science
- Chemistry
- Physics or Principles of Technology I & II or PIC Physics; or
- [One unit from the three categories above and one unit of computer science chosen from ADE Essentials of Computer Programming, ADE Computer Science and Mathematics, AP Computer Science, IB Computer Science, or other options approved by ADE.](#)

Social Studies: three (3) units

- Civics one-half ( $\frac{1}{2}$ ) unit
- World History - one unit
- American History - one unit

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

**Note:** While one-half ( $\frac{1}{2}$ ) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half ( $\frac{1}{2}$ ) unit

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

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

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

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

The Smart Core and career focus units must total at least twenty-two (22) units to graduate. Additionally, KDPS requires two units for a total of 24 units to graduate that may be taken from any electives offered by the KDPS.

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



English: four (4) units – 9, 10, 11, and 12

Oral Communications: one-half (1/2) unit

Mathematics: four (4) units

- Algebra or its equivalent\* - 1 unit
- Geometry or its equivalent\* - 1 unit
- All math units must build on the base of algebra and geometry knowledge and skills.
- (Comparable concurrent credit college courses may be substituted where applicable)
- [one unit of computer science chosen from ADE Essentials of Computer Programming, ADE Computer Science and Mathematics, AP Computer Science, IB Computer Science, or other options approved by ADE may be substituted for a math credit beyond Algebra I and Geometry](#)

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

Science: three (3) units

- at least one (1) unit of biology or its equivalent

[Two units chosen from the following three categories:](#)

- [Physical Science;](#)
- [Chemistry;](#)
- [Physics; or](#)

[One unit from the three categories above and one unit of computer science chosen from ADE Essentials of Computer Programming, ADE Computer Science and Mathematics, AP Computer Science, IB Computer Science, or other options approved by ADE.](#)

Social Studies: three (3) units

- Civics one-half (1/2) unit
- World history, one (1) unit
- American History, one (1) unit

Physical Education: one-half (1/2) unit

**Note:** While one-half (1/2) unit is required for graduation, no more than one (1) unit may be applied toward fulfilling the necessary units to graduate.

Health and Safety: one-half (1/2) unit

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

Fine Arts: one-half (1/2) unit

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

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

The Core and career focus units must total at least twenty-two (22) units to graduate. Additionally, KDPS requires two units for a total of 24 units to graduate which may be taken from any electives offered by the KDPS.

*Class of 2018 and thereafter:* KDPS shall offer one or more digital learning course(s) through one or more KDPS approved provider(s) as either a primary or supplementary method of instruction. The courses may be in a blended learning, online-based, or other technology-based format. In addition to the other graduation

requirements contained in this policy, students are required to take at least one (1) digital learning course for credit while in high school.

Legal References:           Standards For Accreditation 9.03 – 9.03.1.9, 14.02  
                                  ADE Guidelines for the Development of Smart Core Curriculum Policy  
                                  Smart Core Informed Consent Form 2016  
                                  Smart Core Waiver Form 2016  
                                  A.C.A. § 6-16-1406

Date Adopted: August 2012  
Date Revised: October 2015

**Smart Core Policy**

In accordance with Section 9.03.1.4 of the Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School District of 2003, all students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such a case of a waiver, the student will be required to participate in the Common Core.

School administrators and counselors will train staff in the Smart Core course of study. Prior to spring registration, students in grade six and their parents will receive notification of the Smart Core curriculum. If parents choose not for their child to participate in Smart Core curriculum, a Smart Core Waiver must be signed. This Smart Core Waiver will be attached to the student's transcript as part of the student's permanent record.

Date Adopted: August 2012

## Miscellaneous Student Policies

### Equal Educational Opportunity

No student in KIPP Delta Public Schools shall, on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participation in, or denied the benefits of, or subjected to discrimination under any educational program or activity sponsored by KIPP Delta. KIPP Delta has a limited open forum granting equal access to the Boy Scouts of America and other youth groups.

For further information on notice of non-discrimination or to file a complaint, visit <http://wdcrobcopl01.ed.gov/CFAPPS/OCR/contactus.cfm>; for the address and phone number of the office that serves your area, or call 1-800-421-3481.

Legal References: 28 C.F.R. § 35.106  
34 C.F.R. § 100.6  
34 C.F.R. § 104.8  
34 C.F.R. § 106.9  
34 C.F.R. § 108.9  
34 C.F.R. § 110.25

Date Adopted: August 2012  
Date Modified: September 2015

### **Student Organizations/Equal Access**

Noncurriculum-related secondary school student organizations wishing to conduct meetings on school premises during non-instructional time shall not be denied equal access on the basis of the religious, political, philosophical, or other content of the speech at such meetings. Such meetings must meet the following criteria.

1. The meeting is to be voluntary and student initiated;
2. There is no sponsorship of the meeting by the school, the government, or its agents or employees;
3. The meeting must occur during non-instructional time;
4. Employees or agents of the school are present at religious meetings only in a non-participatory capacity;
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
6. Non-school persons may not direct, conduct, control, or regularly attend activities of student groups.

All meetings held on school premises must be scheduled and approved by the School Director. The school, its agents, and employees retain the authority to maintain order and discipline, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

Fraternities, sororities, and secret societies are forbidden in the schools. Membership to student organizations shall not be by a vote of the organization's members, nor be restricted by the student's race, religion, sex, national origin, or other arbitrary criteria. Students who are convicted of participation in hazing or the failure to report hazing shall be expelled.<sup>1</sup>

Note: <sup>1</sup> Act 1264 of 2015 created the automatic expulsion of a student for being convicted of hazing.

#### Legal References:

A.C.A. § 6-21-201 et seq.

A.C.A. § 6-18-601 et seq.

20 U.S.C. 4071 Equal Access Act

Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990)

A.C.A. § 6-18-601 et seq.

Date Adopted: August 2012

## **Contact with Students While at School**

### Contact by Parents

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

### CONTACT BY NON-CUSTODIAL PARENTS

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

Unless prior arrangements have been made with the school's principal, Arkansas law provides that the transfer of a child between his/her custodial parent and non-custodial parent, when both parents are present, shall not take place on the school's property on normal school days during normal hours of school operation.

### Contact by Law Enforcement, Social Services, or by Court Order

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

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

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

### Contact by Professional Licensure Standards Board Investigators

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

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

Date Adopted: January 2014

### **Students' Vehicles**

Students who have presented a valid driver's license and proof of insurance to the appropriate office personnel, may drive their vehicle to school. Vehicles driven to school shall be parked in the area designated for student parking.

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

It is understood that there is no expectation of privacy in vehicles in parking areas. Drivers of vehicles parked on a school campus will be held accountable for illegal substances or any other item prohibited by KDPS policy found in their vehicle.

Date Adopted: August 2012



## Permanent Records/Privacy of Student Records

Permanent school records, as required by the Arkansas Department of Education, shall be maintained for each student enrolled in KIPP Delta until the student receives a high school diploma or its equivalent or is beyond the age of compulsory school attendance. A copy of the student's permanent record shall be provided to the receiving school district within ten (10) school days after the date a request from the receiving school district is received.

Except when a court order regarding a student has been presented to the district to the contrary, all students' education records are available for inspection and copying by the parent of his/her student who is under the age of eighteen (18). At the age of eighteen (18), the right to inspect and copy a student's records transfers to the student. A student's parent or the student, if over the age of 18, requesting to review the student's education records will be allowed to do so within no more than forty-five (45) days of the request. The district forwards education records, including disciplinary records, to schools that have requested them and in which the student seeks or intends to enroll, or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

The district shall receive written permission before releasing education records to any agency or individual not authorized by law to receive and/or view the education records without prior parental permission. KDPS shall maintain a record of requests by such agencies or individuals for access to, and each disclosure of, personally identifiable information (PII) from the education records of each student. Disclosure of education records is authorized by law to school officials with legitimate educational interests. A personal record kept by a school staff member is **not** considered an education record if it meets the following tests.

- it is in the sole possession of the individual who made it;
- it is used only as a personal memory aid; and
- information contained in it has never been revealed or made available to any other person, except the maker's temporary substitute.

For the purposes of this policy a school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

For the purposes of this policy a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility, contracted duty, or duty of elected office.

In addition to releasing PII to school officials without permission, KDPS may disclose PII from the education records of students in foster care placement to the student's caseworker or to the caseworker's representative without getting prior consent of the parent (or the student if the student is over eighteen (18)). For KDPS to release the student's PII without getting permission:

- The student must be in foster care;
- The individual to whom the PII will be released must have legal access to the student's case plan; and
- The Arkansas Department of Human Services, or a sub-agency of the Department, must be legally responsible for the care and protection of the student.

KIPP Delta discloses PII from an education record to appropriate parties, including parents, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The Executive Director or designee shall determine who will have access to and the responsibility for disclosing information in emergency situations.

When deciding whether to release PII in a health or safety emergency, KDPS may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If KDPS determines that there is an articulable and significant threat to the health or safety of a student or other

individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

For purposes of this policy, KIPP Delta does not distinguish between a custodial and noncustodial parent, or a non-parent such as a person acting in loco parentis or a foster parent with respect to gaining access to a student's records. Unless a court order restricting such access has been presented to the district to the contrary, the fact of a person's status as parent or guardian, alone, enables that parent or guardian to review and copy his child's records.

If there exists a court order which directs that a parent not have access to a student or his/her records, the parent, guardian, person acting in loco parentis, or an agent of the Department of Human Services must present a file-marked copy of such order to the building leader and the Executive Director. The school will make good-faith efforts to act in accordance with such court order, but the failure to do so does not impose legal liability upon the school. The actual responsibility for enforcement of such court orders rests with the parents or guardians, their attorneys and the court which issued the order.

A parent or guardian does not have the right to remove any material from a student's records, but such parent or guardian may challenge the accuracy of a record. The right to challenge the accuracy of a record does not include the right to dispute a grade, disciplinary rulings, disability placements, or other such determinations, which must be done only through the appropriate teacher and/or administrator, the decision of whom is final. A challenge to the accuracy of material contained in a student's file must be initiated with the building principal, with an appeal available to the Executive Director or his/her designee. The challenge shall clearly identify the part of the student's record the parent wants changed and specify why he/she believes it is inaccurate or misleading. If the school determines not to amend the record as requested, the school will notify the requesting parent or student of the decision and inform them of their right to a hearing regarding the request for amending the record. The parent or eligible student will be provided information regarding the hearing procedure when notified of the right to a hearing.<sup>3</sup>

Unless the parent or guardian of a student (or student, if above the age of eighteen [18]) objects, "directory information" about a student may be made available to the public, military recruiters, post-secondary educational institutions, prospective employers of those students, as well as school publications such as annual yearbooks and graduation announcements. "Directory information" includes, but is not limited to, a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, dates of attendance,<sup>5</sup> his/her placement on the honor roll (or the receipt of other types of honors), as well as his/her participation in school clubs and extracurricular activities, among others. If the student participates in inherently public activities (for example, basketball, football, or other interscholastic activities), the publication of such information will be beyond the control of KIPP Delta. "Directory information" also includes a student identification (ID) number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems and a student ID number or other unique personal identifier that is displayed on a student's ID badge, provided the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user.

A student's name and photograph will only be displayed on the district or school's web page(s) after receiving the written permission from the student's parent or student if over the age of 18.

The form for objecting to making directory information available is located in the back of the student handbook and must be completed and signed by the parent or age-eligible student and filed with the building principal's office no later than ten (10) school days after the beginning of each school year or the date the student is enrolled for school. Failure to file an objection by that time is considered a specific grant of permission. The district is required to continue to honor any signed-opt out form for any student no longer in attendance at the district.

The right to opt out of the disclosure of directory information under Family Educational Rights and Privacy Act (FERPA) does not prevent KIPP Delta from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled.<sup>6</sup>

Parents and students over the age of 18 who believe the district has failed to comply with the requirements for the lawful release of student records may file a complaint with the U.S. Department of Education (DOE) at

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

Notes: With very few exceptions; Health Insurance Portability and Accountability Act (HIPAA) privacy requirements don't apply to public K-12 schools and, for that reason, ASBA has no model policy addressing HIPAA. An excellent explanation of the relation between FERPA and HIPAA is available at <http://arsba.org/policy-resources>.

Districts must annually notify parents or students if over the age of 18 of the provisions of this policy and "...shall effectively notify parents who have a primary or home language other than English." (34 CFR 99.7(b)(2))

Districts may release directory information (DI) (as presently defined by the district) of former students to the extent there is not a signed prohibition against such release. As the definition of DI changes over time (for example, the addition of email addresses to the definition of DI), districts may release DI according to the current definition. It also applies to the release of information that is now defined as DI for students who left the district prior to 1974, when there was no such thing as DI.

As stated in this policy, once a student turns 18, the rights to his/her educational records transfers to the student. The release of educational records to a parent becomes permissive and not a right. At that point, the school gets to decide if it wants to release educational records to parents. The student, however, doesn't have the right to object one way or the other. If the parents don't establish dependency, once the student turns 18, the parents don't have an absolute **right** to see their student's educational records. "Dependency" in this regard is defined according to the IRS; if the student is claimed by either of their parents (regardless of custody issues, or filing jointly or separately) as a dependent, then the rights of the parent once the student turns 18 is as described. Without dependency, the parents have no right to see their student's educational records once the student turns 18.

There are several areas of permissible release of students' PII that are not mentioned in this policy (it's not required and would make the policy very long), but that are listed in 34 CFR 99.31. One of the areas that has been greatly elaborated on in the DOE Rules, released 12/2/11, relates to the district's release of PII to an "authorized representative" for the purpose conducting an audit or evaluation of federal or state education programs. This new area is covered in 34 CFR 99.35. Both documents are available by calling the ASBA office and requesting a copy. They could come in handy when answering parents' questions regarding the release of PII.

Legal References:       A.C.A. § 9-298 -113(b)(6)  
                               20 U.S.C. § 1232g  
                               20 U.S.C. § 7908  
                               34 CFR 99.3, 99.7, 99.21, 99.22, 99.30, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36,  
                               99.37, 99.63, 99.64

Date Adopted: August 2012

Date Modified: September 2015

**Student Handbook**

It shall be the policy of KIPP Delta Public Schools that the most recently adopted version of the Student Handbook be incorporated by reference into the policies of KIPP Delta. In the event that there is a conflict between the student handbook and a general board policy or policies, the more recently adopted language will be considered binding and controlling on the matter provided the parent(s) of the student, or the student if 18 years of age or older have acknowledged receipt of the controlling language.

Principals shall review all changes to student policies and ensure that such changes are provided to students and parents, either in the Handbook or, if changes are made after the handbook is printed, as an addendum to the handbook.

Principals and counselors shall also review the Smart Core Curriculum and Graduation Requirements policy and the current ADE Standards for Accreditation Rules to ensure that there is no conflict. If a conflict exists, the Principal and/or Counselor shall notify the Executive Director and Curriculum Coordinator immediately, so that corrections may be made and notice of the requirements given to students and parents.

Date Adopted: August 2012

## **Other Finance and Compliance Policies**

## **Food Sharing and Removal from the Food Service Area**

### Food Sharing Table

In an effort to reduce wasted food and to provide students access to healthy foods when possible, KIPP Delta shall have in the cafeteria a food sharing table located at the end of the service line. Prior to leaving the service line, students may place on or retrieve items from the table, at no additional charge, any of the following:

- Raw whole fruit traditionally eaten without the peel (e.g. bananas and oranges);
- Raw whole fruit traditionally eaten with the peel provided the fruit is wrapped to prevent contamination (e.g. apples and grapes);
- Raw whole vegetables provided the vegetable is wrapped to prevent contamination (e.g. carrot sticks);<sup>1</sup>
- Milk; and
- Juice.

Fruit and vegetables to be shared are to be placed into a designated container on the table. Milk and juice to be shared are to be placed in an ice-filled cooler. Milk and juice may not be taken by another student unless the carton is unopened and was completely covered by ice while in the cooler. A student may not return to the table to place an item for sharing after the student has left the service line.

At all times, the sharing table will be under the supervision of the food service staff. Remaining items should be discarded at the end of the meal period, and no item may remain on the table for longer than four (4) hours.

### Removing Food Items From the Food Service Area

No student shall remove school provided food items from the food service area at the end of the meal period, especially milk, juice, and other items requiring temperature controlled environments.

Except for food service workers as required by their job duties, employees may only remove school provided food items from the food service area when required by a 504 plan or a student's IEP.

Legal References: Commissioner's Memo FIN 08-076  
Commissioner's Memo FIN 15-052

Date Adopted: September 2015

## **Management and Disposal of KIPP Delta Property**

### Definitions

For the purposes of this policy, the following definitions apply:

“Commodities” are all supplies, goods, material, computers, software, machinery and other equipment purchased on behalf of the district having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit.

“Surplus commodities” are those commodities that are no longer needed, obsolete, irreparable, or worn out.

“Real property” is land and whatever is erected or affixed to land, such as structures or buildings.

“Surplus real property” is real property that is not presently needed or foreseen to be needed by KIPP Delta, and that has been authorized for sale as surplus real property by vote of the School Board.

“Trash” are those items that would otherwise belong to another category of goods or property defined in this policy, but which, due to the property's age or an act of God, have less value than it would cost to repair the item. Examples could include, but are not limited to, fire damage, vehicle accidents, extreme age and/or decline in value of the item.

KIPP Delta’s purchases of commodities shall be in accordance with the Policy - PURCHASES OF COMMODITIES and, to the extent applicable, the procurement requirements of any granting source of funding used to purchase the commodity. The Executive Director shall develop procedures governing the use, management, and dispersal of commodities. At a minimum, the procedures will cover the following topics:

- labeling all commodities;
- establishing adequate controls to account for their location, custody, and security;
- annually auditing the inventory of commodities and updating a listing of such commodities to reconcile the audit with the district’s inventory records. The audit will be documented and account for any transfer and/or disposal of a commodity.
- Disposing of surplus commodities and surplus real property, whether purchased in whole or in part with federal grant funds or with local funds.

### Disposal of Surplus Commodities

The Board of Directors recognizes that commodities sometimes become of no use to KDPS and thus meet this policy’s definition of surplus commodities.

The Executive Director or designee(s) will determine the objective fair market value of surplus commodities. KIPP Delta will strive to dispose of surplus commodities at or near their fair market value.

The Executive Director may declare surplus any commodity with a fair market value of less than \$1000. Surplus commodities with a fair market value of less than \$1000 will be periodically sold by the most efficient, cost effective means that is likely to result in sales at or near fair market value.



The Executive Director may submit a list of surplus commodities deemed to have a fair market value of \$1,000 or greater to the Board of Directors for authorization to sell such surplus commodities. Once the Board of Directors has authorized the sale of such surplus commodities, the Executive Director or designee(s) may sell that surplus commodity as the need arises. Items with a fair market value of \$1,000 or greater will be sold by the most efficient, cost effective means that is likely to result in sales at or near fair market value. If the Executive Director chooses to dispose of the surplus items by bid, the Executive Director or designee may set a minimum or reserve price on any item, and may reject all bids. The Executive Director or designee is authorized to accept the high bid provided the high bid is at or near the fair market value without further Board action unless the high bid comes under the jurisdiction of Arkansas ethics legislation in which case the provisions of A.C.A. §§ 6-24-101-107 would apply.

If attempts at public sales fail to produce any interested buyers or bidders, such remaining unsold commodities may then, at the discretion of the Executive Director, be disposed of as scrap or junk or be donated to appropriate charitable or education related entities. Computer or technology equipment will be cleansed of data prior to disposal.

#### Disposal of Surplus Real Property

The Board of Directors recognizes that real property it owns sometimes becomes no longer of use to KIPP Delta and thus meets this policy's definition of surplus real property.

The Executive Director may submit a request to the Board of Directors for authorization to sell surplus real property. Once the Board of Directors has authorized the sale of such surplus real property, the Executive Director or designated individual(s) may sell that surplus real property as the need arises. The Executive Director or designee(s) shall be responsible for getting a determination of the objective fair market value of surplus real property. KIPP Delta will strive to dispose of surplus items at or near their fair market value. The real property may be listed for sale with a real estate broker, and the Executive Director or designated individual may contract on behalf of KDPS to pay the usual and customary sales commission for such transactions, upon sale of the property.

Except when KDPS receives and accepts an offer to lease or purchase surplus real property from a purchaser for an amount that exceeds the fair market value through a bid process, an open-enrollment public charter school that draws its students from KDPS shall have a right of first refusal to purchase or lease for fair market value any of KDPS surplus real property.

If the Executive Director chooses to dispose of the surplus items by bid, the Executive Director or designee(s) may set a minimum or reserve price on any item, and may reject all bids. The Executive Director or designee is authorized to accept the high bid provided the high bid is at or near the fair market value without further Board action unless the high bid comes under the jurisdiction of Arkansas ethics legislation in which case the provisions of A.C.A. §§ 6-24-101-107 would apply.

If attempts at public sales fail to produce any interested buyers or bidders, such remaining unsold real property may then, if agreed to by the Executive Director and Board of Directors, be donated to appropriate education related entities, not-for-profit organizations, the count, city, or incorporated town in accordance with the provisions of state law.

Items obtained with federal funds shall be handled in accordance with applicable federal regulations, if any.

The disposal of school property must be for the benefit of the school district and consistent with good business principles.

Trash, as defined in this policy, may be disposed of in the most cost efficient or effective method available to the district.

#### Disposal of Surplus Real Property After Consolidation

Real property of a consolidated school district that is no longer being used for educational purposes and has not been sold, preserved, leased, or donated two (2) years after the effective date of consolidation shall be made available for use by a publicly supported institution of higher education, a technical institute, a community college, a not-for-profit organization, a county, a city, or incorporated town by the Board of Directors for the following purposes:

- Having the real property preserved, improved, upgraded, rehabilitated, or enlarged by the donee;
- Holding of classes by statutorily authorized education related entities; or
- Providing community programs and beneficial educational services, social enrichment programs, or after-school programs.

Legal References:           A.C.A. § 6-13-111  
                                   A.C.A. § 6-13-620  
                                   A.C.A. § 6-21-108  
                                   A.C.A. § 6-21-110  
                                   A.C.A. § 6-23-501  
                                   A.C.A. § 6-24-101-107  
                                   34 CFR § 80.3 – 80.52  
                                   34 CFR § 80.31  
                                   34 CFR § 80.32(d)(e)

Date Adopted: September 2015

**Emergency Drills**

All schools in KIPP Delta shall conduct fire drills at least monthly. Tornado drills shall also be conducted not fewer than four (4) times per year with at least one each in the months of September, October, January, and February. Students who ride school buses, shall also participate in emergency evacuation drills at least twice each school year.

KDPS shall annually conduct an active shooter drill and school safety assessment for all schools in collaboration with local law enforcement and emergency management personnel. The training will include a lockdown exercise with panic button alert system training. Students will be included in the drills to the extent that is developmentally appropriate for the age of both the students and grade configuration of the school.

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

Other types of emergency drills may also be conducted to test the implementation of KIPP Delta's emergency plans in the event of violence, terrorist attack, natural disaster, other emergency, or the Panic Button Alert System. Students shall be included in the drills to the extent practicable.

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

Date Adopted: August 2012

## **Fund Raising**

All fund raising activities held in the region or in the name of KIPP Delta must be pre-approved in writing by the Executive Director and affected school principal. Approval will be predicated on the potential for return relative to the time and energy to be invested in the fund raising. Fund raising that conflicts excessively with and/or detracts from student or teacher instructional time in either the planning or the execution of the activity will not be approved.

Neither an individual school nor KIPP Delta shall be liable for any contract between clubs or organizations and third parties.

Student participation in any fund raising activity shall:

- 1) Be voluntary. Students who choose not to participate shall not forfeit any school privileges. It shall not be considered discriminatory to reward those who participate; and
- 2) Not influence or affect the student's grade.

For purposes of this policy, "Door-to-door sales" means the selling of merchandise outside of the child's home and off the school grounds.

## **Secondary Schools**

Fund raising in the secondary schools may only be done by officially sanctioned student clubs, spirit groups, school PTAs, or parent booster clubs. Student clubs and spirit groups must receive written approval from their sponsor and the school principal before submitting the fund raising proposal to the Executive Director.

Door to door fundraising activities are generally discouraged. If approved, students wishing to participate who are under the age of eighteen (18) must return to their sponsor a signed parental notification and permission form.

## **Elementary Schools (K-6)**

Fund raising in the elementary schools may only be done by the school or a school sponsored organization. Door to door fundraising activities are generally discouraged, but there shall be no more than one such activity per school per school year.

Schools must provide written notification of the following to parents or legal guardians of elementary students who participate in fund raising programs.

- 1) Student participation in fund raising programs is voluntary;
- 2) Students who do not participate will not forfeit any school privileges;

- 3) Students may not participate in fund raising programs without written parental permission returned to school authorities;
- 4) An elementary student who sells fund raising merchandise door to door must be accompanied by a parent or an adult; and
- 5) Unless the school provides supervision, parents must accept responsibility for appropriate adult supervision.

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

Date Adopted: September 2015

### **Cash Management Policy**

KIPP Delta will implement a variety of internal controls to ensure that cash received at any of its offices or school communities is handled properly. Strong internal controls will help deter fraud and limit KIPP Delta's exposure to waste and abuse.

#### Acceptance and Safe-guarding of Cash

1. Every department, office, or school that manages cash must have a safe.
2. Cash and checks must always be stored in a safe.
3. The safe count spreadsheet must be updated every morning and every evening by two separate people.
4. KIPP Delta schools are only permitted to have up to \$200 of cash on hand for any reason. Any cash received in excess of this threshold must be deposited at the school's designated bank.
5. Deposit reports must be submitted to the Finance department any time a deposit is made and a deposit report should be submitted at least once weekly.
6. Only designated KIPP Delta employees are permitted to accept cash and checks outside of normal business hours. All cash and checks received at after hour events must be deposited on the next business day. No other employees are permitted to take cash or checks home overnight.
7. Cash in any form cannot be used to provide KIPP Delta employees or Board members short or long-term loans.
8. Any KIPP Delta employee that is expected to handle cash must be trained by the regional Finance department prior to taking on any cash management responsibilities.
9. KIPP Delta employees should notify their manager and the Finance department any time cash is found to be missing, stolen, or is being misused.
10. Violation of the Cash Management policy shall result in discipline, up to and including termination. KIPP Delta reserves the right to pursue legal action for violations.

#### Federal Funds

1. KIPP Delta receives all federal grant funds on a reimbursement basis. The Arkansas Department of Education establishes a reimbursement schedule that disperses funds based on the Change in Fund Balance report (Board Report). As KIPP Delta receives the funds, they are receipted into eFinance system using the funding codes detailed on the payment warrant. In the event of an overpayment from the Arkansas Department of Education, KIPP Delta will return funds as necessary.

Legal References: Ark. Code Ann. § 6-13-701

2 CFR § 200.302(b)(6)

2 CFR § 200.305

Date Adopted: April 2017

## **Travel**

Employees shall be reimbursed for allowable travel expenses incurred when performing duties or attending workshops or other employment-related functions on behalf of KIPP Delta. All travel decisions for KIPP Delta employees, consultants, and contractors should be made to maximize time and minimize expenses. The following policies apply when an employee, consultant, or contractor travels on behalf of KIPP Delta. These policies apply regardless of the type of funds being used to support the travel. All expenditures must be reasonable and practical and purchased in an ethical and fiscally responsible manner.

### Payment

1. Employees that have a KIPP Delta credit card should charge all travel expenses to their card.
2. Employees without a KIPP Delta credit card are expected to purchase travel related items (i.e. airfare, hotel rooms, rental cars) through their school's credit card whenever feasible. If the card is not available or accepted then the employee should use a personal credit card or cash. Per diems will only be provided on a case-by-case basis.

### Mileage

1. KIPP Delta will use the United States Internal Revenue Service "IRS" mileage rates to reimburse employees for all travel from the employee's principal place of work to work related destinations. Rates will be updated in December of each year and become effective on January 1st.
2. Intra-community travel is not eligible for reimbursement.
3. Mileage reimbursements will only be issued if the KIPP Delta Fleet Vehicles were not available at the time of the trip.
4. KIPP Delta employees may use their personal vehicles for long distance travel, but the employee must provide a flight quote for a 14-day advance ticket. Reimbursement will be based on the lessor of the costs of a flight or mileage.

### Meals

1. Itemized food receipts are required for all food purchases over \$5.00.
2. KIPP Delta will reimburse staff up to \$20.00 per day for meals purchased on a day trip taken between KIPP Delta's three communities.
3. KIPP Delta will reimburse staff up to \$30.00 per day for meals purchased on a day trip outside of a KIPP Delta community (i.e. Little Rock and Memphis).
4. KIPP Delta will reimburse staff up to \$60.00 per day for meals purchased on overnight trips, regardless of geography. The daily rate for meal reimbursement will be adjusted if the conference provides any meals to attendees.
5. KIPP Delta will not reimburse staff for alcohol, tobacco, or personal entertainment.
6. Due to its high cost, room service should only be ordered as a last resort (i.e. no other restaurant is open).
7. Mini bar purchases will never be considered reimbursable.

### Overnight Travel

1. All overnight travel requests must be pre-approved by the employee's manager in order for the travel costs to be eligible for reimbursement. Pre-approval must be provided in writing.
2. Every effort should be made to secure out-of-state travel arrangements 14 days ahead of the trip.

3. Purchases made within 7 days of any out-of-state trip must be explained in writing.

#### Lodging

1. Employees must compare options before selecting a hotel. Personal reward benefits should not be used as criteria for selecting a hotel. The proximity of the event and the hotel location should be considered to maximize time and minimize costs.
2. KIPP Delta will not pay for room upgrades and upgrades should not be charged to a KIPP Delta credit card.
3. Room upgrades can be purchased with an employee's personal funds.
4. KIPP Delta will reimburse staff up to \$160.00 per night, excluding taxes and fees, for lodging arrangements.
5. Lodging costs that exceed \$160.00 per night must be pre-approved by the Finance Director, unless the price reflects a conference rate already negotiated by the event sponsors.

#### Airfare

1. Employees should always travel by coach on the least expensive airline. Fare decisions should be made to balance cost with travel time and personal safety.
2. KIPP Delta requires staff to find the lowest ticket price available. Any flights costing \$500 or above must be preapproved by the employee's manager.
3. Employees may purchase flight upgrades, amenities (i.e. extra leg room and early check in) with their own funds; these expenses will not be reimbursed by KIPP Delta.
4. KIPP Delta will not pay for early check-in, flight upgrades, extra leg room, last-minute transfers, in-flight entertainment, or overweight luggage fees.
5. KIPP Delta will pay for up to one checked personal bag.
6. In-flight food may be reimbursed as a meal. Itemized receipts are still required.
7. Costs related to trip cancellations, missed flights, or last minute schedule changes will only be reimbursed if the change is due to a KIPP Delta management decision. This decision must be documented in writing.

#### Tipping

1. KIPP Delta will only reimburse up to 20% for gratuity for meals and transportation services. The tip amount must be included on the receipt.

#### Rental Vehicles

1. Car rentals should be shared with other KIPP Delta employees whenever feasible.
2. Every effort should be made to personally refuel rental cars prior to returning the car, instead of using the refueling option provided by the rental car company. Although this is not mandatory, it is the most cost-effective option for KIPP Delta.
3. Employees should select the least expensive rental car option available that will accommodate the number of employees travelling.
4. Employees should compare fares before a car is reserved. KIPP Delta will not reimburse rentals of luxury vehicles.
5. KIPP Delta will not pay for rental car upgrades. These charges should not be made with a KIPP Delta credit card. Employees can pay for upgrades with their own funds.
6. Employees using a KIPP Delta credit card do not need to purchase additional rental car insurance.
7. Employees using a personal credit card to reserve a rental car are advised to purchase collision/comprehensive insurance from the rental car agency. Otherwise, the employee's personal insurance will be charged in the event of an accident.

8. Regardless of what type of credit card is used, liability coverage is not necessary because KIPP Delta has liability coverage through a third party insurance agency.

#### Taxis, Public Transit, and Parking

1. KIPP Delta encourages employees to use public transportation rather than taxi cabs or car services whenever possible.
2. When an employee is traveling and has concerns about safety or believes they will be late for a scheduled meeting, a taxi or car service may be considered a reimbursable expense. The employee should use their best judgment to balance travel costs with time and safety concerns.
3. KIPP Delta will only reimburse staff up to economy parking rates.

#### Gifts to Consultants or Presenters

1. Federal and state funds cannot be used to purchase a gift of any dollar value. It is considered an unallowable expense.
2. Gifts provided to a KIPP Delta team member, consultant, or presenter must be verbally approved by a budget manager or supervisor. Any unapproved gifts are considered a personal expense.
3. Gifts with a cash value (gift cards) given to consultants and presenters are taxable to the recipients.
4. Employees must inform the recipient when presenting a gift card and also provide a W-9 for the recipient to complete. Send a detailed listing of the recipients along with contact information AND completed IRS W-9 forms to [finance@kipdelta.org](mailto:finance@kipdelta.org).

#### Documentation

1. Itemized receipts are required for all purchases above \$5.00. A credit card slip, a bank statement, or a credit statement is not an itemized receipt. An itemized receipt is mandatory to allow KIPP Delta to verify whether alcohol was purchased.
2. Conference agendas are required to be submitted with travel reimbursement requests and credit card reconciliations.

#### Reimbursements

1. Expense reimbursement requests must be submitted no later than 90 days after the final day on which expenses were incurred. Payment for reimbursement requests submitted after 90 days are not guaranteed. Late submissions must be approved by the Finance Director.
2. Reimbursements will be mailed to the employee's home address on file or direct deposited in a designated bank account.

Legal References: 2 CFR § 200. Subpart E-Cost Principles

Date Adopted: April 2017

Last Revised:

#### **Credit Cards**

1. KIPP Delta Finance Department may establish credit cards for individuals fulfilling the following roles. The credit card limits shall not exceed the following dollar values:
  - a. Chiefs - \$9,999.00
  - b. KIPP Through College Director - \$5,000.00
  - c. School Leaders and/or Operations Leaders - \$3,499.00



- d. Central Office Designee - \$1,500.00
2. Credit card purchases can only be made by cardholders or those who have received explicit authorization from the card holder.
  3. Credit card privileges may be suspended or revoked if credit card expectations are not met.
  4. The Finance Department may establish credit cards for other employees upon written request by the Executive Director or the Chief Operations Officer. The credit card limit for additional credit cards shall not exceed \$3,499.00.
  5. Credit cards should only be used for job and travel expenses as described in the travel policy.
  6. Credit cards should only be used for services and supplies if the vendor is not able to accept purchase orders and/or provide KIPP Delta with an invoice.
  7. Credit cards must not be used for personal expenses including but not limited to entertainment; alcohol; tobacco; and cash advances.
    - a. If personal charges are added to the credit card, the card holder must submit a check or money order payable to KIPP Delta Public Schools for the personal charge.
    - b. Repayment is due within 30 days of the charge.
    - c. If payment is not made by the employee, KIPP Delta reserves the right to deduct the expense from the employee's next pay check.
  8. Itemized receipts are required for any purchase at or above \$5.00.
  9. Receipts and the credit card reconciliation forms must be submitted monthly in order to retain credit card privileges.
  10. Card holders may be responsible for reimbursing KIPP Delta for charges if a receipt is not submitted with the monthly reconciliation.
  11. Repeated misuse of the credit card will result in the loss of credit card privileges and could lead to termination.

Date Adopted: April 2017

Last Revised:

### **Purchase Orders**

1. KIPP Delta's preferred method of purchasing is through a purchase order (PO) request.
2. Any KIPP Delta employee is permitted to submit a purchase order request. The PO must be fully approved before the employee can move forward with the purchase.
3. All PO requests must be reviewed and approved by a minimum of two people. These individuals cannot be the originator of the request.
4. The individuals approving the PO request must have sufficient knowledge of their department's or school's budget and of the state and federal procurement rules.
5. A person from the KIPP Delta Finance Department must approve all purchase orders above \$3,499.00.
6. Purchase order requests that exceed \$10,000.00 must be competitively bid and contain the appropriate forms. These requests must be approved by the Regional Finance Director and either the Chief of Operations or the Executive Director.
7. Purchase order requests that exceed \$25,000.00 must be approved by the Finance Director, the Chief of Operations, and the Executive Director.
8. Purchase order requests that exceed \$150,000.00 must be competitively bid, contain the appropriate forms, and approved by the Finance Director, the Chief of Operations, the Executive Director, and a Board member.
9. Exceptions to competitively bidding for goods and services may be applied if the conditions for a single source agreement are met and/or KIPP Delta utilizes a pre-negotiated contract through the

Arkansas Office of State Purchasing or a Cooperative agreement can be used. The above approval thresholds still apply.

Date Adopted: April 2017

Last Revised:

### **Conflicts of Interest and Ethical Standards**

1. All board members, administrators, and employees, as defined herein, shall carry out all official duties for the benefit of the people of the community and the State of Arkansas and shall abide by these provisions. Unless otherwise state, the definitions contained in this policy manual apply.
2. Self-dealing by board members, administration, and employees is specifically prohibited.
3. No board member, administrator, or employee shall knowingly use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others.
4. While serving as board member, administrator, or employee, individuals shall not accept employment, contract, or engage in any public or professional activity that a reasonable person would expect might require or induce him or her to disclose any information acquired by the member's affiliation with KIPP Delta.
5. While serving as board member, administrator, or employee, individuals in any of these positions may not knowingly disclose confidential information gained through his or her position or use this information for personal gain or benefit.
6. Nothing in these policies prohibits board members, administrators, or employees of KIPP Delta from donating services or property, provided that the KIPP Delta Gift Acceptance Policy is followed.
7. KIPP Delta employees will follow the procedures outlined in this policy manual. In the event they are unsure of whether or not a policy is applicable, they should bring it to the attention of the Finance Director or Human Resources Director. The Chief Operations Officer will be the final decision maker in regards to whether a conflict of interest exists.
8. Except as otherwise provided, it is a breach of KIPP Delta policy and Arkansas ethical standards of for a board member to contract with the public educational entity the member serves, if the board member has knowledge that he or she is directly or indirectly interested in the contract.
9. Federal law prohibits employees and school officers from participating in the selection, award, or administration of a contract supported by a federal award if there is a real and/or apparent conflict of interest. KIPP Delta employees, administrators, and board members will follow the guidelines in this policy to determine whether a conflict of interest exists for contracts supported in whole or in part by federal funds.
10. No KIPP Delta employee, administrator, official, or agent shall participate in the selection, award, or administration of a contract supported by state or Federal funds, including the Child Nutrition Program funds, if a real and/or apparent conflict of interest exists. Conflicts of interest arise if any of the following parties has a financial or other interest in the entity selected for the contract:
  - i. The employee, administrator, official, or agent;
  - ii. Any family member of the KIPP Delta employee, administrator, official, or agent;
  - iii. The employee, administrator, official, or agent's partner; or
  - iv. An organization that currently employs or is about to employ one of the above.
11. **EMPLOYMENT OF FAMILY MEMBERS.** A board member's family member may not be initially employed by the public educational entity the member serves during the member's tenure of service on the local board for compensation in excess of five thousand dollars (\$5,000) unless the Commissioner of Education issues a letter of exemption and approves the employment contract based on unusual and limited circumstances. A family member of a school district board member who was employed by the public educational entity during the school year immediately preceding the election of the board member may continue employment with the public educational entity under

the same terms and conditions of the previously executed contract and any subsequent renewal of the contract. Any change in the terms or conditions of an employment contract, a promotion, or a change in employment status for a family member of a school district board member employed by a public educational entity that will result in an increase in compensation of more than two thousand five hundred dollars (\$2,500) must be approved in writing by the commissioner before any change in the terms or conditions of the employment contract or promotion or changes in employment status are effective, valid, or enforceable.

12. EXCEPTIONS TO SECTIONS 9 &10. In unusual and limited circumstances, KIPP Delta's board may approve a contract, including an employment contract, between the public educational entity and the board member or the member's family, if the board determines that the contract is in the best interest of the public educational entity. The approval by the public educational entity's board shall be documented by written resolution after fully disclosing the reasons justifying the contract or employment contract in an open meeting. The resolution shall state the unusual and limited circumstances necessitating the contract or employment contract and shall document the restrictions and limitations of the contract or employment contract. If any proposed contract or employment contract is with a family member of a board member or a board member directly or indirectly interested in the proposed contract or employment contract, then the board member shall leave the meeting until the voting on the issue is concluded, and the absent member shall not be counted as having voted.
13. BOARD APPROVAL. KIPP Delta's Board of Directors must approve any purchase or contract that is under \$10,000 for any 6-month period, if the contract is with a non-administrative KIPP Delta employee, KIPP Delta Board member and/or their family member.
14. Due to state and federal conflict of interest and ethical standards, no one defined as a KIPP Delta administrator or officer may enter into contractual agreement with KIPP Delta regardless of dollar value. There are no exceptions to this rule.
15. INDEPENDENT APPROVAL. If it appears the total transactions or contracts with the board member or a family member for a fiscal year total, or will total, ten thousand dollars (\$10,000) or more, the superintendent shall forward the written resolution along with all relevant data to the commissioner for independent review and approval. If it appears that the total transactions with an employee for a fiscal year total will amount to \$10,000 or more, the superintendent shall forward the written resolution, along with all relevant data, to the Commissioner of Education for independent review and approval, in accordance with procedures in Arkansas law.
16. A qualified family member of a board member may be employed as a substitute teacher, substitute cafeteria worker, or substitute bus driver for a period of time not to exceed a total of thirty (30) days per fiscal year for the public educational entity served by the board member without approval of the Commissioner.
17. Employees, administrators, officials, or agents shall not solicit or accept gratuities, favors, or anything of monetary value of \$10 or more from contractors, potential contractors, or parties to sub-agreements including, but not limited to:
  - a. Entertainment;
  - b. Hotel rooms;
  - c. Transportation;
  - d. Gifts;
  - e. Meals; or
  - f. Items of nominal value (e.g. items under a retail value of \$10.00 or more).
18. If a board member, administrator, or employee has a direct or indirect conflict with any agreement that would be a violation of this policy then the employee shall file a written statement of disqualification with the KIPP Delta Finance Department and the employee will be removed from the related procurement process.

19. Any employee who fails to disclose a benefit received from a KIPP Delta contract, who knows or should have known, will be considered in breach of ethical standards.
20. All KIPP Delta personnel involved in purchases with state or Federal funds, including child nutrition personnel, shall receive training on the Code of Conduct. Training should include guidance about how to respond when a gratuity, favor, or item with monetary value is offered.
21. The training will include the Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and Other Parties including the contract disclosure forms checklists from Commissioner's Memo FIN 09-036.
22. Violations of the Code of Conduct shall result in discipline, up to and including termination. KIPP Delta reserves the right to pursue legal action for violations.

Legal References: A.C.A. § 6-24-101 et seq.

Arkansas Department of Education Rules Governing the Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and Other Parties

Commissioner's Memo FIN 09-036  
Commissioner's Memo FIN-10-048  
Commissioner's Memo FIN 15-074  
2 C.F.R. § 200.318  
7 C.F.R. § 3016.36  
7 C.F.R. § 3019.42

Date Adopted: April 2017

Last Revised:

## Use of Funds

### State Funds

1. The Arkansas Constitution provides that: "No money or property belonging to the public school fund, or to this State, for the benefit of schools or universities, shall ever be used for any purpose other than for the respective purposes to which it belongs."
2. Funding received through the Arkansas Department of Education will only be used by KIPP Delta to benefit the school and its operation and related expenses. Examples of impermissible uses of public funds are:
  - a. Donation or loaning of funds to non-profit, for-profit corporations, associations, institutions or individuals (unless pursuant to specific statutory authority);
  - b. Payment for birthday, holiday or other parties, gifts or office decorations for employees, employees and family members, or Board members from state or federal funds; and
  - c. Traveling expenses of those non-employees officially representing the school, authorized by the Board, and traveling with Board members or employees.
3. If KIPP Delta receives revenue from another public or private entity and the use of the funds is restricted, then KIPP Delta will only use those funds in accordance with those restrictions.

### Federal Grant Funds

Purchases made with federal funds\* must be allowable, reasonable, necessary, and allocable. Below is the list of the most common "unallowable" expenses.

1. Personal loans or donations
2. Alcohol
3. Meals unless the meal is part of an overnight professional development training
4. Entertainment, such as tickets to performances, bowling & Karaoke nights etc.
5. Gifts, including prizes, gift cards, giveaways, and incentive cards
6. Logo branded supplies and giveaways
7. First & business Class travel (also unallowable per KIPP Delta's Finance Policies)
8. Travel upgrades (also unallowable per KIPP Delta's Finance Policies)
9. Non-essential event expenses, including decorations like flowers and centerpieces
10. Penalties, such as damage or breach of contract fees. Attrition fees for not meeting contract minimums.
11. Toiletries, movie rentals, and personal items (also unallowable under KIPP's Finance Policies)
12. Monthly cell phone charges
13. Excessive expenses

\* KIPP Delta's most common federal grant programs are Child Nutrition, Title I, Title II, IDEA Part B, and Charter School Program funds.

Legal References: Art. 14,§2  
2 CFR § 200.400

Date Adopted: April 2017  
Date Revised and Approved: May 19, 2020

## **Inventory and Safeguarding of Assets**

KIPP Delta will use inventory as a method for determining whether a school or department needs additional materials and supplies in order to implement the region's educational programs and activities.

KIPP Delta will use the same inventory and safeguarding system to manage all equipment and theft-sensitive assets, regardless of whether state, federal, or private funds were used to make the initial purchase.

### Acquisition of Equipment and Theft-Sensitive Assets

1. All purchases must be made in accordance with federal regulations and follow KIPP Delta's internal control procedures for the approval and receipt of equipment.
2. All purchases must be reasonable and necessary.
3. All items must be properly labeled and used for its intended purpose.

### Inventory Management System

1. KIPP Delta shall keep inventory records for all equipment and theft-sensitive assets.
2. Inventory records will be used to determine if KIPP Delta property is being (a) held for repair, (b) held for disposition, (c) in the process of production for disposition, or (d) to be consumed/utilized in the implementation of the region's educational program and activities.
3. Inventory records must include:
  - a. Description of the property
  - b. Serial Number/Identification Number
  - c. Funding Source and Percentage of Source
  - d. Identify of the Title holder when applicable
  - e. Vendor
  - f. Acquisition Date and Unit Cost
  - g. Location
  - h. Use (Student Instruction, Professional Development, Parent Involvement, etc.)
  - i. Condition
  - j. Ultimate disposition data including the date of the disposal and sale price of the property

### Use of Equipment

1. Assets purchased by federal funds must be used by the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award.
2. When the asset is no longer needed, it may be used for other activities. Projects supported by federal funds shall receive priority.
3. Assets may be used off-site, if the employee's manager has approved the off-site use and the condition of the equipment is assessed upon its return.

### Maintenance Procedures to keep Equipment in Good Condition

1. KIPP Delta will provide routine maintenance to all physical equipment.

Physical Inventory

1. At least once each school year, all nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit shall undergo a physical inventory check.
2. All theft-sensitive assets will be included in the inventory.
3. The physical inventory must be signed off by the person conducting the check.
4. The purpose of the physical inventory is to verify:
  - a. The existence of the equipment;
  - b. Whether the equipment is being utilized for its intended purpose;
  - c. The continued need of the equipment;
  - d. The condition of the equipment.

Equipment Disposition

1. When the original or replacement asset is acquired with federal funds is no longer needed for the original project or program, the equipment may be retained, sold, or disposed, if it is not needed under any other like or federally funded projects or programs.
2. Equipment items with an acquisition value of \$5,000 or less and are more than three years old may be retained, sold, or disposed with no further obligation to the Federal awarding agency.
3. The disposition of equipment should be noted in the inventory.
4. Equipment with a fair market value of \$5,000 or more may be retained, sold, or otherwise disposed; however, KIPP Delta must contact the Federal awarding agency for disposal instructions. If KIPP Delta does not receive a response within 120 days, then KIPP Delta shall sell the equipment at a per unit fair- market value.
5. If the equipment is sold, then the region will pay the Federal awarding agency its federal share. The federal share is calculated by multiply the current market value, or proceeds from sale, by the Federal awarding agency's percentage of participation in the cost of the original purchase.
6. KIPP Delta is permitted to deduct and retain \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

Supply Disposition

1. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value and all of the supplies were purchased with federal funds, then upon termination or completion of the project or program and the supplies are not needed for any other Federal award, KIPP Delta must retain the supplies for use on other activities or sell them, but must in either case, compensate the Federal awarding agency's its share.
2. The amount of compensation due to the Federal awarding agency must be computed in the same manner as equipment.
3. Supplies purchased with state or local funds shall be maintained by KIPP Delta and used in the next school year.

Loss, Damage or Theft of Equipment

1. KIPP Delta shall implement controls to help safe guard against loss, damage, or theft.
2. KIPP Delta employees shall report the loss, damage, or theft of equipment to their managers in writing within one business day.
3. KIPP Delta managers must investigate any reports of loss, damage, or theft and submit a formal incident report to the Finance department and Human Resources within five business days. When applicable, a copy of the police reports should be submitted to the Finance department upon receipt

Legal References: 2 C.F.R. Part 200.20  
 2 C.F.R. Part 200.33  
 2 C.F.R. Part 200.94  
 2 C.F.R. Part 200.313

Date Adopted: April 2017

Last Revised:

## **Procurement**

1. Employees may not commit KIPP Delta's funds without appropriate pre-approval. This approval must be made in accordance with KIPP Delta's Approval Matrix.
2. KIPP Delta's Finance Director must confirm that funds are available to support each contract prior to the contract being signed.
3. KIPP Delta's Chief Operations Officer must confirm that a real or indirect conflict of interest does not exist prior to any contract being signed. If a conflict is identified but it meets one of the permitted exceptions, then those approvals must be secured prior to the contract being signed.
4. Contracts must be signed prior to goods being purchased or a service provider starting work.
5. KIPP Delta employees must follow KIPP Delta's Procurement Procedures. These procurement procedures must be reviewed at least once every two years and updated as needed.
6. KIPP Delta employees must take affirmative actions to ensure that small, minority, and women's businesses are used when possible. Affirmative actions include but are not limited to:
  - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  - f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e) of this section.
7. KIPP Delta employees shall not place unreasonable requirements on firms to artificially limit competition.
8. KIPP Delta employees shall not conduct business with vendors who are suspended or debarred. If a contract is \$25,000 or more, then the employee must ensure that the selected vendor is not suspended or debarred.
9. KIPP Delta employees may only enter into agreements for a maximum of two years unless there is an unusual circumstance. Contracts written for terms exceeding two years must be approved by KIPP Delta's Finance Committee.
10. To foster greater economy and efficiency, KIPP Delta employees are strongly encouraged to use state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.



11. KIPP Delta employees are also strongly encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
12. KIPP Delta's regional office shall maintain records sufficient to detail the history of each contract. These records will include but are not limited to the rationale for the procurement method, selection of contract type, contractor selection or rejection, and the basis for the contract price.
13. KIPP Delta employees are not required to obtain a contract if the sum of the goods or services needed from a single vendor, over any six month period of time, is estimated to cost between \$3,500 and \$9,999. The purchase of goods or services in this price range shall be referred to as "Micro-Purchases." For all micro-purchases, employees must seek at least three price comparisons and submit a purchase order request prior to obtaining the good or service.
14. A contract is required if the sum of goods or services from a single vendor, over any 6 month period of time, is estimated to cost \$10,000 or more.
15. All contracts for \$10,000 or more must be competitively bid. The technique of seeking competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. Sealed bids are most frequently used for construction projects.
16. All bid solicitations must:
  - a. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition.
    - i. The description may also include a statement about the qualitative nature of the material, product, or service to be procured. When necessary the solicitation must also describe the minimum essential characteristics and standards to which the goods or services must conform if it is to satisfy KIPP Delta's intended use.
    - ii. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated.
  - b. Identify all requirements which the vendor must fulfill.
  - c. Identify all evaluation factors KIPP Delta will use to select a vendor and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
  - d. Contain a written method for conducting technical evaluations of the received proposals and for selecting the recipient/vendor.
17. When procuring qualification-based service agreements, where the most qualified competitor is selected, price does not have to be the most significant evaluation factor, but price must always be an evaluation factor. KIPP Delta employees must ensure that the price is fair and reasonable.
18. KIPP Delta must ensure that all pre-qualified lists of persons, firms, or products that could be used are current and include enough qualified sources to ensure maximum open and free competition. KIPP Delta may not preclude potential bidders from qualifying during the solicitation period.
19. All bid notices must be placed on KIPP Delta's website for a minimum of five business days and all three local community newspapers for a minimum of one news cycle. Notices must include the following contact information:
  - a. Points of contact who may be reached in multiple ways (e.g., by telephone, FAX, and/or email, as well as regular mail);
  - b. At least three email addresses so that someone will respond even if others are unexpectedly absent during critical periods; and

- c. Different contacts for distinct kinds of help (e.g., one for questions of programmatic content and a second for administrative questions).
- 20. Any contractor that develops or drafts work specifications, requirements, statements of work, or invitations of bids or proposals on behalf of KIPP Delta must be excluded from competing for the contract being put out to bid.
- 21. KIPP Delta employees may only use a non-competitive contract, commonly referred to as a “sole source” contract, if one of the following conditions apply:
  - a. The item is only available from a specific vendor;
  - b. There is a valid emergency that cannot be postponed in order to allow time to solicit competitive bids;
  - c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity;
  - d. After solicitation of a number of sources, competition is determined inadequate;
  - e. The contract is for regulated utilities, used equipment and machinery, used school buses, legal services, financial advisory, architectural, engineering, construction management, or land surveying services.
- 22. Vendor Selection
  - a. Contracts must be awarded to the responsible firm whose proposal is most advantageous to KIPP Delta, with price and other factors considered.
- 23. Contract Provisions
  - a. All contracts made by KIPP Delta must contain provisions covering the following:
    - i. Scope of goods or services
    - ii. Period of time that work is to start and end or when goods are to be provided
    - iii. Price and payment method
    - iv. Renewal periods
    - v. Funding source
    - vi. Point of Contact for questions
    - vii. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
    - viii. Termination for cause and for convenience including the manner by which it will be effected and the basis for settlement.
  - b. All contracts funded with federal dollars must contain provisions covering the following, when applicable:
    - i. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
    - ii. All prime construction contracts paid with Federal funds in excess of \$2,000 must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”).
    - iv. Where applicable, all contracts paid with Federal funds in excess of \$100,000, that involve the employment of mechanics or laborers must include a provision

for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).

- v. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2
- vi. (a) and KIPP Delta wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” KIPP Delta must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- vii. Any federally funded contracts in excess of \$150,000 must contain a provision that requires the vendor to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).
- viii. Potential vendors that apply or bid for an award exceeding \$100,000 must file the required Byrd anti-lobbying certification. This assures KIPP Delta that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. 1352.

#### 24. Bidding Protest Procedures

- a. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract by KIPP Delta may protest to the superintendent in accordance with procedures established by the Board of Directors.
- b. KIPP Delta’s protest procedures are as follows:
  - i. The superintendent has authority from the Board of Directors to settle and resolve a protest of an aggrieved person concerning the solicitation or award of a contract;
  - ii. Any person aggrieved by KIPP Delta’s solicitation or award of a contract shall submit such a protest in writing within 7 calendar days after the aggrieved person knows or should have known of the facts given rise to the protest;
  - iii. The superintendent shall give written notice to all persons involved and the opportunity for those persons to respond to the protest issues in writing to the superintendent within 10 calendar days after the receipt of the notice;
  - iv. The superintendent shall issue a decision concerning the protest in writing within 10 calendar days from the receipt of all written responses that states the reasons for the action taken which is provided to all interested parties;
  - v. The superintendent shall promptly notify, in writing, the aggrieved party and any other affected party of the impact of the protest on continuing with the solicitation or award of the school district contract pending the resolution of the protest;
  - vi. The superintendent’s written decision shall address the award of costs with regard to successful protests; and
  - vii. A decision on a protest under these procedures shall be final and conclusive.

#### Contract Signatures Matrix

1. All contracts with a total value between \$10,000 and \$49,999 must be signed by either the Executive Director or the Chief Operating Officer.
2. Contractual agreements with a total value between \$50,000 and \$149,999 must be signed by both the

Executive Director and the Chief Operating Officer.

3. Contractual agreements with a total value that exceeds \$150,000 must be signed by the Executive Director, the Chief Operating Officer, and a member of the Board of Directors.
4. All contracts with a real or apparent conflict of interest must be approved by the Board of Directors.
5. Total value should be determined by adding each renewal period together.

Legal Reference: 2 CFR § 200.317-326

Date Adopted: April 2017

Last Revised:

### **Time and Effort Verification & Certification**

1. KIPP Delta will use federal funds to support employees when possible and appropriate. The Finance department in conjunction with the Human Resources department will determine which employees can be supported with federal funds.
2. When an employee is hired using federal funds, Time and Effort documentation must be kept on file with the Finance department.
3. Supervisors must notify the Finance department in the event of a federally funded employee working additional duties. Once the Finance department is notified, it will be determined what needs to be done to maintain compliance with governing standards.
4. Time and Effort forms will include the job title, job description, and the federal fund used in the description. Offer letters with the position title must be signed by the employee and filed with Human Resources.
  - a. If employees have a single role, or are funded by a single funding source, a Time and Effort form will need to be completed on a semi-annual basis. The semi-annual form will be signed by the employee or their immediate supervisor. If multiple employees work in the same role with the same duties and funding source, a blanket semi-annual Time and Effort form may be used. Completed forms will be filed with the Finance department at the end of the semi-annual period.
  - b. If employees have more than one role, or are funded by more than one funding source, a Time and Effort form will need to be completed monthly. The monthly form will show the percentage of time worked in various roles, and will be signed by the employee and their immediate supervisor. Completed forms will be filed with the Finance department monthly.
5. Fund allocations will be indicated by a percentage on the Time and Effort form. The Finance department will evaluate each monthly and semi-annual time certification and make updates to percentage allocations in the payroll system when necessary.

Legal Reference: 2 CFR § 200.430

Date Adopted: April 2017

Last Revised:

### **Fund Accounting**

1. KIPP Delta will follow fund accounting practices, as this type of accounting emphasizes accountability.
2. KIPP Delta will use the required Arkansas Public School Computer Network (APSCN) as its official financial system. This system will also be used by KIPP Delta to comply with record retention laws.
3. KIPP Delta will utilize the fund and account codes required by the Arkansas Department of Education (ADE) and update its internal procedures when ADE makes adjustments.

4. APSCN will be used to segregate all state, federal, and local revenue and expenses in accordance with laws, regulations, and restrictions placed on each fund.
5. All federal funds must be received and expended under the federal rules associated with that particular federal award.
6. The Finance department will also retain records documenting compliance with state and federal statutes, regulations, and the terms and conditions associated with private funds for a period of at least five years. Payroll records will be retained indefinitely.

Legal Reference: 2 CFR §

Date Adopted: April 2017

Last Revised:

Approval of KIPP Delta Public Schools Policy Manual:

*\s\ Lisa John-Adams, President of the KIPP Delta Board of Directors*