



## SECTION IV: STUDENTS

## POLICY 4030

### ATTENDANCE

The purpose of this policy is to provide for uniformity of student attendance recording and the penalty assessment for absenteeism within the Broken Arrow School District.

#### Absences Without Valid Excuse

If a student has been absent for four (4) or more days or PARTS of days within a four-week period, without valid excuse, the parent/guardian of this student is in violation of the Oklahoma Compulsory Education Law.

A “valid excuse” includes a doctor’s note, with the doctor’s name, the student’s name and the date of the visit, a school activity per state regulations, a school’s suspension, and administrator-approved absence, and/or an observation of a specific religious holiday with a written parent request. Any of these “valid excuses” must be submitted to the school within five (5) days of the absence or the absence is recorded as a truancy.

A student will also receive an excused absence from attending school for the purpose of receiving speech therapy, occupational therapy, or any other service related to the student’s individualized education program developed pursuant to the Individuals with Disabilities Education Act (IDEA), **provided** (1) the parent, guardian, or other person having custody or control of the student submits a written request for the excused absence, and (2) the district receives documentation from the provider of the therapy or other service.

All work missed during a period of absence may be made up, with the exception of absence due to truancy. For each day of absence, a student shall have two school days to make up the work missed, unless granted additional time by the teacher. During the period of make-up time allowed, the work missed shall not be calculated in the student's grade until the work is turned in or the make-up time has expired.

Any examination or assignment announced during the student's presence in class or which is regularly scheduled (e.g. semester test), which is missed by the student due to any type of absence, shall be made up on the day the student returns to class. If a test is first administered on the day the student returns to class, the student shall be obligated to take the test on that day. Should the student be absent at the time the test is announced and if it is not regularly scheduled, either of which would prevent the student from being aware of the scheduled test, then the test shall be administered to him or her one day following his or her return to class.

Any exceptions to the policy concerning administering tests shall be limited to those exceptions made by the building principal.

A secondary student who is more than ten (10) minutes late for class will receive an absence for that class that day.

A student may not be absent more than nine (9) days during a semester in order to receive academic credit without a grade adjustment. The intent of this policy is to clarify that students may not miss more than nine (9) days in a semester other than the following exceptions:



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1. Illness substantiated by a doctor's statement.  
In the event of a chronic or recurring illness, documentation by the student's doctor indicating the nature of the chronic or recurring condition will suffice for the doctor's statement required for each individual absence. Documentation of chronic or recurring illness will not extend beyond the end of the current school year.  
  
To determine medical exemptions for accountability purposes on the Oklahoma School Report Card, a district medical exemption committee comprised of administrators from both elementary and secondary levels will convene. Using the guidelines provided by the Oklahoma State Department of Education, the committee will determine which exemption requests qualify as medical exemptions when calculating chronic absenteeism rates.
2. School activities (per State Regulations).
3. Suspension or change of placement for disciplinary reasons.
4. Any absence deemed unavoidable by the school principal. When such a condition exists, the student and/or parents must petition (in writing within five (5) days following the student's return to school) the building principal to request a waiver of penalty.
5. At a parent's request, a student's absence from school to observe a recognized religious holiday and associated travel.

#### Grade Adjustment for Excessive Absences

Secondary students who exceed nine (9) unexcused absences in a given semester and whose academic grade is a 60% or above may receive a grade of "F" (calculated at 59%)\*\* prior to the semester exam. The final semester grade will be calculated as an average of 59% of the total points possible for the semester and the grade earned on the semester exam (using the standard weights applied by the teacher to semester coursework and the semester exam).

\*\*Secondary students who exceed nine (9) unexcused absences in a given semester and whose academic grade is a 59% or below will receive no grade adjustment in the calculation of their semester grade.

Up to 10 school days after the distribution-publication of semester report cards at a site, parents may appeal in writing grade adjustments for excessive absences to the Executive Director of Elementary or Secondary Education site-based committee. Appeals will be responded to within 10 school days of receipt of the written appeal.

#### Absences

1. Face to Face  
A student must be in attendance two of the first three hours of the school day to be recorded present for one-half day. Likewise, a student must be in attendance two of the final three hours to be recorded present for one-half day.



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Parents should contact the school to report that their child will be absent for the day. Failure to do so within five (5) school days will result in the absence being recorded as a truant.

#### 2. Virtual Academy

Students are required to log in to their course five of seven days each week or make progress by completing assignments or tasks. Students can expect to complete five to seven activities or tasks per class to maintain progress each week.

#### 3. Distance

Attendance and participation shall be measured by means appropriate in a distance learning environment which may include, but are not limited to, District-approved-and-monitored chatrooms and message board posts, emails, submission of assignments, or other District-Approved Means and Mediums. Teachers shall make contact with each of their students a minimum number of times per school week, as determined by District administration, and count these contacts as full-time attendance. These contacts may include, but are not limited to, student participation in virtual classes or virtual learning platforms, submissions or posts to approved message boards, instructor confirmation with a student's legal guardian(s) that the student did participate, and physical or electronic submission of assignments.

#### 4-H Activities and Programs

A student absent from school shall be given an excused absence if the reason for such absence is to participate in scheduled 4-H activities or programs approved by the county 4-H educator. The number of excused absences allowed shall be subject to the district's attendance policy. Proof of a student's participation in an activity or program sponsored by 4-H shall be provided by a 4-H educator upon request from a school principal or attendance officer.

A student will be given the opportunity to make up any schoolwork missed while they are participating in activities or programs sponsored by 4-H. A student shall not have their class grades adversely affected for lack of attendance or participation due to their participation in activities or programs sponsored by 4-H.

A school principal (or designee) shall not credit a student who participates in an activity or program sponsored by 4-H with an excused absence if the participation occurs during:

- a. the schedule established by the State Board of Education for the administration of statewide student assessments, or
- b. any period of time for which the student has been disciplined, suspended, or expelled, if the terms of punishment would preclude the student from participating in an educational field trip or extracurricular activity.

Reference: 70 O.S. §1-111



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Reference: OKLA. STAT. tit. 70, § 10-105

Source: *Broken Arrow Board of Education Policy adoption, April 16, 2001*  
*Broken Arrow Board of Education Policy revised November 25, 2008*  
*Broken Arrow Board of Education Policy revised, July 13, 2009*  
*Broken Arrow Board of Education Policy revised, August 13, 2012*  
*Broken Arrow Board of Education Policy revised, April 18, 2016*  
*Broken Arrow Board of Education Policy revised, March 9, 2020*  
*Broken Arrow Board of Education Policy revised, August 10, 2020.*  
*Broken Arrow Board of Education Policy revised, July 15, 2024.*  
*Broken Arrow Board of Education Policy revised, September 9, 2024.*  
*Broken Arrow Board of Education policy revised, <<DATE>>*



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#### Statement of Legislative Mandate and Purpose

This policy is a result of the legislative mandate and public policy embodied in the *School Safety and Bullying Prevention Act*, 70 Okla. Stat. § 24-100.4. The Oklahoma Legislature requires school districts to adopt a policy to address prevention of bullying behavior, in an effort to create an educational environment free of fear and unnecessary disruption, and also requires districts to actively pursue programs for communication, training and education, reporting, investigation, discipline, and remedial action to deter bullying behaviors.

The District's student conduct code prohibits bullying behavior. This Policy further explains the negative effects of that behavior, seeks to promote strategies for prevention and education, establishes procedures for District communication of bullying policy to students and parents; reporting alleged incidents; investigating alleged incidents of prohibited behavior; and establishes a post-investigation procedure that may include recommendations for community mental health care options and requests for disclosure of student mental health care information.

The District will implement this policy in an ongoing manner throughout the year and will integrate it with other violence prevention efforts.

#### Statement of Board Purpose in Adopting Policy

The Board of Education recognizes that bullying causes serious educational and personal problems, both for the student-target and the initiator. The Board observes that bullying conduct often involves expressive gestures, written or verbal expression, electronic communication or physical acts that are sexually suggestive, lewd, vulgar, profane or offensive to the education or social mission of the District, and at times involves the commission of criminal acts. This behavior interferes with the curriculum by disrupting the presentation of instruction and also disrupts and interferes with the student-target's or bystander's ability to concentrate, retain instruction and study or to operate free from the effects of harassment, intimidation, bullying and threatening behavior. This results in a reluctance or resistance to attend school.

#### Definition of Terms

1. Bullying:

"Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

2. Electronic Communication

"Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer.



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The District prohibits bullying by electronic communication, whether such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns bullying at school.

#### 3. At School

“At school” means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events.

#### 4. Threatening Behavior

“Threatening behavior” means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel or school property.

#### 5. The “Reasonable Person” Standard

In determining what a “reasonable person” should recognize as an act placing a student in “reasonable” fear of harm, staff will determine “reasonableness” not only from the point of view of a mature adult but also from the point of view of an immature child of the age of the intended target along with, but not limited to, consideration of special emotional, physical, or mental needs of the particular child; personality or physical characteristics, or history that might cause the child to be particularly sensitive to efforts by a bully to humiliate, embarrass, or lower the self-esteem of the target; and the discipline history, personality of and physical characteristics of the individual alleged to have engaged in the prohibited behavior.

#### 6. General Display of Bullying Acts

According to experts in the field, bullying in general is the exploitation of a less powerful person by an individual taking unfair advantage of that person, which is repeated over time, and which inflicts a negative effect on the target. The seriousness of a bullying act depends on the harm inflicted upon the target and the frequency of the offensive acts. Power may be but is not limited to physical strength, social skill, verbal ability, or other characteristics. Bullying acts by students have been described in several different categories:

- **Physical Bullying** includes harm or threatened harm to another’s body or property, including but not limited to, what would reasonably be foreseen as a serious expression of intent to inflict physical harm or property damage through verbal or written speech or gestures directed at the student-target, when considering the factual circumstances in which the threat was made and the reaction of the intended target. Common acts include tripping, hitting, pushing, pinching, pulling hair, kicking, biting, starting fights, daring others to fight, stealing or destroying property, extortion, assaults with a weapon, other violent acts, and homicide.
- **Emotional Bullying** includes the intentional infliction of harm to another’s self-esteem, including but not limited to insulting or profane remarks, insulting or profane gestures, or harassing and frightening statements, when such events are considered in light of the surrounding facts, the history of the students involved, and age, maturity, and special characteristics of the students.
- **Social Bullying** includes harm to another’s group acceptance, including but not limited to harm resulting from intentionally gossiping about another student or



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intentionally spreading negative rumors about another student that result in the target being excluded from a school activity or student group; the intentional planning and/or implementation of acts or statements that inflict public humiliation upon a student; the intentional undermining of current relationships of the target-student through the spreading of untrue gossip or rumors designed to humiliate or embarrass the student; the use of gossip, rumors or humiliating acts designed to deprive the student of awards, recognition, or involvement in school activities; the false or malicious spreading of an untrue statement or statements about another student that exposes the target to contempt or ridicule or deprives the target of the confidence and respect of student peers; or the making of false statements to others that the student has committed a crime, or has an infectious, contagious or loathsome disease, or similar egregious representations.

- **Sexual Bullying** includes harm to another resulting from, but not limited to, making unwelcome sexual comments about the student; making vulgar, profane, or lewd comments or drawings or graffiti about the target; directing vulgar, profane, or lewd gestures toward the target; committing physical acts of a sexual nature at school, including the fondling or touching or private parts of the target's body; participation in the gossiping or spreading of false rumors about the student's sexual life; written or verbal statements directed at the target that would reasonably be interpreted as a serious threat to force the target to commit sexual acts or to sexually assault the target when considering the factual circumstances in which the threat was made and the reaction of the intended target; off-campus dating violence by a student that adversely affects the target's school performance or behavior, attendance, participation in school functions or extracurricular activities, or makes the target fearful at school of the assaulting bully; or the commission of sexual assault, rape, or homicide. Such conduct may also constitute sexual harassment, which is also prohibited by the District.

#### Understanding and Preventing Student Bullying

##### 1. Student, Parent and Staff Communication, Education and Training

- All staff and volunteers will be provided with a copy of this Policy. All students will be provided an age appropriate version of the Policy. The District is committed to providing appropriate and relevant training to staff regarding identification of behavior constituting student bullying and the prevention and management of such conduct. Administrators and school employees are required to take or attend training the first year of employment and at a minimum every 5<sup>th</sup> year in preventing, identifying, responding to and reporting incidents of bullying.
- Students and parents, like staff members, shall participate in an annual education program(s), designed and developed by the State Department of Education and/or the District, which sets out expectations for student behavior and emphasizes an understanding of student bullying; its prevention, identification; and the District's response to and prohibition of such conduct, and the reasons why the conduct is



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destructive, unacceptable and will lead to discipline. Students shall also be informed of the possible consequences of bullying conduct toward their peers.

- Notice of the Bullying Prevention policy shall be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices.
- The Bullying Prevention policy shall be posted on the District's Internet website. Each school site's Internet website/page will have a link to the District policy.
- The Bullying Prevention policy shall be included in all student and employee handbooks.

#### **2. The District's Safe School Committees**

The District's Safe School Committees have the responsibility of studying and making recommendations to the Principal regarding unsafe conditions, strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence and other issues which interfere with and adversely affect the maintenance of safe schools.

With respect to student bullying, each Safe School Committee shall consider and make recommendations regarding professional staff development needs of faculty and other staff related to methods to decrease student bullying, and understanding and identifying bullying behaviors. In addition, each Committee shall make recommendations regarding: (1) identification of methods to encourage the involvement of the community and students in addressing conduct involving bullying; (2) methods to enhance relationships between students and school staff in order to strengthen communication; and (3) using problem-solving teams and resources that include counselors and other behavioral health resources within or outside the school system.

In accomplishing its objectives each Committee shall review the District policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies or school districts.

#### **Reporting Acts or Suspected Acts of Bullying**

Acts or suspected acts of bullying should be immediately reported to a school official such as the school Principal or Assistant Principal. Such reports may be made and submitted through the District's website or the school's website. A printed copy of the form may be requested and submitted in person or through the mail. If desired, reports may be submitted anonymously. Please note that anonymous reports, according to state law, cannot be the sole basis for disciplinary action for a student.

#### **1. Student Reporting of Bullying**

Students are encouraged to tell school personnel if they are the target of or witness acts of bullying.





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#### 2. Staff Reporting of Bullying

An important duty of any School District employee is to report acts or behavior that the employee witnesses that appears to constitute bullying, or the employee has reliable information that would lead a reasonable person to suspect that a student or person is a target of bullying shall immediately report it to the Building Principal or designee of the Principal, or other school administrator. All employees shall encourage students who tell them about such acts to complete a report form. For young students, staff members given that information will need to provide direct assistance to the student to report the incident.

Staff members who witness such events must complete reports and submit them to the employee designated by the Principal to receive them.

#### Investigating and Responding to Alleged Incidents of Student Bullying

##### 1. Responsibility for Policy Enforcement

The District's bullying coordinator is the Assistant Superintendent of Security and Executive Director of Student Services, who will serve as the District contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain updated contact information on file with the State Department of Education and the District will notify the State Department of Education within fifteen (15) days of the appointment of a new Bullying Coordinator. Building Principals are responsible for enforcing this policy at their designated school sites.

##### 2. Investigation, Determination, and Preventive Action

The Building Principal shall investigate all reported incidents of bullying or suspected bullying and make a determination regarding whether the conduct actually occurred or is occurring, and take prompt and effective action to address confirmed incidents and prevent their recurrence. This action may impose consequences which include discipline, referral to the school counselor, referral to community mental health care providers, student social skills training and other actions. Such consequences and remedial action may also be imposed for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying. In addition, principals will also determine the severity of confirmed incidents and assess their potential to result in future violence. Principals shall promptly report their findings to the district's bullying coordinator.

##### 3. Parent Notification

The Building Principal or the Principal's designee shall make timely notification to the parents or guardians of a target of documented and verified bullying, and to the parents or guardians of the perpetrator of the documented and verified bullying.

##### 4. Law Enforcement Notification

Building Principals shall report to law enforcement officials all documented and verified acts of bullying that they reasonably believe may constitute criminal activity or reasonably have the potential to endanger school safety. All such incidents must also be reported to the Deputy Superintendent.



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#### 5. Reporting Documented and Verified Incidents of Bullying

Building Principals are responsible for tracking and reporting documented and verified incidents of bullying per established procedures.

#### Post-Investigation Recommendations

##### 1. Reporting and Referral

At the conclusion of the investigation, the designated employee will document the steps taken to review the matter, the conclusions reached and any additional action taken, if applicable. Further, the investigator will notify the district's bullying coordinator that an investigation has occurred and the results of the investigation. In the event the investigation reveals that bullying occurred, the district's bullying coordinator will refer the student who committed the act of bullying to a delinquency prevention and diversion program through the Office of Juvenile Affairs.

##### 2. Community Mental Health Care Options

When designated school personnel confirm an incident of student bullying, they may also determine that it is appropriate to recommend counseling or referral to appropriate services, including guidance, academic intervention, and other protection for all students and family members affected by bullying, and that the students and parents take advantage of available community mental health care, substance abuse or other counseling options in an effort to provide additional student assistance and prevent the recurrence of further incidents. If so, designated school personnel will advise the parent in writing of such options available in the community and surrounding area.

##### 3. Disclosure of Student Community Mental Health Care Information

Pursuant to the requirements of state law, the District may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care for an incident that indicates an explicit threat to the safety of students or school personnel. The District will make any request for disclosure in compliance with applicable state and federal laws and regulations.

#### Student Transfers

Students who are targets of bullying, and who report the incident(s) to school administrators, may choose to apply for transfer to another school district. Any application for transfer must be made in accordance with the receiving school district's transfer policy.

#### Parental Responsibilities

Parents/guardians will receive an annual written notice of the District's policy and program(s) to address and prevent bullying. Parents will be informed of the program(s) and the means for students to report bullying acts toward them or other students. An administrative response to a reported and/or confirmed act of bullying may involve certain actions to be taken by parents. Parents will be advised that to help prevent bullying at school, they should:

1. Encourage their children to report bullying to them, their school Principal or other responsible



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adult when it occurs;

2. Take advantage of opportunities to talk to their children about bullying;
3. Inform the school Principal or Assistant Principal immediately if they think their child is being bullied or is bullying other students;
4. Watch for symptoms that their child may be a target of bullying and report those symptoms;
5. Cooperate fully with school personnel in identifying and resolving bullying incidents; and
6. Participate in all activities designed to eliminate bullying behavior, including activities designed to address confirmed incidents.

Source: *Broken Arrow Board of Education policy adoption, July 13, 2009.*  
*Broken Arrow Board of Education policy revised, December 9, 2013.*  
*Broken Arrow Board of Education policy revised, January 12, 2015.*  
*Broken Arrow Board of Education policy revised, May 9, 2022.*  
*Broken Arrow Board of Education policy revised, November 6, 2023.*  
*Broken Arrow Board of Education policy revised, <DATE>.*



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## POLICY 4110

### ELECTRONIC COMMUNICATION & SOCIAL MEDIA

#### Purpose

Broken Arrow Public Schools recognizes the importance of electronic tools and social networks as communication and e-learning tools. When used appropriately, these tools can significantly enhance Broken Arrow Public Schools teaching and program effectiveness. The purpose of this policy is to provide guidance and expectations for all Broken Arrow Public Schools students, staff and patrons regarding the creation and use of emerging electronic tools used to facilitate collaboration and communication for both professional and personal use. These tools include, but are not limited to, websites, text messages, instant messages, blogs, online bulletin boards, video and photo sharing sites, wikis, social networks, and virtual worlds.

#### Permissions

Employees of Broken Arrow Public Schools are responsible for the material they publish online as well as the messages sent via computers and wireless telecommunication devices. Any conduct that negatively reflects upon the District or consists of inappropriate behavior on the part of an employee may expose that employee to disciplinary action up to and including discharge. Inappropriate behavior is defined as any activity that harms students, compromises an employee's objectivity, undermines an employee's authority or ability to maintain control of students, or is illegal.

The Technology Department shall approve the technologies suitable for use by Broken Arrow Public Schools and its programs. ~~Prior to utilizing social network technologies for professional use, employees must complete the Acceptable Use Policy for Social Networking Sites form, which is available through the Technology Department.~~

The Broken Arrow Public Schools Communications Division is responsible for creating the District's "official" online presence. Any employee who wishes to create an "official" online presence representing a group associated with Broken Arrow Public Schools must first obtain approval from their site/department administrator, if applicable, as well as the ~~Public Information Officer~~Chief Communications Officer. The employee is also responsible for making annual notification of the continued use of the communication tool to the persons named above. Published material should express individual opinions or factual information and should not take "official" positions for Broken Arrow Public Schools. Sites that accept comments or postings by anyone other than the site administrator must be frequently monitored to ensure that the content displayed fits within the guidelines established by this policy.

Students are prohibited from creating an "official" online presence for a school-sponsored group, but may work with an employee, who is also their group sponsor, in maintaining such communication tools. The employee is responsible for all content published online and should frequently monitor the information exchanged.

Copyright and fair use laws must be respected at all times. Trademarks such as logos, slogans, and digital content such as art, music, or photographs, may require permission from the copyright owner. It is the responsibility of the employee, student, or patron to seek the permission for any such trademarked content. The ~~Public Information Officer~~Chief Communications Officer must approve any and all uses of the Broken Arrow Public Schools name and/or logos.



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#### **Expectations of Students**

As a public institution of high school education, Broken Arrow Public Schools support and encourage students' rights to freedom of speech, expression and association, including the use of electronic tools and social networks. Students are responsible for complying with the District's Student Code of Conduct at all times, which includes online activity. Students will be held accountable for the content of their electronic communications, and failure to abide with this and all other policies applicable to students may result in disciplinary action.

In addition to those behaviors prohibited in the Student Code of Conduct, making demeaning statements, physical/emotional threats to another person(s), and engaging in any other behavior that can be considered cyber-bullying is unacceptable. Illegal behavior is subject to punishment as appropriate and available to the District. Students who engage in cyber-bullying also risk civil and/or criminal charges and/or lawsuits that may be filed against them by their victim(s) or their victim's family. Whenever necessary, the District will cooperate with the Cyber Crimes Units of local law enforcement agencies.

Source: *Broken Arrow Board of Education policy adoption, March 12, 2012.*  
*Broken Arrow Board of Education policy revision, <DATE>.*



**STUDENT RESIDENCY**

The district is established for the purpose of serving the educational interests of resident students. This includes homeless students, students who are not documented citizens, and students whose parents/guardians are not documented citizens. The district will not inquire into a student or parent/guardian's citizenship status as a part of enrollment, and will only use information regarding a student's living situation to better serve the student. The district will periodically review its practices and the documents it seeks as a part of establishing residency within the district to ensure that its processes are not overly burdensome and do not discourage the enrollment of homeless students and/or undocumented students.

Definitions

For purposes of this policy, the terms listed below have the following meanings:

"Residence," "residency" and "legal residence" mean the student's present place of abode, provided that it is a place where important family activities (such as sleeping, eating, working, relaxing, and playing) take place during a significant part of each day. Mere presence alone is not sufficient to establish residency. Documentary evidence that may be submitted to establish residency is identified below.

"Person having legal custody" means a person who is legally responsible for the care of the child pursuant to the order of a court or placement by a governmental agency responsible for making custody determinations and/or placements.

Basic Residency Requirements

State law provides that a child's residence for school purposes is the school district in which the (1) parents, (2) guardian or (3) person having legal custody of the child holds legal residence. Children who are foster children are granted residency in the district if they attended the district prior to entering foster care, if their current/prior foster family is/was a resident of the district, or if another child in their current foster home attends school in the district pursuant to a transfer. The district does not permit students to establish residency based on the mere affidavit of a person who has assumed permanent care and custody of the child under OKLA. STAT. tit. 70 § 1-113 or based on an attorney in fact affidavit under OKLA. STAT. tit. 10 § 700.

The district does not permit students to establish residency based on the affidavit of a person who has assumed permanent care and custody of the child under OKLA. STAT. tit. 70 § 1-113.



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POLICY 4180

### STUDENT RESIDENCY

#### Procedure for Resolving Residency Disputes

The district recognizes that there may be occasions when there is a dispute regarding residency. Upon enrollment in the school system the district will verify that the student is a resident of the district or is otherwise entitled to attend school in the district for any reason authorized by law. As a part of this verification process the district will obtain an address from each student or the student's parent, guardian, or person having legal custody of the child. In providing an address to the district that is within the district's boundaries the student and student's parent, guardian, or person having legal custody of the child represent that this address is the student's residence. The district may also require, in order to verify residency, certified copies of court orders, guardianship documents, written agreements and affidavits relating to the care, custody and control of the student and any other information the district deems relevant.

If at any time a district administrator has a reasonable belief that the reported residence may not be the residence of the child for purposes of school attendance, the administrator shall notify the student's parent, guardian, or person having legal custody of the child that there is a question regarding the student's legal residency. The student's parent, guardian, or person having legal custody of the child shall be given an opportunity to submit information regarding the student's residency to the district's residency officer. All notices required by this policy shall be in writing. Additionally, reasonable alternative arrangements for documenting communications will be made for those persons who are visually impaired or otherwise unable to communicate in writing.

Information or documentation to prove student residency in the district can be found on the district website at, [www.baschools.org/enrollment](http://www.baschools.org/enrollment). Any documentation provided shall not conflict with statutory provisions relating to the residence of students.

Any question or dispute as to the residence of a student not deemed to be a "homeless student" shall be determined by the residency officer and the board of education pursuant to the following procedures:

1. The student's parent, guardian, or person having legal custody of the child must notify the residency officer in writing of the review request within three (3) school days from the date of written denial of admittance or from the date of written notification that the student is considered not to be a resident of the district. Upon receipt of a request for review, the residency officer shall allow the parent, guardian, or person having legal custody to provide additional pertinent information in accordance with the district's criteria and the statutory provisions regarding residency. This information must be submitted with the request for review.



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2. The residency officer must render a decision and notify the student's parent, guardian, or person having legal custody of the child of the decision and reasoning therefore in writing within three (3) school days of receipt of the request for review.
3. If the student's parent, guardian, or person having legal custody of the child disagrees with the residency officer's decision, such person shall notify the residency officer in writing within three (3) school days of his or her receipt of the residency officer's decision. The residency officer will submit his or her findings and all documents reviewed to the board of education. The board of education will review the decision and the documents submitted on behalf of the district and the student and will render a decision at the next board meeting. The decision of the board of education shall be the final administrative decision.
4. In an effort to place students in school as quickly as possible, timelines shall be followed unless due to emergency circumstances both parties agree to an extension of timelines.

#### Miscellaneous Policy Provisions

Hearings involving more than one student where students are related or residing in the same household may be consolidated at the discretion of the residency officer and the board of education.

If the residency dispute involves an 18-year-old student, all notices will be delivered to the student.

If already enrolled and attending school in the district, a student or students involved in a dispute related to the student's residency may remain in school until available appeals are exhausted when the student or the student's parent, guardian, or person having legal custody of the child has filed an appeal in the manner and within the time permitted by this policy.

The residency officer shall be in charge of maintaining the files related to a residency dispute, ensuring that the principals or others directly involved in such a dispute forward their records of the dispute following their involvement, and otherwise keeping all communications involving the dispute intact.

The district's residency officer shall be the administrator in charge of enrollment.

The board of education understands that there may be some instances where residency may be established on a date other than the date the student was enrolled in the district. For any period during which a student is enrolled in the district, but is not a resident of the district, the district may charge tuition if it is established that the student's parent, guardian, or person having legal custody of the child knew or should have known that the child or children who are the subject of





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the residency dispute were not residents of the district. The tuition shall be based on a per capita cost of educating a student in the district during the preceding year. This issue may be raised along with other issues related to the residency dispute and shall be heard in the same manner.

The district shall provide for educational services for homeless children as required by law.

The district reserves the right to require reverification of student residency at the beginning of each school term.

A copy of this policy shall be provided to the student's parent, guardian, or person having legal custody of the child as soon as possible following the inception of any residency dispute.

#### **Special Definitions and Procedures Applicable to Homeless Children and Youth**

The *McKinney-Vento Homeless Assistance Act* (the "Act") applies to all children and youth who lack a fixed, regular, and adequate nighttime residence, such as a children living in homeless shelters, domestic violence shelters, runaway and homeless youth shelters, transitional living facilities, cars, campgrounds, motels or children and youth living doubled up, and homeless and migratory children.

The Act provides that homeless children and youth:

- do not need a permanent address to enroll in school;
- have a choice of school placement;
- cannot be denied school enrollment because school records or other enrollment documentation are not immediately available;
- have the right to participate in all federal, state, or local programs and activities for which they are eligible;
- cannot be isolated or separated from the mainstream school environment; and
- have the right to receive prompt resolution of any dispute regarding educational placement.

Therefore, in accordance with the Act, the district shall make reasonable efforts to identify homeless children, encourage their enrollment, and eliminate existing barriers to their education that may exist. The district will not stigmatize or segregate homeless students and youth, and these students shall have access to the same public school programs available to other students of the district. The district will identify and provide equal access to secondary education and support systems for homeless students, runaway youths and youths separated from public schools. The



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district will also work to identify and remove those barriers which prevent youths from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school.

#### Definitions

For purposes of the Act, and this policy, “homeless children and youth” means students who lack fixed, regular and adequate nighttime residence, and includes:

1. children and youths who 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; or abandoned in hospitals;
2. children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. children and youths who are living in cars, parks, public spaces, buildings, substandard housing, bus or train stations, or similar settings; and
4. migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless.

#### Programs, Activities, and Social Services

The district will provide each homeless student or youth those programs, activities, and social services available to other district students which are determined to be in the student’s best interests. The programs, activities, and services include the following:

- Preschool;
- Special education;
- Title I;
- Limited English Proficiency;
- Before and after school care;
- Academic and extracurricular activities;
- Magnet schools;
- Summer school;
- Career and technology education;
- Advanced placement;
- Online learning;



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- Charter school;
- School meals; and
- Transportation.

The district will waive those fees which may present a barrier for homeless students or youths, including those associated with the school meal programs and transportation.

#### Enrollment, Records, and Immunizations

The Act provides that homeless children and youth, individually or through a parent or guardian, may choose to attend the school in the area in which they are currently living. The district's residency officer will determine whether a student is a homeless child or youth for purposes of establishing residency and promptly advise the parent, guardian or person having legal custody of the child of the decision, both orally and in writing, if possible. If there is no such person, the residency officer will advise the student. Whenever possible, the district will comply with the wishes of either the parent, guardian, person having legal custody of the child, or student regarding enrollment. The district will enroll each homeless student and permit his or her full participation in all school programs, whether or not the student is accompanied by a parent, guardian or person having custody of the child, and without proof of residence, current immunizations and traditional enrollment documentation, such as school records and medical/immunization records. The district's homeless liaison may assist the student and school in obtaining those items. A parent, guardian or person having legal custody of the child who disagrees with the residency officer's determination may appeal the decision to the board of education under the procedure identified in this policy. If there is no parent, guardian or person having legal custody of the child available, the student may appeal the decision.

#### Appeals Procedures

The district will make every effort to resolve disputes regarding homeless children at the lowest level possible by utilizing the following process:

1. At the time a homeless student seeks enrollment, the district will notify the student or his/her family of these procedures and provide the student/family with a copy of this policy.
2. The district will promptly notify the district's homeless coordinator that a homeless student seeks enrollment, and will seek to involve the coordinator in decisions regarding the student's education.
3. Students/families who disagree with a decision regarding the student's education may meet with the coordinator for an informal resolution. The coordinator will notify the



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student/family that a written complaint may be submitted within five (5) days (or longer if agreed upon by the parties).

4. If the coordinator receives a written complaint, the coordinator will prepare a decision (plan of action) and provide it to the student/family within five (5) days of receipt of the written complaint. The coordinator will also notify the student/family of the right to appeal to the superintendent or designee.
5. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the superintendent or designee within five (5) days of receipt of the coordinator's plan. The superintendent or designee will meet with the student/family within five (5) days of receipt of the appeal. The superintendent or designee will issue a decision within five (5) days of the meeting with the student/family. The superintendent or designee will also notify the student/family of the right to appeal to the board of education.
7. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the board of education by submitting a written notice to the superintendent within five (5) days of the superintendent or designee's decision. The appeal will be placed on the next agenda (or the following agenda, if the appeal is received after the agenda posting deadline) and the board's decision is final at the district level. Students/families who are still dissatisfied with a decision regarding the student's education may file an appeal with the Oklahoma State Department of Education utilizing the procedures established by the OSDE.

The homeless status of a child or youth may be verified by the district's McKinney-Vento homeless liaison. Verification, at a minimum, shall consist of the following steps:

1. The child or youth shall be known to the person verifying his or her housing status; and
2. If verifying the status of a child or youth under eighteen (18) years of age, the person verifying shall:
  - a. check the National Missing and Unidentified Persons System (NamUs) referenced in OKLA. STAT. tit. 74, § 151.3 for the name of the child or youth,
  - b. send a letter by return receipt mail to the last known address of the parent or legal guardian of the child or youth informing the parent or legal guardian that the person verifying is assisting the child or youth in obtaining a REAL ID Noncompliant Identification Card, which shall be valid for a period of four (4) years from the month of issuance, and



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- c. if no response from the parent or legal guardian objecting to the child or youth obtaining a REAL ID Noncompliant Identification Card is received within fifteen (15) business days, the person may prepare written verification stating that the child or youth is homeless.

The written verification shall be printed on the district's letterhead and shall be dated and signed by the person verifying the status and notarized.

Reference: OKLA. STAT. tit. 70, § 1210.210; 10 O.S. § 601.6d; OKLA. STAT. tit. 74, § 151.3



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#### **Special Definitions and Procedures Applicable to Students with Active-Duty Military Parents or Legal Guardians and Transitioning Military Children**

“Children of military families” means a school-aged child(ren), enrolled in kindergarten through twelfth grade, in the household of an active duty member.

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Military Reserve on active duty orders pursuant to Title 10, Sections 1209 and 1211 of the United States Code.

“Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship or other installation under the jurisdiction of the Department of Defense or the United States Coast Guard.

“Military student” means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

“Transition” means (a) the formal and physical process of transferring from school to school or (b) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

“Sending state” means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

“Receiving state” means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

“Uniformed service(s)” 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.

#### **Establishing Residency**

A student shall be considered in compliance with residency provisions of this policy and state law if he or she is a student whose parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. The parent or legal guardian of such a student must provide proof of residence in the school district within ten (10) days after the published arrival date provided on their official documentation. The following may be used to establish proof of residency:

1. a temporary on-base billeting facility,
2. a purchased or leased home or apartment, or



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3. federal government or public-private venture off-base military housing.

State law provides that transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis, may attend school in the school district in which the noncustodial parent or person standing in loco parentis to the transitioning military child holds legal residence. Similarly, transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis may continue to attend the school in which the student was enrolled while residing with the custodial parent. A special power of attorney relating to the guardianship of a military child and executed under applicable law shall be sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

#### Enrollment

For a student whose parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order, the district shall accept applications by electronic means, including enrollment in a specific school or program within the district and course registration.

The district will promptly accept unofficial or “hand-carried” educational records and transcripts in lieu of official education records and transcripts for transitioning military children. Upon receipt of such records, the district will promptly enroll the transitioning military child. However, upon enrollment, the district will request official educational records and transcripts from the school in the sending state. The district’s residency officer will determine whether a student is a transitioning military student for purposes of establishing residency and promptly advise the parent or other person standing in loco parentis of the decision, both orally and in writing, if possible. A parent or other person standing in loco parentis who disagrees with the residency officer’s determination may appeal the decision to the board of education under the procedure identified above.

#### Grade Level Placement

Transitioning military children, including children entering kindergarten, shall be able to enroll in the same grade level in which they were enrolled in the sending state, regardless of age, time of transfer or age requirements of the receiving state.

#### Course Level and Educational Program Placement

To the extent that this district is in a receiving state, the district may subsequently perform course placement and educational program evaluations of a transitioning military student. However, the district will initially place the transitioning military student in courses and programs comparable to those in which the student was a participant while in the sending state, including, but not limited to, Honors, International Baccalaureate, Advanced Placement, Gifted and Talented, English as a



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Second Language, Special Education and technology and career pathway courses. The district will make these accommodations whether or not the student has fulfilled the necessary prerequisites in the district or receiving state.

#### Extracurricular Activities

When appropriate, the district will provide transitioning military children the opportunity to participate in extracurricular participation, regardless of application deadlines.

#### Immunizations

Transitioning military children shall have thirty (30) days from the date of enrollment to obtain any immunizations required by Oklahoma law. For a series of immunizations, such children must obtain initial vaccinations within thirty (30) days.

#### Tuition

The district may not charge tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a school district other than that of the custodial parent if the parent or other person standing in loco parentis lives within the boundaries of this district.

Reference: 42 U.S.C. §11301 et seq.; OKLA. STAT. tit. 70 §§ 510.1, 1-113, 8-103.1 (2021)

Source: *Broken Arrow Board of Education policy adoption, October 11, 2021.*  
*Broken Arrow Board of Education policy revision, <<DATE>>.*





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## **POLICY 4190**

### **MEDICATION TAKEN AT SCHOOL**

#### **Purpose**

The purpose of this policy is to identify when district personnel are authorized to administer medication to students, when students are authorized to self-medicate and how district personnel will maintain, administer, monitor and dispose of student medication.

#### **Definitions**

For purposes of this policy, these terms have the following definitions:

“Inhaler” means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

“Medicine” or “medications” includes prescription medications and over-the-counter medicines such as but not limited to aspirin, cough syrup, medicated ointments and any other item used to treat an illness, disease or malady. This term shall not include “Sunscreen” as defined below.

“Parent” means a parent, a court-appointed guardian or a person having legal custody of a minor student.

“Respiratory distress” means the perceived or actual presence of coughing, wheezing or shortness of breath.

“Sunscreen” means a compound topically applied to prevent sunburn.

“Opioid antagonist” means a drug including, but not limited to, naloxone that blocks the effects of opioids and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

#### **Policy**

Under Oklahoma law, a school nurse, an administrator or a designated district employee may administer prescription and nonprescription medications and assist in applying sunscreen to students. Only designated employees who have successfully completed specific training in the administration of nonprescription and prescription medications may administer medication to students with legitimate health needs.

Homeopathic/Herbal Medication: Homeopathic and herbal medicines may be given by the nurse or designee if the medication is FDA approved and the requested dosage is age-appropriate according to the directions on the manufacturer’s label. Written permission from the student’s physician and/or parent must accompany the request for medication administration.

No experimental or investigational drug without FDA approval will be administered at school.

Except as provided in this policy and in a student’s diabetes care plan, students may not retain possession of or self-administer any medicine. Violation of this rule will be reported to the student's parent and may result in discipline, including out-of-school suspension.



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As further set out below, the district retains the discretion to reject requests for the administration of medication or application of sunscreen and to discontinue the administration of medication or application of sunscreen.

Parents are responsible for the delivery of medication to the school health office. Medication should be in its original container with the parent's written authorization for administration of the medicine. Sunscreen for application by a school nurse or designee must be delivered to the health office in its original container with the parent's written authorization for application of sunscreen. The parent's authorization for either medicine or sunscreen must identify the student, the medicine or sunscreen, and include or refer to the label for instructions on administration of the medicine. The school nurse, an administrator, or a designated employee will administer the medicine to the student or assist the student in applying sunscreen pursuant to the parent's instructions and the directions for use on the label or in the physician's prescription. The parent must complete a new authorization form annually and for each change of medication or sunscreen. The school will maintain the authorization form as a part of the student's health record. Authorization forms will be available in the health office. A parent who chooses to do so may come to the school and personally dispense medication or apply sunscreen to the student.

School health staff will keep a record of the students to whom medicine is administered or sunscreen is applied, the date of administration or application, the person who administered the medicine or applied the sunscreen and the name or type of medicine or sunscreen administered.

Medications and sunscreen will be stored in a locked drawer or cabinet that is readily accessible only to the persons who will administer the medication or sunscreen. Medications requiring refrigeration will be refrigerated in a secure area.

Any person administering medicine or applying sunscreen to a student will participate in training each year conducted by a school nurse or other health care professional. The training will include:

- Review of school rules and regulations (including this policy) regarding administration of medication by school personnel;
- Procedures for administration, documentation, handling and storage of medication and sunscreen; and
- Medication needs of specific students, desired effects, potential side effects, adverse reactions and other observations.

Only those persons who successfully complete the training are authorized to administer medication or apply sunscreen. Each school site will maintain a current list of those authorized to administer medication and apply sunscreen at that site.

Students who are able to self-administer specific medications, such as inhaled asthma medication, anaphylaxis medication, replacement pancreatic enzymes, or use specialized equipment, such as an inhaler or Epinephrine injector, may do so provided such medication and specialized equipment are transported and maintained under the students' control in compliance with the following rules:



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- A licensed physician or dentist must provide a written order that the student has a particular medical condition (asthma, anaphylaxis, cystic fibrosis, etc.), is capable of and has been instructed in the proper method of self-administration of medication. It is the parent's responsibility to contact the physician and have the physician complete and return the required order.
- The parent must provide a written authorization for self-administration of medication.
- Parents who elect self-administration understand and agree that the school, its agents and employees shall incur no liability for any adverse reaction or injury the student suffers as a result of self-administration of medication and/or use of specialized equipment.
- The written authorization will terminate at the end of the school year and must be renewed annually.
- If the parent and physician authorize self-medication, the district is not responsible for safeguarding the students' medications or specialized equipment.
- Students who self-medicate are prohibited from sharing or playing with their medication or special equipment. If a student engages in these activities the parent will be contacted and a conference will be scheduled with the parent, student, nurse and other appropriate persons.
- Students will not be allowed to self-administer:
  - Narcotics;
  - Prescription pain killers;
  - Medication used to treat ADD/ADHD or other psychological or behavior disorders; and
  - Other medication hereafter designated in writing by the district.
- Except as otherwise stated in an individual student's school health plan, students may self-administer non-diabetes and non-anaphylaxis-related injectables only in the health office in the presence of authorized school personnel. Diabetes-related injectables will be administered in accordance with the school's diabetes care and management policy.
- The parent will provide an emergency supply of a student's inhaled asthma medication or anaphylaxis medication or replacement pancreatic enzymes to be administered by school personnel, as required by state law.

Students who are able to self-apply sunscreen may do so provided such sunscreen is regulated by the Food and Drug Administration. Students may self-apply sunscreen without the written authorization of a parent,



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legal guardian or physician. All students are permitted to possess sunscreen that is regulated by the Food and Drug Administration.

#### **Sunscreen**

District staff will only assist the student in applying sunscreen with the parent's written authorization and according to label directions or, if applicable, written instructions from the student's physician. The sunscreen must be in the original container indicating:

- Ingredients; and
- Directions for Application.

#### **Nonprescription Medication**

Standing Medical Orders are signed annually by the Broken Arrow Public Schools Physician Consultant. The orders authorize the school nurse or trained designee to administer oral and topical nonprescription medication, stocked in the health office, to students in relation to specific medical conditions as outlined on the Standing Medical Orders Document and per nursing Policy and Procedure. The orders are available for parents to review on the district website under the department of Health Services. In order for the school nurse or designee to administer stock nonprescription medication, parents must provide authorization. Parents who authorize the use of nonprescription stock medication understand and agree that the school, its agents and employees shall incur no liability for any adverse reaction or injury a student may suffer as a result of the use of stock nonprescription medication administered with parent permission and in accordance with the Standing Medical Orders.

In order to administer medications that are not listed in the district's Standing Medical Orders, parents must provide the medication and written authorization. District staff will only administer nonprescription medication according to label directions or written instructions from the minor student's physician. The medication must be in the original container that indicates:

- Student name (affixed to the container);
- Ingredients;
- Expiration date;
- Dosage and frequency;
- Administration route, i.e., oral, drops, etc.; and
- Other directions as appropriate.

School staff will only administer aspirin (acetylsalicylic acid) and products containing salicylic acid with written instructions from the student's physician.



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#### **Prescription Medication**

Except for district-wide Epinephrine injectors and district-wide inhalers district staff will only administer prescription medication with written authorization and instructions. Prescription medication must be in the original container that indicates:

- Student name;
- Name and strength of medication and expiration date;
- Dosage and directions for administration;
- Name of the licensed physician or dentist; nurse practitioner or physician's assistant
- Date, name, address and phone number of the pharmacy.

The parent must provide and maintain the supply of prescription medication for the student.

The parent must reclaim any remaining medication by the last official day of school closing or within seven days after the prescribing physician discontinues the medication. The school nurse or designated employee will destroy in a nonrecoverable fashion in the presence of a witness any medication not timely reclaimed. The person who destroys the medication will record the following information:

- Date of destruction;
- Time of destruction;
- Name and quantity of medication destroyed; and
- Manner of destruction of medication

Any and all controlled substances will be destroyed according to state law.

The school nurse or designated employee will advise the principal if discontinuance of medication to a student is appropriate and assist in informing the parent. Legitimate reasons for discontinuing administration of medication include, but are not limited to the following:

- A legitimate lack of space or facility to adequately store specific medication;
- Lack of cooperation by the student, parent and/or prescribing doctor;



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- An unexpected and/or adverse medical reaction to the medication at school, i.e., mood change, allergic reaction, etc., considered to be harmful to the health and well-being of the student;
- Any apparent change in the medication's appearance, odor, or other characteristics that raise reasonable doubts about the quality of the medication; and
- The medication expiration date has passed.

#### **Diabetic Management**

A certified school nurse will develop a written care plan based on individual Diabetes Medical Management Plan (IDMMP) provided by the student's physician/provider. The care plan will be developed in accordance with the IDMMP and identify the health services the student may need at school or during a school field trip. District personnel may request that the parent provide written authorization for the school nurse to confer with the student's physician. New physician/provider IDMMP's are required annually and the certified school nurse will write a new care plan annually.

Health aide's and all staff who may engage in care for the diabetic student will undergo annual training and demonstrate competency.

#### **Medication Administration During School-Sponsored Trips/Off-Campus Activities**

Field Trip and Activity Permission Forms will be sent home by teachers/sponsors prior to any trip or off-campus activity. Each student must have a signed permission form in order to participate in a trip/off-campus activity. Parents must complete the medication preferences section of the form.

As authorized by the parent on the Field Trip and Activity Permission Form:

- Epinephrine injectors and inhalers that parents have previously provided to the health office will be sent for as-needed use.
- All medications (prescription and nonprescription) will be sent in original, labeled packaging. The medications will be kept in a locked container for administration by trained personnel during the trip/activity.

Teachers/Sponsors will be trained in procedures for the safe administration of medication prior to administering medication during a school-sponsored trip or off-campus activity.

#### **Seizure-Rescue Medication (*Seizure-Safe Schools Act*)**

Every school site that has a student enrolled who (1) has a seizure disorder and (2) has a seizure rescue medication or other medication prescribed to treat seizure disorder symptoms approved by the Food and Drug Administration and any successor agency that is prescribed by the student's health care provider, the district shall have at least one employee who has met the training requirements necessary to (1) administer or assist with the self-administration of seizure medication, and (2) recognize the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.



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Before a seizure rescue medication can be administered to a student to treat seizure disorder symptoms, the student's parent or legal guardian shall do the following:

- Provide the school with **written authorization** to administer the medication at school;
- Provide a **written statement** from the student's health care provider that shall contain the following information:
  - Student's name,
  - Name and purpose of the medication,
  - Prescribed dosage,
  - Route of administration,
  - Frequency that the medication may be administered, and
  - Circumstances under which the medication may be administered;
- Provide the **prescribed medication** to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy; and
- Collaborate with school personnel to create a "**seizure action plan**," which means a written, individualized health plan designed to acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder.

The written authorization and seizure action plan shall be kept on file in the school's health office, and shared with any school personnel responsible for the supervision or care of the student. The written authorization and seizure action plan shall be effective only for the school year in which written authorization is granted and may be renewed each following school year upon fulfilling requirements A–D above.

### **Emergency District-Wide Use of Epinephrine Injectors, Inhalers, and Opioid Antagonist**

District medical personnel or any other person designated by the Superintendent may administer, regardless of whether there is a prescription or standing order in place, an emergency medication to students or other individuals who exhibit signs or symptoms of medical distress. District employees are still required to call 911 in the event of an emergency, and notify students' parents/guardians of the administration of an emergency medication. Annual written notice will be provided to all parents/guardian that trained employees are authorized to administer these emergency medications.

#### Epinephrine Injectors

The board of education has authorized the superintendent to obtain a prescription for Epinephrine injectors in the name of the school district. This prescription will be of a quantity sufficient to provide for two (2) injectors in a secure location at each school site.

The superintendent will designate personnel to:



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- Be responsible for obtaining and maintaining an adequate supply of injectors for each school site;
- Ensure appropriate training on the administration of the injectors for designated staff members;

Only a school nurse or school employee trained by a health care professional will be required to agree to be trained in the use of Epinephrine injectors or to administer Epinephrine injections.

#### **Inhalers**

The board of education has authorized the superintendent to obtain a prescription for inhalers and spacers or holding chambers in the name of the school district. This prescription will be of a quantity sufficient to provide for two (2) inhalers with spacers and holding chambers in a secure location at each school site.

The superintendent will designate personnel to:

- Be responsible for obtaining and maintaining an adequate supply of inhalers with spacers and holding chambers for all school sites;
- Ensure appropriate training on the administration of the inhalers with spacers and holding chambers for designated staff members;

Only a school nurse or school employee trained by a health care professional will be required to agree to be trained in the use of inhalers with spacers and holding chambers.

#### **Opioid Antagonist**

The board of education has authorized the superintendent to obtain opioid antagonist of a quantity sufficient to provide for availability in a secure location at each school site.

The superintendent will designate personnel to:

- Be responsible for obtaining and maintaining an adequate supply of opioid antagonist for each school site;
- Ensure appropriate training on the administration of the opioid antagonist for designated staff members;

Only a school nurse or school employee trained by a health care professional will be required to agree to be trained in the use of opioid antagonist or to administer opioid antagonist.

~~Any person administering an emergency opioid antagonist to a student or other individual at a school site or school-sponsored event, in a manner consistent with addressing opioid overdose, shall be covered by Oklahoma's Good Samaritan Act. In the event of a suspected overdose, the district and its employees or designees shall be immune from civil liability in relation to administration of an emergency opioid antagonist.~~





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Any first responder who administers or provides an emergency opioid antagonist in good faith and in a manner consistent with addressing opioid overdose is not liable for any civil damages as a result of any acts or omissions by such first responder except for committing gross negligence or willful wanton wrongs in administering or providing such emergency opioid antagonist. Pursuant to OKLA. STAT. tit. 63, § 1-2506.1, for purposes of this section a “first responder” shall include medical personnel at schools including any public or charter schools, technology center schools and institutions or higher education. “Medical personnel at schools” means a certified school nurse or any other nurse employed by or under contract with a district, any licensed practitioner of the healing arts, or any person designated by the school administration to administer an emergency opioid antagonist.

#### **Medical Marijuana/Cannabidiol Products**

Refer to BAPS Board Policy 5375

#### Reference:

- OKLA. STAT. tit. 70, § 1-116.2, 70 § 1-116.3
- OKLA. STAT. tit. 70, § 1210.199
- OKLA. STAT. tit. 70, §1210.242
- OKLA. STAT. tit. 63, §1-2506.1
- OKLA. STAT. tit. 70, § 1210.183
- OKLA. STAT. tit. 70, §1210.196.3

#### Source:

- Broken Arrow Board of Education policy adoption, April 4, 1983.*
- Broken Arrow Board of Education policy revised, August 6, 1984.*
- Broken Arrow Board of Education policy revised, June 2, 1997.*
- Broken Arrow Board of Education policy revised, April 2, 2001.*
- Broken Arrow Board of Education policy revised, August 4, 2003.*
- Broken Arrow Board of Education policy revised, July 13, 2009.*
- Broken Arrow Board of Education policy revised, July 14, 2014.*
- Broken Arrow Board of Education policy revised, July 10, 2017.*
- Broken Arrow Board of Education policy revised, November 12, 2018.*
- Broken Arrow Board of Education policy revised, November 4, 2019.*
- Broken Arrow Board of Education policy revised, June 1, 2020.*
- Broken Arrow Board of Education policy revised, October 11, 2021.*
- Broken Arrow Board of Education policy revised, July 17, 2023.*
- Broken Arrow Board of Education policy revised, November 6, 2023.*
- Broken Arrow Board of Education policy revised, July 15, 2024.*
- Broken Arrow Board of Education policy revised, <Date>*



## SECTION IV: STUDENTS

## POLICY 4350

### STUDENT PARTICIPATION IN ACTIVITIES-SECONDARY SCHOOLS

The Broken Arrow Schools provide an extensive program of educational opportunities for all students. This includes a strong academic program which is enhanced by an activity program designed to give every student an opportunity to participate, to compete, to develop leadership and citizenship skills, and to experience success in worthwhile projects.

To ensure a balance between the curricular and extra-curricular components of the program, students will not be permitted to be absent from the classroom more than ten (10) times from any one class period of each school year to participate in school-approved activities except for state and national level contests for which the student has earned the right to compete.

Activity absences exempted from this policy shall be the following:

1. Counseling, health, and administrative services
2. OSSAA Qualifying Events
3. Testing services
4. Required assemblies
5. Required meetings of student governing and advisory boards
6. All activities identified in regulations of the Oklahoma State Department of Education guidelines:
7. ~~Any Oklahoma Secondary Schools Activities Association (OSSAA) Qualifying event~~ FFA and 4H Activities

Any student whose activities in school-sponsored or school-sanctioned activities which require more than ten (10) absences may appeal through the principal of the school to the Internal Activities Review Committee for an exception to this policy. Any deviation from this policy shall not exceed five (5) additional absences.

Each school shall be responsible for establishing a record-keeping system in order to maintain an accurate account of class periods missed by each student and the reason therefore.

Source: *Broken Arrow Board of Education policy adoption, October 21, 1985.*  
*Broken Arrow Board of Education policy revised, July 13, 2009.*  
*Broken Arrow Board of Education policy revised, July 10, 2017.*  
*Broken Arrow Board of Education policy revised, November 12, 2018.*  
*Broken Arrow Board of Education policy revised, <DATE>.*



## SECTION IV: STUDENTS

## POLICY 4360

### STUDENT RECORDS

#### Purpose

This policy and the procedures included within it are intended to satisfy the requirements of the Family Educational Rights and Privacy Act (FERPA) and Oklahoma law. The board of education authorizes the superintendent to inform parents, students and the public of the policy and to take appropriate action to implement the policy and procedures.

#### Definitions

For purposes of this policy, the following definitions apply:

1. Student - Any individual who attends or has attended a program of instruction sponsored by the board of education of the district and for whom it maintains education records.
2. Eligible student - A student who has reached age 18 or is attending a postsecondary school.
3. Parent - A parent of a student, including a natural parent, a guardian or an individual acting as a parent in the absence of a parent or guardian. The district will assume that either parent has a right of access to records regardless of custody orders unless the district has been provided with evidence that the right of access has been revoked. Documents such as a court order or other legally binding document relating to such matters as divorce, separation or custody that specifically revoke the right to inspect and review records must be provided to the district to prevent parent access to student records.
4. Education records - Any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other method of recording information) directly related to a student and maintained by the district or a party acting for the district, except:
  - A. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - B. Records of a law enforcement unit of the district, but only if education records maintained by the district are not disclosed to the unit, and the law enforcement records are maintained separately from education records; maintained solely for law enforcement purposes; and disclosed only to law enforcement officials of the same jurisdiction.
  - C. An employment record made and maintained in the normal course of business that is not available for use for any other purpose and that relates exclusively to a student in his or her capacity as a district employee. (This provision does not include employment activities for which a student receives a grade or credit in a course.)



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- D. Records on an eligible student that are:
  - i. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity;
  - ii. Made, maintained or used only in connection with treatment of the student (treatment does not include remedial educational activities or activities that are part of the program of school instruction); and
  - iii. Disclosed only to individuals providing the treatment.
- E. Alumni records that relate to the student after he or she no longer attends classes provided by the district that are not directly related to the individual as a student.
- F. Grades on peer-graded papers before they are collected and recorded by a teacher.
- 5. Personally identifiable information – The term includes, but is not limited to any 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. The term also includes information requested by a person who the district reasonably believes knows the identity of the student to whom the education records relates. Personally identifiable information includes the student's name; the student's parents' or other family member's name; the student's or family's address; a personal identifier such as the student's social security number, student number or biometric record; and other indirect identifiers such as the student's date of birth, place of birth and mother's maiden name.
- 6. Dates of attendance -
  - A. The period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester or a first quarter.
  - B. The term does not include specific daily records of a student's attendance at an educational agency or institution.
- 7. Directory information - Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Student identification numbers, if displayed on school ID badges, are also considered directory information unless the use of a password or PIN is required to authenticate the use of the ID number.



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8. Authorized representative – An individual directly employed by a local or state educational agency, an entity designated by the local or state educational agency, or an individual employed by such entity engaging in audits, evaluations or any other compliance or enforcement activity.
9. Early childhood education program – Head Start or Early Head Start programs, state licensed or regulated childcare programs, and other similarly situated programs.
10. Education program – Elementary, secondary, postsecondary, career and technical institutes and schools or any program that is principally engaged in the provision of education.

#### Annual Notice

The district will notify parents and eligible students annually of their rights under FERPA by means of a district newsletter, newspaper notice, school handbook or individual notice. The notice will inform parents and eligible students that they have the right to:

1. Inspect and review the student's education records. The notice will also identify the procedure for exercising this right.
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The notice will also identify the procedure for requesting amendment.
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and its implementing regulations authorize disclosure without consent. The district will also include in the notice its policy for disclosing education records to schools in which the student subsequently seeks or intends to enroll, its criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
4. File a complaint with the U.S. Department of Education concerning the district's alleged failure to comply with FERPA.

The district will arrange to provide translations of its annual notice to non-English speaking parents in their native language and to effectively notify parents or eligible students who are disabled.

All rights and protections given parents under FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a postsecondary school. The student then becomes an "eligible student."



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#### The Right to Inspect and Review the Student's Education Records

Parents of students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. The parent or eligible student may also provide consent to have a representative inspect and review the records. Access will be provided during school hours and within no more than 45 days of the request.

Access to a child's confidential records will be provided upon request before any IEP meeting or hearing relating to the identification, evaluation or educational placement of a child or the provision of a free and appropriate education to the child and in all cases within no more than 45 days of a request.

The district will not withhold a parent's or eligible student's right to inspect and review student records because of debts owed the district.

The right to inspect education records also includes the right to an explanation and interpretation of the records by school officials.

Parents or eligible students should submit to the student's school principal a written request that identifies as precisely as possible the records he or she wishes to inspect. Since a student's records may be maintained in several locations, the school principals should offer to collect copies of records or the records themselves from locations other than a student's school, so they may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will make every effort to accommodate their wishes. The principal (or other custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

The district is not required to give an eligible student access to treatment records (as defined by the term "education records" in the Definitions section of this policy), but the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

#### Provision of Records to Receiving Virtual Charter School

The District shall transmit a student's records to a virtual charter school within three (3) school days after receiving notice that the student has transferred to the virtual charter school.

#### Copies of Records

The district will provide the parent with a copy of the student's education records under the following circumstances: \_\_\_\_\_



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1. If mutually agreed by both the parent or eligible student and the district.
2. If failure to provide copies would effectively prevent the parent or eligible student from exercising the right to inspect and review the records. This may arise when a valid reason, such as working hours, the distance between record location sites or health, prevents a parent or eligible student from personally inspecting and reviewing a student's education record.
3. At the request of the parent or eligible student when the district has provided the records to third parties by the prior consent of the parent or eligible student.
4. At the request of the parent or eligible student when the district has forwarded the records to another school where the student seeks or intends to enroll.

The district will charge a fee for copies of education records. When a fee represents an unusual hardship, the record custodian may waive it in part or entirely. However, the district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The district's fee for copies provided under FERPA will range from no cost to .25 per page (actual copying cost less hardship factor). The district will not charge for the costs of search and retrieval.

#### Types and Locations of Education Records in the District

~~The Board of Education intends to comply with the Family Educational Rights and Privacy Act (FERPA). The Superintendent will designate an administrator to oversee compliance with FERPA. For purposes of this policy, the School District uses the following definitions of terms.~~

#### Student

~~Any individual who is or has been in attendance in the Broken Arrow School District and for whom the District maintains educational records.~~

#### Eligible Student

~~A student or former student who has reached age 18 or is attending a postsecondary school.~~

#### Parent

~~Either natural parent of a student unless his or her rights under FERPA have been removed by a court order, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. The District assumes that either parent has the right of access to records regardless of custody orders unless the District has been provided with evidence that this right has been revoked. Documents such as a court order or legally binding document relating to such matters as divorce, separation, or custody that specifically revoke the right to inspect and review records must be provided to the District to prevent parent access to records.~~



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#### Unauthorized Person

~~Any party seeking access to student records who is not specifically granted such access under this policy.~~

#### Education Records

~~Any record that is directly related to a student and maintained by the District or a party acting for the District. The term does not include:~~

- ~~1. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.~~
- ~~2. Records of a law enforcement unit of the District, but only if the education records of the District are not disclosed to the law enforcement unit, and the law enforcement records are maintained separately from education records, are used only for law enforcement purposes and are disclosed only to law enforcement officials of the same jurisdiction.~~
- ~~3. Records of an individual who is employed by the District and that are made and maintained in the normal course of operations, relate to the individual's capacity as an employee and are not available for use for any other purpose. Records relating to a student who is employed by the District as a result of the status of student (work study students, for example) are education records and are not accepted under this section.~~
- ~~4. Records on a student who is 18 years of age or older or is attending an institution of post-secondary education that are;
  - ~~• Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity.~~
  - ~~• Made, maintained, or used only in connection with treatment of the student.~~
  - ~~• Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.~~~~
- ~~5. Records created or received that only contain information about an individual after the person is no longer a student in the Broken Arrow School District and that are not directly related to the individual's attendance as a student.~~
- ~~6. Grades on peer graded papers before they are collected and recorded by a teacher.~~

#### Personally Identifiable Information

~~The term includes, but, is not limited to:~~

- ~~1. The student's name;~~
- ~~2. The name of the student's parent or other family members;~~





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- ~~3. The address of the student or student's family;~~
- ~~4. A personal identifier, such as the student's social security number, student number, or biometric record;~~
- ~~5. Other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name;~~
- ~~6. 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~~
- ~~7. 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.~~

~~In accordance with FERPA, the Broken Arrow School District designates the following personally identifiable information as directory information that will be released upon request, provided that the information is a part of the student's education records and that the District has not been notified to withhold the information:~~

- ~~1. Student's name~~
- ~~2. Address~~
- ~~3. Telephone listing~~
- ~~4. Date and place of birth~~
- ~~5. Grade level~~
- ~~6. Participation in officially recognized activities and sports~~
- ~~7. Weight and height of members of athletic teams~~
- ~~8. Dates of attendance~~
- ~~9. Degrees, honors and awards received~~
- ~~10. The most recent previous educational institution attended~~
- ~~11. Photograph~~



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~~Principals may release the above mentioned student directory information to requesting colleges unless an exclusion request is on file for a specific student. All other requests for student directory information should be made through the Superintendent's designee at the administrative center. This includes requests from all public and private non-profit or for-profit entities.~~

~~Parents and eligible students have the right to exclude directory information from public access by so notifying the school of attendance. The request should be made to the principal of the school in writing. A notation will then be made on the records to prevent release of the designated student directory information for the specified student. Once such a notation is made it remains in effect until the parent or eligible student revokes the request by written notification to the principal.~~

#### Notification of FERPA Rights

~~The Superintendent's designee will notify parents and eligible students yearly of their rights under FERPA by means of a District newsletter, newspaper notice, school handbook, or individual notices. Enrollment packets contain a statement of FERPA rights. Parents will be provided a copy of FERPA rights at placement meetings or Individualized Educational Program (IEP) meetings for special education services, as well as when they give consent for individual student testing.~~

~~The following rights are specified:~~

- ~~1. The right to inspect and review the student's education records.~~
- ~~2. The right to request the amendment of education records to ensure they are not inaccurate, misleading, or in violation of the student's privacy or other rights.~~
- ~~3. The right of consent to disclose education records except to the extent that FERPA authorizes disclosure without consent.~~
- ~~4. The right to file complaints with the U.S. Department of Education and to receive information from the District as to where a complaint should be filed concerning alleged violations of the requirements of FERPA.~~
- ~~5. The right to obtain a copy of this policy adopted by the District and to be informed as to how this request can be made. A translation of the policy will be provided to any parent, guardian, or eligible student upon request.~~
- ~~6. The right to exclude the release of directory information by following the procedures in this policy.~~

#### The Right to Inspect and Review the Student's Education Records

~~A parent or an eligible student may inspect and review the student's cumulative records upon request to the building principal. Access will be provided during school hours and within 45 days of the request.~~



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~~Access to a child's confidential records will be provided upon request before any IEP meeting or hearing relating to the identification, evaluation, or educational placement of a child or the provision of a free and appropriate education to the child, and in all cases within 45 days of a request. Access to confidential records should be requested in writing from the Executive Director of Special Services.~~

~~The right of access to education records shall not be withheld from parents or eligible students because of debts owed to the District.~~

~~The right to inspect student records also includes:~~

- ~~1. The right to an explanation and interpretation of the records by school officials.~~
- ~~2. The right to copies of the records if failure to provide the copies would effectively prevent the parent from exercising the right to inspect and review the records. A \$.25 per page fee for photocopying may be charged. There will be no charge for searching for records.~~

~~The right to have a representative of the parent or eligible student inspect and review the records.~~

### Types of and Location of Students' Educational Records

TYPES	LOCATION	SCHOOL OFFICIAL
Cumulative Files (current students)	Counseling Office	School Counselor
Cumulative Files (former students)	Warehouse	Director of Ancillary Services
Health Records	School Health Offices	School Nurse
Confidential File	Special Services Office	Executive Director of Special Services and/or Records Secretary
Transcripts	High School	Counselor's Office or Registrar

LOCATION	SCHOOL OFFICIAL	REFERENCE
<u>Record</u>	<u>Retention Period</u>	<u>Reference</u>
<u>Transcripts</u> <u>Includes: name, address, phone, birth date/place, courses (with grades), GPA and/or class rank</u>	<u>80 years from student's last date of enrollment</u>	<u>70 O.S. § 24-114.C</u>
<u>May include: academic &amp; extracurricular honors &amp; awards, degrees, extracurricular or</u>		



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<u>after-school activities</u>		
<u>Screening results (from a regional education service center)</u>	<u>Must destroy when information no longer needed or when student turns 18, whichever is earlier</u>	<u>70 O.S. § 1210.277</u>
<u>Records of access</u>	<u>5-7 years from student's last date of enrollment</u>	<u>20 U.S.C. § 1232g (b)(4)(A) 70 O.S. § 24-114.D</u>
<u>Special education records</u>	<u>5 years from student's last date of special education services, with 60 day notice to parents or student</u>	
<u>All other student records</u>	<u>5-7 years from student's last date of enrollment</u>	<u>70 O.S. § 24-114.D</u>

### Directory Information

The district designates the following information contained in a student's record as "directory information," and it will disclose that information without the prior written consent of the parent or eligible student:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's dates of attendance;
6. The student's grade level (i.e., first grade, tenth grade, etc.);
7. The student's participation in officially recognized activities and sports;
8. The student's degrees, honors and awards received;
9. The student's weight and height, if a member of an athletic team;
10. The most recent educational agency or institution attended;



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11. The student's photograph; and
12. The student's electronic mail address.

The district will notify parents and eligible students annually of the designated items of directory information by means of a district newsletter, newspaper notice, school handbook or individual notice. Parents and eligible students have the right to exclude directory information from public access by notifying the superintendent's office in writing of any or all of the items they refuse to permit the district to designate as directory information about that student. The student's records will be marked to indicate the items the district will designate as directory information about that student. This designation will remain in effect until it is modified by the written direction of the student's parent or the eligible student.

#### Use and Disclosure of Student Education Records

District officials may release information from a student's education record if the student's parent or the eligible student gives his or her signed and dated prior written consent for the disclosure. The written consent must:

1. Specify the records that may be disclosed;
2. State the purpose of the disclosure; and
3. Identify the party or class of parties to whom the disclosure may be made.

The district will only release information from or permit access to a student's education record with a parent or eligible student's prior written consent, except in the following instances permitted by FERPA:

1. The disclosure is to other school officials, including teachers, within the district whom the district has determined to have legitimate educational interests.

A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the board; a person or company with whom the district 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.

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. The district will use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. The district will ensure that its policy for controlling access to education records is effective and remains in compliance with the legitimate educational interest requirement of the FERPA regulations.



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- A contractor, consultant, volunteer or other party to whom the district has outsourced institutional services or functions may be considered a school official provided that the outside party performs an institutional service or function for which the district would otherwise use employees; is under the district's direct control concerning the use and maintenance of education records; and is subject to the requirements of FERPA regulations governing the use and redisclosure of personally identifiable information from education records.
2. The disclosure is to officials of another school, school system or institution of post secondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer. (Parents and students have a right to obtain copies of the records disclosed under this provision).
  3. The disclosure is to authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local educational authorities. Military services representatives shall have access to student directory information unless the parent, legal guardian or the student age 18 or older specifically denies such access in writing. Military services representatives have the same access to secondary school students as is generally provided to post secondary institutions or prospective employers unless denied in writing by the parent, legal guardian or student age 18 or older.
  4. The disclosure is in connection with financial aid for which the student has applied or that the student has received, if necessary, to determine eligibility for the aid, the amount of the aid, the conditions for the aid, or to enforce the terms and conditions of the aid.
  5. The disclosure is to organizations conducting studies for or on behalf of the district to develop, validate or administer predictive tests, administer student aid programs or improve instruction in compliance with Section 99.31(a)(6) of the FERPA regulations.
  6. The disclosure is to accrediting institutions to carry out their accrediting functions.
  7. The disclosure is to parents of eligible students if the parents claim the student as a dependent as defined in Section 152 of the Internal Revenue Code of 1986.
  8. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision unless:
    - A. the disclosure is in compliance with a federal grand jury subpoena and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the



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subpoena not be disclosed;

B. the disclosure is in compliance with any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

C. the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of an offense listed in the Patriot Act or an act of domestic or international terrorism as defined by law;

D. the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff; or

E. the parent or eligible student initiates legal action against the district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.

9. The disclosure is to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat, 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.

10. The disclosure contains only "directory information" as defined in this policy, and the parent or eligible student has not refused to allow the district to designate that item as directory information for the student.

11. The disclosure is made directly to the parent or eligible student.

12. If a state law adopted before November 19, 1974, allows certain specific items of information to be disclosed in personally identifiable form from student records to state and local officials or authorities concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released or if a state law adopted after November 19, 1974, allows such information to be disclosed to state or local officials concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.



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Prior to the release of education records without a parent or eligible student's advance written consent, the district will require an authorized representative of the entity receiving the records to complete a written agreement. The agreement will state, at a minimum:

- the identity of the authorized representative
- the specific personally identifiable information that is to be disclosed
- a clear description of the activity and purpose for the disclosure
- the authorized representative will not re-disclose the personally identifiable information
- the authorized representative will destroy the personally identifiable information within the time set forth in the agreement

The district will use reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the district discloses personally identifiable information from education records.

Upon request, the student's parent or eligible student may obtain a copy of any records disclosed under this provision.

#### Record of Requests for Access and Disclosures Made from Education Records

The district will maintain an accurate record of each request for access to and each disclosure of personally identifiable information from the education records of each student. The district will maintain this record with the student's education records as long as the records are maintained.

For each request or disclosure, the record will include:

1. The name of the party who requested or received personally identifiable information from the education records; and
2. The party's legitimate interests in requesting or obtaining the information.

The district will record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception in FERPA:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the district disclosed the information.

As permitted by FERPA, the district may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student. The district will inform a party to whom such disclosure is made of this nondisclosure requirement.





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In the alternative, the district may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosure of the information on the district's behalf if:

1. The disclosures meet the requirements of the Use and Disclosure of Student Education Records section of this policy (§99.31);
2. The district makes a record of the disclosure that includes the names of the additional parties to whom the receiving party may disclose the information on the district's behalf and the legitimate interests each additional party has in requesting or obtaining the information (§99.32(b)); and
3. The district maintains a record of the names of state and local educational authorities and federal officials and agencies that may make further disclosures of personally identifiable information from the student's education records without prior written consent and maintains this record with the student's education records as long as the records are maintained (§99.32(b)(2)).

#### Procedures to Seek to Correct Education Records

Parents and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading or in violation of student rights. The district will not use this procedure to consider a request to change the grade a teacher assigns for a course. The district must continue to maintain an official, permanent record with the legal name and gender appearing on the student's birth certificate. Absent authorization from the State Board of Education, the district will not modify sex or gender designations on any prior year records. The district will inform the State Board of Education of any pending litigation or any court order related to altering sex or gender designations in school records. The district will provide such notification to the executive secretary of the State Board within 14 calendar days of the district's knowledge of such litigation.

For purposes of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is alleged to be inaccurate, misleading or in violation of student rights. The term "correct" will be used to describe a record that is alleged to be accurate, not misleading and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a student or the eligible student who is asking the district to correct a record.

To establish an orderly process to review and correct an education record for a requester, the district may make a decision to comply with the request for a change at several levels in the procedure.

First level decision - When a parent of a student or eligible student finds an item in the student's education record that he or she believes is incorrect, he or she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy



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the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will provide the requester a copy of the questioned record at no cost; ask the requester to initiate a written request for the change; and follow the procedure for a second level decision.

Second level decision - The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item: is inaccurate and why; is misleading and why; or violates student rights and why. The requester must sign and date the request.

Within two weeks after the record custodian receives a written request, he or she will: study the request, discuss it with other school officials (such as the person who made the record or those who may have a professional concern about the district's response to the request), make a decision to comply or decline to comply with the request and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he or she will effect the change and notify the requester in writing that he or she has made the change. Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, he or she will make a written summary of any discussions with other officials and of his or her findings in the matter. He or she will transmit this summary and a copy of the written request to the superintendent.

Third level decision - The superintendent or designee will review the material provided by the record custodian and, if necessary, discuss the matter with other officials (such as the school attorney or the board of education (in executive session)). He or she will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent or designee will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent or designee decides the record is incorrect and should be changed, he or she will advise the record custodian to make the changes. The record custodian will advise the requester of the change as he or she would if the change had been made at the second level.

If the superintendent or designee decides the record is correct, he or she will prepare a letter to the requester which will include:

1. The district's decision that the record is correct and the basis for the decision;
2. A notice to the requester that he or she has a right to ask for a hearing to present



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evidence that the record is incorrect and that the district will grant such a hearing;

3. Instructions for the requester to contact the superintendent or designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The district will not be bound by the requester's positions on these items, but will, so far as possible, arrange the hearing as the requester wishes.); and
4. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth level decision - After the requester has submitted (orally or in writing) his or her wishes concerning the hearing officer and the time and place for the hearing, the superintendent or designee will, within a week, notify the requester when and where the district will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect, as shown in the requester's written request for a change in the record (second level).

Within one week after the hearing, the hearing officer will submit to the superintendent or designee a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The superintendent or designee will prepare the district's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the district's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent or designee may overrule the hearing officer if he or she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent or designee will take one of the following actions:

1. If the decision is that the district will change the record, the superintendent or designee will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
2. If the decision is that the district will not change the record, the superintendent or designee will prepare a written notice to the requester, which will include:
  - A. The district's decision that the record is correct and will not be changed;
  - B. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision; and



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- C. A notice that the requester may place in the student's education record an explanatory statement that states the reasons he or she disagrees with the district's decision and/or the reasons he or she believes the record is incorrect.

Final administrative step in the procedure - When the district receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record, and whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

#### Complaints

If a parent of a student, an eligible student or a citizen of the district believes that the district is violating FERPA, that person has a right to file a complaint with the Department of Education. The contact information is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5091  
Telephone: (202) 260-3887

#### Disclosure of Student Education Records

All school officials have access to student education records when they have a legitimate educational interest in examining the information.

Written permission from the parent or eligible student is required to allow access to a student's education records or to provide copies of such records to others except as permitted by FERPA. The District will require such written permission except in the following instances:

1. The disclosure is to duly elected school officials, including teachers, within the District whom the District has determined to have legitimate educational interests.
2. A contractor, consultant, volunteer, or other party to whom the School District has outsourced institutional services or functions may be considered a school official provided that the outside party—
  - Performs an institutional service or function for which the School District would otherwise use employees;
  - Is under the direct control of the School District with respect to the use and maintenance of education records; and
  - Is subject to the FERPA requirements governing the use and re-disclosure of personally identifiable information from education records.



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- ~~3. The disclosure is to officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer.~~
- ~~4. The disclosure is to authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local educational authorities. Military services representatives shall have access to student directory information unless such access is specifically denied in writing by the parent, legal guardian, or student age 18 or over. Military services representatives shall have the same access to secondary school students as is generally provided to post-secondary institutions or prospective employers unless denied in writing by the parent, legal guardian, or student age 18 or over.~~
- ~~5. The disclosure is in connection with financial aid for which the student has applied or, for which the student has received, if necessary to determine eligibility for the aid, amount of the aid, conditions for the aid, or to enforce the terms and conditions of the aid.~~
- ~~6. The disclosure to organizations conducting studies for, or on behalf of the School District to develop, validate or administer predictive tests, administer student aid programs or improve instruction in compliance with Section 99.31(a)(6) of the FERPA regulations.~~
- ~~7. The disclosure is to accrediting institutions to carry out their accrediting functions.~~
- ~~8. The disclosure is to parents of eligible students if the parents claim the student as a dependent as defined in Section 152 of the Internal Revenue Code of 1986.~~
- ~~9. The disclosure is to comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision except as otherwise provided by Section 99.31(a)(9).~~
- ~~10. The disclosure is to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat, 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.~~
- ~~11. The disclosure contains only "directory information" as defined above, and no written request has been made to except the directory information.~~
- ~~12. The disclosure is directly to the parents of the student or the eligible student.~~
- ~~13. The disclosure is authorized by a state statute adopted before November 19, 1974.~~



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~~14. The District may disclose, without consent or knowledge of the eligible student or parent, personally identifiable information in the education records of a student to the Attorney General of the United States or designee in response to an ex parte court order in connection with the investigation of prosecution of terrorism crimes. The District is not required to record such disclosure of information and is protected from liability for disclosing such information in good faith.~~

~~Disclosure of confidential student files is provided only to the following persons upon request to the building principal or Executive Director of Special Services or designee(s) for access. Representatives of non-District agencies seeking access to files will be asked to provide appropriate identification to District officials:~~

- ~~● Special Education Teachers~~
- ~~● Registered Physical Therapists~~
- ~~● General Education Teachers~~
- ~~● Physical Therapist Assistants~~
- ~~● Administrators/Designated Administrative Personnel~~
- ~~● Occupational Therapists~~
- ~~● Counselors, including Voc. Rehab.~~
- ~~● Certified Occupational Therapist Assistants~~
- ~~● State Department of Education Personnel~~
- ~~● School Psychologists & Psychometrists~~
- ~~● Tulsa Technology Center Education Personnel~~
- ~~● Speech/Language Pathologists/Therapists~~
- ~~● Parents/Guardians/Surrogate Parents~~
- ~~● School Nurses~~
- ~~● Students (if over 18 years old)~~
- ~~● Social Workers~~
- ~~● Paraprofessionals/Teacher Assistants~~
- ~~● Other Related Service Providers~~
- ~~● Student Teachers~~

~~A parent or eligible student must provide permission in writing for an unauthorized person to inspect a file or be given a copy of a student file. The signed permission will be included in the student file as a record of the disclosure of the file. The permission will include the date of access to the file and the name of the person who received access.~~

#### Right to Request Amendment of Student Records

~~Parents and eligible students may request an amendment to the student's records if the record may be inaccurate, misleading, or violates the privacy or other rights of the student. A request for amendment of a cumulative record should be made in writing to the principal, stating the reasons for the request and specifying the change requested. A request for an amendment to the confidential record should be made in writing to the Executive Director of Special Services.~~



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~~Records may not be destroyed or deleted while a request for amendment is pending.~~

~~A hearing will be conducted by the principal or the Superintendent's designee (for cumulative records) or the Executive Director of Special Services (for confidential records) within 45 days. The parent will be informed of the date and time of the hearing and may attend to state the reasons and rationale for the request. School authorities with knowledge about the item(s) in question may attend also. The principal, Superintendent's designee or Director conducting the hearing will communicate the decision to the requester in writing. The communication will also specify the right to place a statement in the student records and the right to appeal the decision to the Superintendent or designee.~~

~~If, as a result of the hearing, it is determined that the record is inaccurate, misleading, or otherwise violates the privacy or other rights of the child, the record will be amended. The requester will be informed of the decision in writing and invited to inspect the record and review the changes.~~

~~If the decision is to let the record stand as is and the parent or eligible student submits a statement to include in the student's records, the District will maintain the statement as a part of the file as long as the record is maintained by the school. When records of the student are provided to an agency or other third party, the statement will also be provided.~~



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#### Safeguards for Confidential Records

~~The District will protect the confidentiality of personally identifiable information at the collection, storage, disclosure and destruction stages. All confidential special education records for students with disabilities are maintained in a confidential folder, separate from student cumulative records. The records will be maintained in a secure manner, which prevents unauthorized access.~~

~~The Executive Director of Special Services has the responsibility for ensuring the maintenance of confidential files. The Executive Director will see that District personnel are trained in policy and procedures regarding confidentiality and that those confidentiality procedures are posted. The Executive Director will maintain a list of current names and positions of persons in the District who may have access to confidential files. Requests to review and inspect confidential records should be addressed to the Executive Director of Special Services.~~

#### Destruction of Student Confidential Records

~~All confidential records, except student transcript records, will be maintained for at least five years from the time a student has graduated, transferred or withdrawn from the district. After this time, if the records are no longer needed for educational purposes they may be destroyed provided there is no outstanding request by a parent or eligible student to review the records.~~

~~Parents will be notified at least 60 days prior to the destruction of confidential records and will have the opportunity to obtain the records before destruction. Parents are notified in writing at their last known address. The District will document the effort to notify the parents and maintain the documentation for at least five years.~~

#### Maintenance of Student Records

~~A permanent academic record "transcript" of each student's name, address, phone number, date and place of birth, all grades, grade point average, courses taken, grade level completed and year completed shall be maintained for at least 80 years following a student's graduation, transfer or withdrawal from the district.~~

~~The parent or eligible student may request a copy of this record. The District may charge a fee of \$.25 per page for photocopying. No charge will be made to search for a student record.~~

#### Right to File Complaints of Alleged Violations

~~Parents and eligible students who have concerns about District non-compliance with the requirements of FERPA should contact the Superintendent or designee. They also have the right to file a complaint with the U.S. Department of Education at:~~

~~Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington D.C. 20202-4605  
(202) 260-3887~~





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Reference: [O.A.C. 210: 10-2-1](#)  
[O.A.C. 210: 10-1-24](#)

Source: *Broken Arrow Board of Education policy adoption, November 6, 1995.*  
*Broken Arrow Board of Education policy revised, March 3, 2003.*  
*Broken Arrow Board of Education policy revised, July 13, 2009.*  
*Broken Arrow Board of Education policy revised, July 10, 2017.*  
*Broken Arrow Board of Education policy revised, December 11, 2017.*  
*Broken Arrow Board of Education policy revised, November 4, 2019.*  
[\*Broken Arrow Board of Education policy revised, September 13, 2024.\*](#)  
[\*Broken Arrow Board of Education policy revised, <<DATE>>\*](#)