

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter H. School Districts

Part 249. Rules Governing School Safety

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"1.00 REGULATORY AUTHORITY

1.01 The State Board of Education enacts these rules pursuant to its authority as set forth in Ark. Code §§ 6-10-121, 6-10-128, 6-11-105, 6-15-1302, 6-15-1303, 6-17-113, and 25-15-201 et seq."

"Effective date: January 1, 2024"

Subpart 1. Generally

6 CAR § 249-101. Definitions.

As used in this part:

(1) "Arkansas Center for School Safety" means the state school safety clearinghouse:

(A) Administered by the Criminal Justice Institute (CJI) of the University of Arkansas system through a partnership between CJI and the Department of Education's Division of Elementary and Secondary Education (division); and

(B) Providing education, training, resources, and technical assistance to Arkansas educators and law enforcement professionals to assist them in meeting the school safety needs of students in Arkansas public schools and providing them with a safe school environment;

(2) "Division" means the Division of Elementary and Secondary Education;

(3) "Institutional law enforcement officer" also means institutional police department;

(4) "Public school district" means:

(A) A geographic area that qualifies as a taxing unit for purposes of ad valorem property taxes under Arkansas Code § 26-1-101 et seq. and Arkansas Constitution, Article 14, § 3, and is either:

(i) Governed by an elected board of directors; or

(ii) Under the administrative control of the State Board of Education or the Commissioner of Elementary and Secondary Education in place of an elected board of directors; or

(B) An open-enrollment public charter school as defined in Arkansas Code § 6-23-103;

(5) "School resource officer" means:

(A) A sworn law enforcement officer assigned to a public school whose primary duties are not solely supervisory; and

(B) An institutional law enforcement officer as described in Arkansas Code § 6-13-1701 et seq.; and

(6) "Superintendent" means a person responsible for oversight of all operations of:

(A) A public school district as defined in this part; or

(B) Other educational entity.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.

6 CAR § 249-102. School safety assessment, emergency response drills, and floor plans.

(a)(1) A public school district shall conduct a comprehensive school safety assessment at least once every three (3) years to assess the safety, security, accessibility, and emergency preparedness of district buildings and grounds in collaboration with local law enforcement, fire, and emergency management officials.

(2) A comprehensive school safety assessment shall be completed by more than one (1) individual, at least one (1) of whom is not assigned to the facility to be assessed.

(3) A comprehensive school safety assessment shall include without limitation an assessment of the following:

- (A) Safety and security of the site and exterior of buildings;
- (B) Access control;
- (C) Safety and security of the interior of buildings;
- (D) Monitoring and surveillance, including without limitation type and extent;
- (E) Communication and information security;
- (F) Review of emergency operation plans; and
- (G) School climate and culture.

(4) The initial comprehensive school safety assessment shall be conducted by August 1, 2024.

(5) The superintendent shall submit written verification through the annual statement of assurance, as required by the Division of Elementary and Secondary Education, that the assessment has been completed and conducted in collaboration with local:

- (A) Law enforcement;
- (B) Medical professionals; and
- (C) Fire department and emergency management officials.

(6) The comprehensive school safety assessment shall be solely for the purpose of ensuring student safety.

(7) Records reflecting the comprehensive school safety assessment shall not be:

- (A) A public record; and
- (B) Available for public inspection under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(8) A public school district board of directors or governing body shall only conduct or discuss the results of the comprehensive school safety assessment in an executive session.

(b)(1) At least annually by October 15, a public school district shall conduct a lockdown drill for a possible threat on campus at each school in the public school district.

(2) As part of the public school district's planning for lockdown drills, the public school district shall:

(A) Assess the plan and ability of the public school district to prevent and respond to a threat on campus;

(B) Identify the roles and responsibilities of each individual when an emergency occurs;

(C) Discuss the logistics of responding to an emergency on the school campus;

(D) Identify areas in which the emergency operation plan of the school may require modification, if necessary; and

(E) Collaborate with local:

(i) Law enforcement;

(ii) Medical professionals; and

(iii) Fire department and emergency management officials.

(c)(1) All public schools shall conduct tornado safety drills at least three (3) times per year.

(2) The first tornado safety drill of each school year must be conducted by October 15.

(3) For purposes of this subsection, "public schools" include:

(A) The Arkansas School for Mathematics, Sciences, and the Arts;

(B) The Arkansas School for the Deaf and Blind; and

(C) Juvenile detention centers.

(d)(1) Annually by October 15, public schools located in areas susceptible to earthquakes shall conduct earthquake safety drills.

(2) For purposes of this subsection, "public schools" include:

- (A) The Arkansas School for Mathematics, Sciences, and the Arts;
- (B) The Arkansas School for the Deaf and Blind; and
- (C) Juvenile detention centers.

(e) All public schools, private schools, and educational institutions shall conduct at least one (1) fire drill each month during the school year.

(f) Emergency response drills may be conducted during the instructional day or during noninstructional time periods as determined by the school district.

(g) The superintendent or designee shall submit data required by the division during the appropriate cycle to verify that drills were completed and submit written verification, as required by the division, that collaboration with local law enforcement and emergency management officials occurred when required.

(h)(1) A public school district shall provide current floor plans and pertinent emergency contact information to appropriate first responders for each school in the district.

(2) Public school district administration shall provide updated information annually and when substantial building modifications or changes are made.

(3) The superintendent shall submit written verification, as required by the division, that the floor plans and information were provided to appropriate first responders.

(i) Information provided under this section is not:

- (1) A public record; and
- (2) Available for public inspection under the Freedom of Information Act of 1967.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.

6 CAR § 249-103. School resource officers.

(a)(1) A school district board of directors, or entity authorized to act on behalf of an open-enrollment public charter school, that accepts a school resource officer shall

either enter into a memorandum of understanding (“MOU”) with the local law enforcement agency with jurisdiction or adopt policies and procedures if the school district has an institutional police department, that govern the school resource officer.

(2) The MOU shall be based on the model MOU created by the Division of Elementary and Secondary Education and the Arkansas Center for School Safety of the Criminal Justice Institute, and include without limitation the:

- (A) Financial responsibilities of each party;
- (B) Chain of command;
- (C) Process for the selection of school resource officers;
- (D) Process for the evaluation of school resource officers;
- (E) Training requirements for school resource officers; and
- (F) Roles and responsibilities of school resource officers, including without

limitation:

(i) Clarification of the school resource officer’s involvement in student discipline;

(ii) The use of physical restraints or chemical sprays;

(iii) The use of firearms on the public school campus or at school-sponsored events; and

(iv) Making arrests on the public school campus or at school-sponsored events.

(3) The superintendent shall submit written verification, as required by the division, specifying the adoption of an MOU or policies and procedures as they pertain to school resource officers.

(b) A school resource officer assigned to a public school or open-enrollment public charter school campus during the instructional day or employed by a public school district shall complete:

(1) A forty-hour basic school resource officer training program, developed and provided or approved by the Arkansas Center for School Safety of the Criminal Justice Institute, within eighteen (18) months of being assigned or employed by the public school district;

(2) A training in youth mental health as required by the State Board of Education:

(A) Within eighteen (18) months of being assigned or employed by the public school district; and

(B) Once every four (4) years thereafter;

(3) A sixteen-hour school resource officer refresher training, developed and provided or approved by the Arkansas Center for School Safety of the Criminal Justice Institute:

(A) Within five (5) years of receiving the initial basic school resource officer training described in subdivision (b)(1) of this section; and

(B) Once every five (5) years thereafter; and

(4) Twelve (12) hours of public school-specific continuing education, developed and provided or approved by the Arkansas Center for School Safety of the Criminal Justice Institute, annually.

(c) The forty-hour basic school resource officer training required by subdivision (b)(1) of this section shall address, without limitation:

(1) The roles and responsibilities of school resource officers in public schools;

(2) Laws that are specific to public schools and students in public schools; and

(3) Adolescent behavior and development.

(d) The youth mental health training required by subdivision (b)(2) of this section and the school resource officer refresher training required by subdivision (b)(3) of this section shall count towards the twelve (12) hours of public school-specific continuing education required by subdivision (b)(4) of this section for the years during which those trainings are completed.

(e) A school resource officer who is assigned by a public school district for only extracurricular activities is exempt from these training requirements.

(f) A public school district superintendent and public school principal who accept a school resource officer shall complete a one-hour training, developed and provided or approved by the Arkansas Center for School Safety of the Criminal Justice Institute, within nine (9) months of accepting or employing the school resource officer.

(g) Public school district personnel directly responsible for supervising a school resource officer shall complete a one-hour school resource officer roles and responsibilities training, developed and provided or approved by the Arkansas Center for School Safety of the Criminal Justice Institute:

(1) Within one (1) year of accepting or employing the school resource officer;
and

(2) Every two (2) years thereafter.

(h) Training provided or approved by the Arkansas Center for School Safety of the Criminal Justice Institute and received by a licensed educator under subsections (c) and (d) of this section may count toward the professional development required for renewal of an educator's license by the division's Rules Governing Professional Development, 6 CAR pt. 183.

(i)(1) The Arkansas Center for School Safety of the Criminal Justice Institute shall monitor compliance with the continuing education and training requirements required by law and this part.

(2) A public school district that enters into an agreement with a law enforcement agency for a school resource officer shall comply with requests for information from the Arkansas Center for School Safety of the Criminal Justice Institute or the division for purposes of ensuring compliance with applicable law or rules.

(3) A school resource officer who fails to complete any training required under this section shall be unable to serve as a school resource officer until the training required is complete.

(4) A school resource officer shall not be assigned to a public school district in which the superintendent, principal, or supervising personnel have not completed the training required.

(j)(1) Each public school district shall provide to school resource officers, commissioned school security officers, and institutional law enforcement officers regular specialized training, including specific training on roles and responsibilities associated with each position.

(2) Responsibilities of school resource officers, commissioned school security officers, and institutional law enforcement officers shall not include involvement with student disciplinary action as defined in Arkansas Code § 6-18-501 et seq.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.

6 CAR § 249-104. School safety expert.

(a) A public school district shall have a school safety expert review and advise on architectural plans for a public school facility before the new construction of the public school facility.

(b) The requirements for a school safety expert shall be established by the Commission for Arkansas Public School Academic Facilities and Transportation by rule.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.

6 CAR § 249-105. Student mental health.

Each public school district shall support student mental health on a timeline to be established by the Division of Elementary and Secondary Education by:

- (1) Supporting access to training in youth mental health for all school personnel, including contractors, who regularly interact with students;
- (2) Requiring all school staff, including contracted service providers that regularly interact with students, to complete mental health awareness training; and
- (3) Establishing a behavioral threat assessment team, which shall:
 - (A) Follow best practices for team composition and process; and
 - (B) Require that all team members receive basic and advanced behavioral threat assessment training through:
 - (i) The Arkansas Center for School Safety of the Criminal Justice Institute; or
 - (ii) Another organization or entity approved by the State Board of Education.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.

6 CAR § 249-106. Promotion of student safety and security.

Each public school district shall work with local law enforcement to improve school safety and security by:

(1) Developing plans to increase the presence of uniformed law enforcement on all public school campuses at all times when school staff and children are attending class or during a major extracurricular activity;

(2) Implementing and expanding strategies to promote reporting, which shall include anonymous reporting of:

(A) Suspicious activity and behavior; and

(B) Threats;

(3) Forming district safety and security teams to review:

(A) District emergency operations plans; and

(B) Security policies and procedures;

(4) Training school nurses and staff in efforts that enhance the emergency medical response within public schools, including without limitation:

(A) Training concerning opioid overdose; and

(B) Bleeding control training;

(5) Establishing and maintaining a comprehensive, common communication plan to be utilized by:

(A) School officials;

(B) Students;

(C) Parents, legal guardians, or persons standing in loco parentis to a student;

(D) Law enforcement; and

(E) Other relevant stakeholders;

(6) Establishing systems that enable direct communication with local law enforcement, which may include without limitation:

- (A) Emergency alert systems;
 - (B) Radios for school officials that are programmed with law enforcement frequencies; and
 - (C) School camera systems that can be accessed in real time by law enforcement;
- (7) Reviewing and updating cybersecurity policies and procedures annually;
- and
- (8)(A) Closing and locking all exterior doors during school hours except for transition times.
- (B) At no time may a person be impeded from building egress in compliance with the:
- (i) Arkansas Fire Prevention Code, 12 CAR pt. 15; and
 - (ii) Standards for accessible design under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., as it existed on January 1, 2023.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.

6 CAR § 249-107. Duty to report.

(a)(1) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or person in charge shall immediately report the incident or threat to the:

- (A) Superintendent of the school district; and
- (B) Appropriate local law enforcement agency.

(2) As used in this section:

(A) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person; and

(B) "Deadly weapon" means:

(i) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(ii) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury.

(3) The report shall be:

(A) By telephone or in person immediately after the incident or threat;

and

(B) Followed by a written report within three (3) business days.

(4) The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency.

(5) The superintendent or his or her designee shall notify the local school district board of directors of any report made to law enforcement pursuant to this part.

(b) Upon receipt of a report from the prosecuting attorney, required to be provided within thirty (30) calendar days after receipt of the file, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(c)(1) Any person who purposely fails to make a report as required by Arkansas Code § 6-17-113 and this part shall be guilty of a Class C misdemeanor.

(2) Purposely failing to report a violent act requires proof that:

(A) The person had personal knowledge that an act of violence or any crime involving a deadly weapon has been committed or threatened;

(B) A reasonable person would have reported the act or threat; and

(C) The person who failed to report had a conscious object to disregard his or her obligation to report.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.

6 CAR § 249-108. School safety funds.

(a) It is the intent of the General Assembly that funds set aside for school safety grants be disbursed by the Division of Elementary and Secondary Education to public school districts, open-enrollment charter schools, and other educational entities, to aid in:

(1) Implementing the recommendations of the Arkansas School Safety Commission as set forth in the 2018 and 2022 Final Reports; and

(2) Providing a safe school environment for students and staff.

(b) Any funds allocated by the General Assembly for school safety grants or otherwise provided through a grant to a public school district, open-enrollment charter school, or educational entity, by the division for the purpose of school safety shall be disbursed:

(1) Pursuant to the process and eligibility requirements established by the division; and

(2) In accordance with applicable state and federal laws and rules.

(c) The process for disbursement and eligibility requirements established shall adhere to the following:

(1) Funding should be made available to each public school district, open-enrollment charter school, and private school with at least fifty (50) students;

(2) The amount of funding available to each public school district, open-enrollment charter school, and private school, shall be based, at least in part, on student enrollment, taking into consideration the varying sizes of districts and schools;

(3) All funds shall be provided on a reimbursement basis for eligible expenses incurred during the fiscal year in which the funds are made available; and

(4)(A) Eligible expenses shall include the purchase of materials, equipment, or services to:

(i) Meet the recommendations of the Arkansas School Safety Commission; or

(ii) Enhance existing safety measures that meet the recommendations of the Arkansas School Safety Commission.

(B) The division shall prioritize, by category, level, or similarity, all recommendations of the Arkansas School Safety Commission that should be completed by a:

- (i) Public school district;
- (ii) Open-enrollment charter school; or
- (iii) Educational entity.

(C) Expenses for a safety measure not included in the recommendations of the Arkansas School Safety Commission shall only be eligible for reimbursement upon approval from the Commissioner of Elementary and Secondary Education.

(5) The superintendent, as defined in this part, must provide written assurance that higher priority recommendations are complete, or in process to be completed, before receiving funds for subsequent priority recommendations or safety measures not included in the recommendations of the Arkansas School Safety Commission.

(d) Subject to appropriations, any funds set aside by the General Assembly for school safety grants shall follow the procedure for eligibility and disbursement:

- (1) As set out in subsection (c) of this section; and
- (2) In accordance with applicable state and federal law, rules, and regulations.

Authority. Arkansas Code §§ 6-11-105, 6-15-1303.