

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING SCHOOL SAFETY
EMERGENCY RULE Effective December 16, 2022**

1.00 REGULATORY AUTHORITY

- 1.01 The State Board of Education enacts these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-10-121, 6-10-128, 6-11-105, 6-15-1302, 6-15-1303, 6-17-113, and 25-15-201 et seq., and Acts 622 and 648 of 2021 and Act 3 of 2022, Third Extraordinary Session.

2.00 DEFINITIONS

- 2.01 “Arkansas Center for School Safety” is the state school-safety clearinghouse administered by the Criminal Justice Institute (CJI) of the University of Arkansas System, through a partnership between CJI and the Arkansas Department of Education, Division of Elementary and Secondary Education (Division), and provides 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.
- 2.02 “Public school district” means:
- 2.02.1 A geographic area that qualifies as a taxing unit for purposes of ad valorem property taxes under Ark. Code Ann. § 26-1-101 et seq. and Arkansas Constitution, Article 14, § 3, and is either:
- 2.02.1.1 Governed by an elected board of directors; or
- 2.02.1.2 Under the administrative control of the State Board or the Commissioner of Education in place of an elected board of directors; or
- 2.02.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.
- 2.03 “School Resource Officer” means sworn law enforcement personnel whose primary duties are not solely supervisory, and institutional law enforcement officers as described in Ark. Code Ann. § 6-13-1701 et seq.
- 2.04 “Superintendent” means the person responsible for oversight of all operations of the public school district as defined in these rules or other educational entity.
- 2.05 “Youth Mental Health First Aid” is a course, certified by the National Council for Mental Wellbeing, that teaches how to identify, understand, and respond to signs of mental illnesses and substance use and provides the skills needed to reach out and

provide initial help and support to someone who may be developing or experiencing a mental health issue or substance use problem or experiencing a crisis.

3.00 SCHOOL SAFETY AUDIT, EMERGENCY RESPONSE DRILLS, AND FLOOR PLANS

- 3.01 A public school district shall conduct a comprehensive school safety assessment 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.
- 3.01.1 A comprehensive school safety assessment shall be conducted by more than one (1) individual, including at least one (1) individual who is not assigned to the facility being audited, if the audit is conducted by district personnel.
- 3.01.2 A comprehensive school safety assessment shall include without limitation an assessment of the following:
- 3.01.2.1 Safety and security of the site and exterior of buildings;
 - 3.01.2.2 Access control;
 - 3.01.2.3 Safety and security of the interior of buildings;
 - 3.01.2.4 Monitoring and surveillance, including without limitation type and extent;
 - 3.01.2.5 Communication and information security;
 - 3.01.2.6 Review of emergency operation plans; and
 - 3.01.2.7 School climate and culture.
- 3.01.3 The initial comprehensive school safety assessment shall be conducted by August 1, 2024.
- 3.01.4 The superintendent shall submit written verification, as required by the Division, that the assessment has been completed and conducted in collaboration with local law enforcement and emergency management officials.
- 3.02 A public school district shall conduct an annual lockdown drill for a possible threat on campus at each school in the public school district.
- 3.02.1 As part of the public school district's planning for lockdown drills, the public school district shall:

- 3.02.1.1 Assess the plan and ability of the public school district or open-enrollment charter school to prevent and respond to a threat on campus;
 - 3.02.1.2 Identify the roles and responsibilities of each individual when an emergency occurs;
 - 3.02.1.3 Discuss the logistics of responding to an emergency on the school campus;
 - 3.02.1.4 Identify areas in which the emergency operation plan of the school may require modification, if necessary; and
 - 3.02.1.5 Collaborate with local law enforcement and emergency management officials.
- 3.03 All public schools shall conduct tornado safety drills not less than three (3) times per year.
 - 3.04 Public schools located in areas susceptible to earthquakes shall conduct earthquake safety drills.
 - 3.05 All public schools shall conduct one fire drill each month during the school year.
 - 3.06 Emergency response drills may be conducted during the instructional day or during noninstructional time periods as determined by the school district.
 - 3.07 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.
 - 3.08 A public school district shall provide current floor plans and pertinent emergency contact information to appropriate first responders for each school in the district.
 - 3.08.1 Public school district administration shall provide updated information annually and when substantial building modifications or changes are made.
 - 3.08.2 Information provided under this subsection is not a public record and is not available for public inspection.
 - 3.08.3 The superintendent shall submit written verification, as required by the Division, that the floor plans and information were provided to appropriate first responders.

4.00 SCHOOL RESOURCE OFFICERS

- 4.01 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

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 law enforcement officer as described by Ark. Code Ann. 6-13-1701 et seq., that governs the school resource officer.

4.01.1 The MOU shall be based on the model MOU created by the Division and the Arkansas Center for School Safety, and include without limitation:

- 4.01.1.1 The financial responsibilities of each party;
- 4.01.1.2 The chain of command;
- 4.01.1.3 The process for the selection of school resource officers;
- 4.01.1.4 The process for the evaluation of school resource officers;
- 4.01.1.5 The training requirements for school resource officers; and
- 4.01.1.6 The roles and responsibilities of school resource officers, including without limitation:
 - 4.01.1.6.1 Clarification of the school resource officer's involvement in student discipline;
 - 4.01.1.6.2 The use of physical restraints or chemical sprays;
 - 4.01.1.6.3 The use of firearms on the public school campus or at school-sponsored events; and
 - 4.01.1.6.4 Making arrests on the public school campus or at school-sponsored events.

4.02 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 obtain the following:

- 4.02.1 A forty-hour basic school resource officer training program developed and provided, or approved, by the Arkansas Center for School Safety, within eighteen (18) months of being assigned or employed by the public school district;
- 4.02.2 Certification in Youth Mental Health First Aid, within eighteen (18) months of being assigned or employed by the public school district, which shall be renewed every four (4) years;
- 4.02.3 A sixteen-hour school resource officer refresher training developed and provided, or approved, by Arkansas Center for School Safety, within five

- (5) years of receiving the initial basic school resource officer training described in 4.02.1, and every five (5) years thereafter; and
- 4.02.4 Twelve (12) hours of public school-specific continuing education developed and provided, or approved, by the Arkansas Center for School Safety, annually.
- 4.02.5 The forty-hour basic school resource officer training required by 4.02.1 shall address, without limitation, the roles and responsibilities of school resource officers in public schools, laws that are specific to public schools and students in public schools, and adolescent behavior and development.
- 4.02.6 The Youth Mental Health First Aid certification required by 4.02.2 and the school resource officer refresher training required by 4.02.3 shall count towards the twelve (12) hours of public school-specific continuing education required by 4.02.4 for the years during which those trainings are completed.
- 4.02.7 A school resource officer who is assigned by a public school district for only extracurricular activities is exempt from these training requirements.
- 4.03 A public school district superintendent and public school principal who accept a school resource officer or employ an institutional law officer as defined by Ark. Code Ann. § 6-13-1701 shall complete a one-hour training developed and provided, or approved, by the Arkansas Center for School Safety, within nine (9) months of accepting or employing the school resource officer.
- 4.04 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, within one (1) year of accepting or employing the school resource officer and every two (2) years thereafter.
- 4.05 Training received by a licensed educator under 4.03 and 4.04 may count towards the professional development required for renewal of an educator's license by the Division's Rules Governing Professional Development.
- 4.06 The Arkansas Center for School Safety shall monitor compliance with the continuing education and training requirements required by law and these rules.
- 4.06.1 A public school district that accepts a school resource officer or employs an institutional law officer shall comply with requests for information from the Arkansas Center for School Safety or Division for purposes of ensuring compliance with applicable law or rules.
- 4.06.2 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.

4.06.3 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.

5.00 DUTY TO REPORT

- 5.01 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 superintendent of the school district and the appropriate local law enforcement agency.
- 5.01.1 The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days.
- 5.01.2 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.
- 5.01.3 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 these rules.
- 5.02 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.
- 5.03 Any person who purposely fails to make a report as required by Ark. Code Ann. § 6-17-113 and these rules shall be guilty of a Class C misdemeanor.
- 5.03.1 Purposely failing to report a violent act requires proof that:
- 5.03.1.1 The person had personal knowledge that an act of violence or any crime involving a deadly weapon has been committed or threatened;
- 5.03.1.2 A reasonable person would have reported the act or threat;
and
- 5.03.1.3 The person who failed to report had a conscious object to disregard his obligation to report.

6.00 SCHOOL SAFETY FUNDS

- 6.01 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 (“Division”) to public school districts, open-enrollment charter schools, and other educational entities, to aid in implementing the recommendations of the Governor’s School Safety Commission as set forth in the 2018 and 2022 Final Reports and providing a safe school environment for students and staff.
- 6.02 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 pursuant to the process and eligibility requirements established by the Division and in accordance with applicable state and federal laws and rules.
- 6.03 The process for disbursement and eligibility requirements established shall adhere to the following:
- 6.03.1 Funding should be made available to each public school district, open-enrollment charter school, and private school with at least 50 students.
 - 6.03.2 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.
 - 6.03.3 All funds shall be provided on a reimbursement basis for eligible expenses incurred during the fiscal year in which the funds are made available.
 - 6.03.4 Eligible expenses shall include the purchase of materials, equipment, or services, to meet the recommendations of the Governor’s School Safety Commission or enhance existing safety measures that meet the recommendations of the Commission.
 - 6.03.4.1 The Division shall prioritize, by category, level, or similar, all recommendations of the Commission that should be completed by a public school district, open-enrollment charter school, or educational entity.
 - 6.03.4.2 Expenses for a safety measure not included in the recommendations of the Commission, shall only be eligible for reimbursement upon approval from the Commissioner of Education.
 - 6.03.5 The superintendent, as defined in these rules, 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 Commission.

- 6.03.5.1 Expenses for safety measures incurred prior to December 1, 2022, may be reimbursed upon verification of expenditure even if all higher priority recommendations have not been completed, upon approval from the Commissioner of Education.

Emergency Clause

Whereas, the safety of students, teachers and the general public in Arkansas schools is of the utmost importance;

Whereas, it is immediately necessary to provide a funding mechanism to immediately address safety in Arkansas schools;

Whereas, Act 3 of the Third Extraordinary Session, 2022, appropriated to the Department of Education, funds for School Safety grants for the fiscal year ending June 30, 2023;

Whereas, Act 3 of the Third Extraordinary Session, 2022, requires that the Department promulgate rules for the distribution of School Safety grant funds;

Whereas, Act 3 of the Third Extraordinary Session, 2022, requires these rules to be approved by Legislative Council prior to the disbursement of any funds;

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of Arkansas public schools will result without the immediate promulgation of these rules to become effective December 2022.