

EXHIBIT H

7270 Anti-Bullying

7270.1. Definitions.

(1)(A) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or DYS or provider school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student or staff member or disrupt the operation of the DYS facility.

(B) The physical acts under subdivision (1)(A) of this section may cause:

(i) Physical harm or damage to the person's property; or

(ii) Substantial interference within the DYS facility.

(C) "Bullying" includes cyberbullying.

(2)(A) "Cyberbullying" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

(B)(i) "Cyberbullying" includes any form of communication sent by an electronic act that is to:

(a) Harass;

(b) Intimidate;

(c) Humiliate;

(d) Ridicule;

(e) Defame; or

(f) Threaten or incite violence.

(ii) An electronic act under this subdivision (2) includes those acts whether or not they originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.

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

7270.2. Policy.

(a)(1) The Division of Youth Services (DYS) and its contract provider shall follow state and federal laws, rules, and regulations as applicable to students in DYS residential facilities.

(2) As a system of education, DYS shall follow all applicable rules and set forth by the Arkansas Department of Education.

(3) DYS is committed to providing students and staff at its residential facilities, whether operated by DYS or its contracted providers, with a safe environment free from discrimination and harassment.

(b)(1) Residential program staff shall actively encourage students to report any behavior they consider to be bullying, whether directed at themselves or another student.

(2) Students shall be advised that reports of bullying may be made verbally or in writing to any division or provider, including without limitation to any:

(A) Teacher;

- (B) Principal;
- (C) Counselor; or
- (D) Residential unit staff.

(3) The reports under this subsection (b) may be made anonymously.

(4) A DYS Incident Report shall be filed in the JJIS outlining the alleged incident.

(c) A school principal or his or her designee who receives a report or complaint of bullying shall:

(1) Promptly investigate the complaint or report; and

(2) Make a record of the investigation and any action taken as a result of the investigation to school superintendent and facility director.

(d) Teachers, staff members, or other employees who have witnessed bullying or have received a report that a student has been a victim of behavior considered to be bullying shall make a written report of the behavior to the facility director.

(e) Facility staff shall conduct an investigation as soon as reasonably practicable, but no later than five (5) days from the date of the written report of the alleged incident.

(f)(1) A record of investigation shall be entered into the JJIS.

(2) The record under subdivision (f)(1) of this section shall:

(A) Include a detailed description of the alleged incident;

(B) Include a detailed summary of the statement from all material witnesses;

and

(C) Discuss the services offered to the youth involved.

(g) Once the investigation is complete, DYS or a provider may:

(1) Provide intervention services;

(2) Establish training programs to reduce bullying;

(3) Impose discipline on any of the parties involved in the incident;

(4) Recommend counseling for any of the parties involved in the incident; or

(5) Take or recommend other appropriate action.

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

(i)(1) If at any time a staff member believes a student is at imminent risk of serious physical, psychological, or emotional harm as a result of bullying, immediate action shall be taken in accordance with facility procedures to protect that student.

(2) This rule does not require any division or provider staff to complete an investigation before taking protective action.

(j)(1) A report shall be made to a parent or legal guardian of any student believed to be the victim of an incident or credible report or complaint of bullying.

(2) The report under subdivision (j)(1) of this section shall be entered into the JJIS and:

(A) Be made within 5 (five) business days after the completion of the

investigation;

(B) State the following:

(i) That a credible report or complaint exists;

(ii) Whether the report was found to be true; and

(iii) Whether action was taken; and

(C) Include information regarding the reporting of another incident of bullying.

(k)(1) A report shall be made to the parent or legal guardian of the youth who is determined to have been the perpetrator of bullying.

(2) The report under subdivision (k)(1) of this section shall be entered into the JJIS and:

(A) Be made within five (5) days after the completion of the investigation; and

(B) State information regarding the consequences of continued incidents of bullying.

(l)(1) Notice of what constitutes bullying, DYS's prohibition against bullying, and the consequences for students who bully shall be conspicuously posted in every:

(A) Classroom;

(B) Cafeteria;

(C) Restroom;

(D) Gymnasium;

(E) Auditorium; and

(F) Transportation vehicle.

(2) Parents, students, school volunteers, and employees shall be given copies of the notice under subdivision (l)(1) of this section.

(m) A. DYS staff or provider staff found to be in violation of this rule shall be subject to disciplinary action.

7231 Absent Without Leave (AWOL) Youths

7231.1. Definitions.

As used in this section:

(1) "Absent without leave" or "AWOL" means when a youth leaves his or her placement without authorization; and

(2) "Identifying and descriptive information" means any information pertaining to a youth that is necessary to safeguard public safety and aid in the apprehension of the youth, including without limitation:

(A) A photo of the youth;

(B) The name of the youth;

(C) The age of the youth; and

(D) A felony offense for which the youth is committed to the custody of DYS.

7231.2. Policy.

(a) The Division of Youth Services (DYS) and its providers shall follow state and federal law as applicable to Absent Without Leave (AWOL) youths from DYS residential facilities.

(b) When a youth that is committed to DYS goes AWOL from his or her placement, the contracted provider shall immediately notify the DYS on call personnel and provide the following information:

(1) Name of youth;

(2) Photograph of the youth;

(3) Committing county;

(4) Residential county of the youth;

(5) Location of the youth at the time of the escape;

(6) Time and date of escape

(7) General direction the youth was headed;

(8) Accomplices inside or outside the facility;

(7) When staff became aware of the escape;

(8) The means or method of escape used by the youth, if known;

(9) Description of the youth's clothing; and

(10) Any other information that may help in the capture of the youth.

(c)(1) The Facility Director shall ensure proper staff supervision of youth by employees.

(2) Case management or administration shall notify direct care staff of any abnormal occurrences among youth.

(d) All employees shall be alert to the risk of youth attempting to escape during movement or transportation of youth throughout the facility.

(e) Any employee who suspects an AWOL attempt or observes an AWOL shall notify the facility administration.

(f)(1) Pursuit of the escaping youth must begin immediately.

(2) All staff may be utilized in searches for escaped youth.

(g) The DYS on-call personnel shall:

(1) Notify the DYS on-call administrator immediately; and

(2) Initiate the request for completion and submission of a pick-up order to the Arkansas State Police and subsequent law enforcement personnel.

(h) The DYS Director or his or her designee shall notify the DHS Director of Communications or his or her designee to release the identifying and descriptive information of the AWOL youth to the general public if the youth:

(1) Is committed to DYS for an offense that would be a felony if the offense were

committed by an adult;

(2) Poses a serious threat to public safety or a member of the public;

(3) Is at a heightened risk of harm if he or she is not apprehended immediately due to his

or her:

(A) Age;

(B) Disability;

(C) Medical condition;

(D) Mental capacity; or

(E) Other emergency circumstance; or

(4) Is committed to the division under extended juvenile jurisdiction.

(i)(1) The DYS Director, Assistant Directors, and the DHS Communications Team shall:

(A) Review the identifying and descriptive information and Ark. Code Ann. § 9-28-215; and

(B) Notify each facility to send out notifications via the Rave Alert System.

(2)(A) Within one (1) hour of the AWOL, the youth's parents or guardians be shall notified by the Facility Director or Assistant Facility Director.

(B) All attempts at notification shall be documented in the JJIS.

(3)(A) The DYS on-call administrator shall notify the DYS legal unit.

(B)(i) The DYS Legal Unit shall notify the committing juvenile court of the AWOL within twenty-four (24) hours.

(ii) The Legal Unit shall send the following information:

(a) Copy of the RS-10; and

(b) Copy of the Arkansas State Police pick-up order.

(j)(1) After the AWOL attempt or AWOL has occurred, the primary staff involved shall:

(A) Complete a DYS Incident Report; and

(B) Submit a complete written report to the shift supervisor for data entry into the JJIS by the end of shift.

(2) The Facility Director or Assistant Facility Director shall ensure that all aspects of the DYS Incident Reporting Policy have been followed.

(k) All AWOL attempts and AWOLs shall be reported to the DYS Internal Affairs Investigator and the DYS Monitoring Unit for investigation of the circumstances of the escape.

(l) Once the youth is apprehended:

(1) The Case Coordinator shall notify the:

(A) Parents or guardians of the youth; and

(B) DYS Legal Unit; and

(2) The DYS Legal Unit shall send written notification to the committing court.

7406 Dyslexia Screening and Reading Intervention Services

7406.1. Screening.

(a) Within thirty (30) calendar days, excluding holidays, of being committed to the Division of Youth Services (DYS), a youth shall have his or her reading proficiency level assessed and a dyslexia screening shall be delivered with fidelity, as defined in Ark. Code Ann. § 6-41-602.

(b) If a juvenile fails the dyslexia screener a Level II dyslexia assessment will be administered.

7406.2. Services.

(a)(1) If a reading assessment or the dyslexia assessment indicates that a youth is reading below the level of proficiency required to be a high functioning reader, the youth shall be provided evidenced-based reading intervention based on the science of reading and dyslexia intervention that is evidence-based according to the Arkansas Department of Education compilation of appropriate intervention programs.

(2) An intervention plan provided for a youth who is reading below the level of proficiency shall be administered with fidelity by a teacher who has been trained in the science of reading and has demonstrated proficient knowledge and skills to teach reading consistent with the best practices of scientific reading instruction as required under the Right to Read Act, Ark. Code Ann. § 6-17-429.

(b) Juveniles currently committed to DYS shall be:

(1) Provided with information that explains what dyslexia is in common and easily understandable language;

(2) Offered and encouraged to submit to dyslexia screening; and

(3) Provided with dyslexia intervention with fidelity, as defined in Ark. Code Ann. § 6-41-602, in the same manner as required for newly committed juveniles

7311 Termination of Pregnancy

7311.1. Policy.

(a) While a youth is in Division of Youth Services (DYS) care:

(1) The Department of Human Services (DHS) shall:

(A) Allow for the termination of a pregnancy to save the life of the pregnant female or as required by federal law; and

(B) Neither consent to or approve the termination of a pregnancy nor authorize the expenditure of state funds for the purpose of paying for the termination of a pregnancy; and

(2) The pregnant female, her family, or a third-party shall be responsible for all costs related to the termination of her pregnancy, except as required by federal law, including:

(A) Transportation costs;

(B) Costs incurred for medical appointments; or

(C) Subsequent healthcare determined necessary.

(b) DHS may be involved in any court proceeding related to the consideration to approve the termination of a pregnancy for any female in the custody of the state.

(c) DHS shall report annually to the Senate and House Committees on Public Health, Welfare, and Labor the number of terminations of pregnancies that occurred for females in the custody or guardianship of state.

PROPOSED