

State of Arkansas      *As Engrossed: S3/19/13 S3/20/13 H4/10/13*  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 1147

By: Senators L. Chesterfield, Elliott, J. Key  
By: Representatives *Love, Catlett, Lampkin, McLean*

## For An Act To Be Entitled

AN ACT TO EVALUATE THE IMPACT OF SCHOOL DISCIPLINE ON  
STUDENT ACHIEVEMENT; AND FOR OTHER PURPOSES.

### Subtitle

TO EVALUATE THE IMPACT OF SCHOOL  
DISCIPLINE ON STUDENT ACHIEVEMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. LEGISLATIVE FINDINGS. The General Assembly finds that:

- (1) There are many factors that contribute to poor student performance including lost instruction time or chronic absence;
- (2) A student who has been suspended even once is less likely to graduate;
- (3) Discipline that keeps students engaged in the learning process and in the school community is more effective than discipline that interrupts the learning process and separates the student from the school community;
- (4) Out-of-school suspensions are necessary in some situations but the excessive use of out-of-school suspension as a discipline measure is harmful to the educational process; and
- (5) Disparity in discipline rates does not necessarily indicate discrimination; it can result from an ineffective school climate or from cultural strategies that are not successful in engaging the academic efforts of all students.



*SECTION 2.* Arkansas Code § 6-18-507(b), concerning school district authority to suspend or expel students, is amended to read as follows:

(b) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.

*SECTION 3.* Arkansas Code § 6-18-507, concerning school district authority to suspend or expel students, is amended to add an additional subsection to read as follows:

(g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of school suspension.

*SECTION 4.* Arkansas Code Title 6, Chapter 18, Subchapter 5, is amended to add an additional section to read as follows:

6-18-515. Effective school discipline.

(a) As used in this section:

(1) "Disciplinary rate" means a three-year average for each discipline measure of the number of students in a school district or the number of students in a subgroup in the school district who have at least one (1) discipline measure divided by the corresponding total enrollment in the school district or the total enrollment in the subgroup;

(2) "Discipline measure" means:

(A) In-school suspension;

(B) Out-of-school suspension;

(C) Expulsion;

(D) Corporal punishment; and

(E) Referrals to law enforcement authorities;

(3) "Rate of disciplinary disparity" means the disciplinary rate for a subgroup subtracted from the disciplinary rate for another comparison subgroup; and

(4) "Subgroup" means the enrollment of students in one (1) of the following demographic groups:

(A) White students;

(B) Nonwhite students;

(C) Low-income students, including without limitation

students who are economically disadvantaged for standardized testing purposes;

(D) Students with disabilities, defined as "a child with a disability" under § 6-41-203; and

(E) Students whose achievement is at the basic or below basic level, or the equivalent, for the school year on the state-required:

(i) Literacy benchmark assessments;

(ii) Mathematics benchmark assessments; or

(iii) End-of-course assessments.

(b) By July 1 of each year beginning in 2014, the Department of Education shall prepare and provide a report to the State Board of Education and to all school districts that includes the following information:

(1) The total number of students enrolled in the school district and in each subgroup;

(2) The percentage that each subgroup represents of the school district's total enrollment;

(3) The number of students who appear in more than one (1) subgroup;

(4) The disciplinary rate for each discipline measure for the total student enrollment in a school district;

(5) The disciplinary rate for each discipline measure for each subgroup; and

(6) The rate of disciplinary disparity for each discipline measure for each subgroup compared with the subgroup with the lowest disciplinary rate.

(c) The report also:

(1) May include additional information that the department determines will provide a better understanding of the disciplinary rate or rate of disciplinary disparity of a particular school or school district;

(2) Shall include the achievement status for a school district identified in the report; and

(3) Shall identify discipline-related strategies, alternatives, and resources available to school districts.

(d) The department shall:

(1) Track the progress that school districts in the state have made in reducing the disciplinary rate and rate of disciplinary disparity

and:

(2) Identify school districts that make progress reducing the disciplinary rate and rate of disciplinary disparity and assess the successful strategies used by those school districts;

(3) Assess the gains, if any, in student academic achievement that correspond to the reduction of disciplinary rates and rates of disciplinary disparity; and

(4) Report annually to the state board the information under subdivisions (d)(1)-(3) of this section:

(A) The progress made for the year;

(B) Successful strategies that may be used by other school districts; and

(C) The corresponding gains, if any, in student academic achievement.

(e)(1) The department shall survey districts to determine which school districts are currently implementing evidence-based strategies, including without limitation:

(A) Positive behavior interventions and support systems;

and

(B) Restorative justice.

(2) The department shall:

(A) Develop information concerning the resources needed by school districts to reduce *discipline and the restraint of students with disabilities* using the strategies in subdivision (e)(1) of this section; and

(B) Provide the information for inclusion in the educational adequacy study required under § 10-3-2102(a)(1)-(4).

*/s/L. Chesterfield*

**APPROVED: 04/18/2013**