

State of Arkansas
92nd General Assembly
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As Engrossed: H2/14/19
A Bill

HOUSE BILL 1398

By: Representative S. Meeks
By: Senator E. Cheatham

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING STUDENT ATTENDANCE AND DISCIPLINE; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING STUDENT ATTENDANCE AND
DISCIPLINE.

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

SECTION 1. Arkansas Code § 6-18-502(a) and (b), concerning development of school district student discipline policies, are amended to read as follows:

(a) The Department of Education shall establish ~~guidelines~~ rules for the development of school district student discipline policies.

(b) Such ~~guidelines~~ rules shall include, ~~but not be limited to,~~ without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

(i) The school district's student discipline policies; and

(ii) State and district discipline data.



(B) The committee may recommend changes in the policies to *the board of directors of the local school district based on the committee's review under subdivision (2)(A) of this section*; and

(3) Student discipline policies shall include, ~~but not be limited to,~~ without limitation the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

SECTION 2. Arkansas Code § 6-18-502(c), concerning the development of school district student discipline policies, is amended to add an additional subdivision to read as follows:

(c) The school discipline policies shall:

(1)~~(A)~~ Prescribe minimum and maximum penalties, including without limitation students' suspension or ~~dismissal~~ expulsion from school, for violations of ~~each~~ any of the ~~aforementioned~~ offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of ~~not less than~~ one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator

and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions; ~~and~~

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter; ~~and~~

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion.

SECTION 3. Arkansas Code § 6-18-502(f), concerning the development of school district student discipline policies, is amended to read as follows:

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

SECTION 4. Arkansas Code § 6-18-502(h), concerning the development of school district student discipline policies, is amended to read as follows:

(h) In developing the state ~~guidelines~~ rules for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

SECTION 5. Arkansas Code § 6-18-503(a), concerning written student discipline policies, is amended to read as follows:

(a)(1)(A) Each school district in this state shall develop written student discipline policies in compliance with the ~~guidelines~~ rules established by the Department of Education and shall file ~~such~~ the policies with the department.

~~(B) Guidelines shall~~ The rules required under subdivision (a)(1)(A) of this section may include minimum standards of quality, experimentation with innovative programs, and a system to judge the effectiveness of the program.

~~(C) The discipline policy~~ required under subdivision (a)(1)(A) of this section shall include provisions for+

~~(i) Placement~~ placement of a student with disciplinary, socially dysfunctional, or behavioral problems not associated with a ~~handicapping condition~~ physical or mental impairment or disability in

an alternative learning environment provided by the district, ~~and~~

~~(ii)(a) Expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.~~

~~(b) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.~~

(2) Behavioral problems shall include those being at risk of not satisfactorily completing a high school education.

SECTION 6. Arkansas Code § 6-18-503(b)(2), concerning written student discipline policies, is amended to read as follows:

(2) As used in this ~~section~~ subchapter, "teacher or school administrator" means ~~a~~:

(A) A person employed by a school district and required to have a state-issued educator license as a condition of their employment hold a valid Arkansas standard teaching license, an ancillary license, a provisional license, a technical permit, or an administrator's license issued by the State Board of Education; and

(B) A nonlicensed classroom teacher or administrator employed in a position under a waiver from licensure.

SECTION 7. Arkansas Code § 6-18-503(d), concerning written student discipline policies, is amended to read as follows:

(d) Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies required by § 6-18-502 and shall be consistent with the ~~guidelines~~ rules established by the department.

SECTION 8. Arkansas Code § 6-18-504(b), concerning compliance with written student discipline policies, is amended to read as follows:

(b) Any school district failing to file with the department ~~the disciplinary policy required by § 6-18-503 with the department policies that meet the requirements of this subchapter~~ shall have all state aid funds withheld until such disciplinary ~~policy is~~ policies are filed with the department.

SECTION 9. Arkansas Code §§ 6-18-505 and 6-18-506 are repealed.

~~6-18-505. School Discipline Act—Definition.~~

~~(a) This section may be cited as the "School Discipline Act".~~

~~(b) Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.~~

~~(c)(1) Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.~~

~~(2) As used in subdivision (c)(1) of this section, "teacher or school administrator" means those persons employed by a school district and required to have a state-issued educator license as a condition of their employment.~~

~~6-18-506. School Dismissal Act.~~

~~(a) This section may be cited as the "School Dismissal Act".~~

~~(b) Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns.~~

~~(c) Every school district board of directors in this state shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.~~

~~(d) Each school district board of directors shall adopt written rules and regulations delineating its disciplinary policies.~~

~~(e) The policy may be revised at any time by filing an updated policy with the department.~~

SECTION 10. Arkansas Code § 6-18-507(e)(1), concerning student suspension and expulsion, is repealed.

~~(e)(1)(A) The superintendent of any school district shall recommend~~

~~the expulsion of any student from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.~~

~~(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.~~

SECTION 11. Arkansas Code § 6-18-507(e)(4), concerning student suspension and expulsion, is amended to read as follows:

(4)(A) The department shall ~~establish and maintain a registry of~~ information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

~~(B) The names, addresses, and Social Security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state.~~

SECTION 12. Arkansas Code § 6-18-510 is amended to read as follows:
6-18-510. Enrollment during expulsion – School policy.

The board of directors of any school district may adopt a policy that, ~~after a hearing before the board of directors,~~ any person who has been expelled as a student from any other school district may not enroll as a student until the time of the person's expulsion has expired, provided that the receiving school district board of directors affords the student the opportunity for a hearing at the time the student is seeking enrollment.

SECTION 13. Arkansas Code § 6-18-511(c)(1), concerning what a principal may do with a student who has been removed by a teacher from a class, is amended to read as follows:

(1) Place the student into another appropriate classroom, into in-school suspension, or into the district's alternative learning environment ~~established in accordance with § 6-18-508 [repealed],~~ so long as such placement is consistent with the school district's written student discipline policy;

/s/S. Meeks

APPROVED: 4/1/19