

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1791

By: Representative Gazaway

For An Act To Be Entitled

AN ACT CONCERNING STUDENT DISCIPLINE IN PUBLIC SCHOOLS; TO REQUIRE PUBLIC SCHOOL DISTRICT BOARDS OF DIRECTORS TO INCLUDE IN STUDENT DISCIPLINE POLICIES THE REQUIREMENT THAT PUBLIC SCHOOLS CONDUCT AN ASSESSMENT OF A PUBLIC SCHOOL STUDENT'S ADVERSE CHILDHOOD EXPERIENCES BEFORE DISCIPLINING A PUBLIC SCHOOL STUDENT; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE SCHOOL DISTRICT BOARDS OF DIRECTORS TO INCLUDE IN STUDENT DISCIPLINE POLICIES THE REQUIREMENT THAT SCHOOLS CONDUCT AN ASSESSMENT OF A STUDENT'S ADVERSE CHILDHOOD EXPERIENCES BEFORE DISCIPLINING A STUDENT.

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

SECTION 1. Arkansas Code § 6-18-516(a), concerning the definition of "exclusionary disciplinary actions", is amended to read as follows:

(a) As used in this section, "exclusionary disciplinary actions" means out-of-school suspension and expulsion of a student who attends public school on-site, through virtual means, or any combination of both.

SECTION 2. Arkansas Code Title 6, Chapter 18, Subchapter 5, is amended to add additional sections to read as follows:

6-18-517. Adverse childhood experiences – Consideration when



disciplining – Definition.

(a)(1) As used in this section, an "adverse childhood experience" means a stressful or traumatic event experienced by a minor child.

(2) An "adverse childhood experience" may include without limitation a minor child witnessing, or being the victim of:

- (A) Physical abuse;
- (B) Sexual abuse;
- (C) Emotional abuse;
- (D) Physical neglect;
- (E) Emotional neglect;
- (F) Domestic violence;
- (G) Substance abuse;
- (H) Mental illness;
- (I) Parental separation or divorce; and
- (J) Incarceration.

(b)(1) A public school district board of directors shall include within the written student discipline policies required under § 6-18-503 the requirement that a public school administrator or his or her designee make a reasonable request for information related to adverse childhood experiences or childhood trauma that may have manifested in the behavior exhibited by the public school student before the placement of the public school student in an alternative learning environment or the implementation of an exclusionary disciplinary action, as defined in § 6-18-516, that would exceed ten (10) cumulative days out of school within one (1) school year.

(2) Information received by a public school district in response to a request under subdivision (b)(1) of this section shall be reviewed and considered by appropriate public school district personnel before the placement of a public school student in an alternative learning environment or the implementation of an exclusionary disciplinary action, as defined in § 6-18-516, that would exceed ten (10) consecutive days or ten (10) cumulative days out of school within one (1) school year.

(3) Information requested under subdivision (b)(1) of this section may be obtained from:

- (A) The parent, guardian, or person standing in loco parentis of the public school student;
- (B) The public school student, if appropriate;

(C) Records maintained by or available to the public school;

(D) Public school district employees, including without limitation the public school district:

(i) Liaison for students who are in foster care;

(ii) Liaison for students who are homeless;

(iii) A counselor;

(iv) A nurse; or

(v) A social worker; and

(E)(i) An employee of the Department of Human Services if the public school student is or has been the subject of a current or former case overseen by the department.

(ii) An employee of the department shall provide, upon request of a public school, information relevant to the public school's review of adverse childhood experiences related to behavior that violates the public school's code of conduct.

(c)(1) If an adverse childhood experience is determined to have a direct and substantial causal relationship to the behavior of the public school student, the public school district in which the public school student is enrolled shall provide to the public school student behavioral supports that the public school district determines are appropriate.

(2)(A) A determination that a public school student has experienced an adverse childhood experience does not prohibit a public school from imposing disciplinary action.

(B) However, an adverse childhood experience shall be considered in determining whether disciplinary action is appropriate and what disciplinary action would be implemented.

(3) Placement in an alternative learning environment as described in § 6-48-101 et seq. and other alternative restorative practices shall be considered before expelling a public school student who has experienced an adverse childhood experience that may have manifested into significant behaviors exhibited by the public school student.

(d) Nothing in this section shall be construed to prohibit implementing disciplinary action consistent with § 6-18-507.

(e) The State Board of Education may promulgate rules necessary for the implementation of this section.

6-18-518. Positive behavioral supports.

(a) The Division of Elementary and Secondary Education shall develop a model of positive behavioral supports and resources to be used at the:

(1) Prevention level for each public school student in the public school;

(2) Strategic intervention level for a public school student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and

(3) Intensive service or crisis-management level for a public school student who needs multifaceted or comprehensive behavioral or mental health services.

(b) Positive behavioral supports and resources shall include the following:

(1) The teaching and reinforcing of interpersonal, social, problem-solving, conflict resolution, and coping skills to a public school student;

(2) Holding a public school student positively accountable for meeting an established behavioral expectation;

(3) Maintaining a high level of consistency through the implementation process; and

(4) The following interrelated activities:

(A) Providing a school-wide approach to the discipline and safety of each public school student rather than an approach to only the behavior problem of a public school student;

(B) Focusing on preventing the development and occurrence of problem behavior;

(C) Regularly reviewing behavior data to adapt the procedures of a public school to meet the needs of every public school student; and

(D) Providing a multitiered approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each public school student.

(c) A positive behavioral support system and conflict resolution or de-escalation approach implemented by a public school district shall be based on the following principles:

(1) The right of a public school student to be treated with dignity;

(2) Necessary academic, social, emotional, and behavioral support should be provided in a safe and the least-restrictive environment possible;

(3) Positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, should be provided routinely to each public school student who needs the intervention or support;

(4) The appropriate public school personnel should be trained to provide positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, to each public school student who needs intervention or support;

(5) Behavioral intervention should emphasize prevention and should be part of a public school's system of positive behavioral supports;

(6) A public school student should have access to public school personnel who effectively provide positive support to a public school student who needs the support;

(7) A public school should appropriately train its public school personnel to be able to address the needs of each public school student;

(8) Appropriate public school personnel should receive training in:

(A) The use of positive behavioral support for public school student behavior;

(B) Preventative techniques for teaching and motivating pro-social public school student behavior; and

(C) Conflict de-escalation and resolution techniques, which should be employed by all public school personnel to prevent, defuse, evaluate, and debrief a crisis and conflict situation; and

(9) Each public school student who exhibits an ongoing behavior that interferes with his or her learning or the learning of others, and who is nonresponsive to effectively implemented classroom or administrative intervention, should receive additional intensive behavioral intervention that is based on a functional behavior assessment and data-based problem solving.

(d) The model developed by the division under subdivision (a)(1) of

this section shall include information regarding how a public school may establish a problem-solving and intervention team for a public school student who exhibits social, emotional, or behavioral difficulty that may, if not addressed, escalate to potentially dangerous behavior.

(e) The State Board of Education may promulgate rules necessary for the implementation of this section.