

1 State of Arkansas
2 92nd General Assembly
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4

As Engrossed: H2/14/19

A Bill

HOUSE BILL 1398

5 By: Representative S. Meeks
6 By: Senator E. Cheatham
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING STUDENT ATTENDANCE AND DISCIPLINE; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE
16 CONCERNING STUDENT ATTENDANCE AND
17 DISCIPLINE.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

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

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

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

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

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

36 (ii) State and district discipline data.



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

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

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

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

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

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

16
17 SECTION 2. Arkansas Code § 6-18-502(c), concerning the development of
18 school district student discipline policies, is amended to add an additional
19 subdivision to read as follows:

20 (c) The school discipline policies shall:

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

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

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

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

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

1 and by the school district board of directors;

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

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

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

9

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

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

15

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

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

21

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

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

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

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

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

1 an alternative learning environment provided by the district, ~~and~~
2 ~~(ii)(a) Expulsion from school for a period of not~~
3 ~~less than one (1) year for possession of any firearm or other weapon~~
4 ~~prohibited upon the school campus by law.~~

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

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

10
11 SECTION 6. Arkansas Code § 6-18-503(b)(2), concerning written student
12 discipline policies, is amended to read as follows:

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

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

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

22
23 SECTION 7. Arkansas Code § 6-18-503(d), concerning written student
24 discipline policies, is amended to read as follows:

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

29
30 SECTION 8. Arkansas Code § 6-18-504(b), concerning compliance with
31 written student discipline policies, is amended to read as follows:

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

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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~~

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

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

7
8 SECTION 11. Arkansas Code § 6-18-507(e)(4), concerning student
9 suspension and expulsion, is amended to read as follows:

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

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

17
18 SECTION 12. Arkansas Code § 6-18-510 is amended to read as follows:
19 6-18-510. Enrollment during expulsion – School policy.

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

26
27 SECTION 13. Arkansas Code § 6-18-511(c)(1), concerning what a
28 principal may do with a student who has been removed by a teacher from a
29 class, is amended to read as follows:

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

35 /s/S. Meeks

36 **APPROVED: 4/1/19**