

Act 146 of the 1989 Regular Session.

Act 146

HB1219

By: Representatives McJunkin, Goodwin, Arnold, Keet,  
Mahony, Stephens, Thicksten, Hogue, Jones, Foster,  
Newman, Bryan, Schexnayder, Maddox and Pollan

"AN ACT TO AMEND ARKANSAS CODE OF 1987 ANNOTATED 6-18-502 TO PROVIDE THAT ELEMENTARY AND SECONDARY STUDENTS CANNOT POSSESS PAGING DEVICES OR ELECTRONIC COMMUNICATION DEVICES ON SCHOOL CAMPUSES; TO MAKE POSSESSION OF ELECTRONIC COMMUNICATION DEVICES BY ELEMENTARY AND SECONDARY STUDENTS ON SCHOOL PROPERTY A CLASS "C" MISDEMEANOR; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code of 1987 Annotated 6-18-502 is hereby amended to read as follows:

"6-18-502. (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.

(b) Such guidelines shall include, but not belimited to, 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) Student discipline policies shall include, but not be limited to, the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any 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 policies adopted by the school board;

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

(D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus; however, the policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons.

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

(c) The school discipline policies shall:

(1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies; and

(2) 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 board.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notifica-

tion to all parents and students of the district's student discipline policies and documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators shall be provided with training as needed in classroom management and in other skills relevant to student discipline.

(g) In developing the state guidelines for school district discipline policies, the Department of Education shall involve parents, students, teachers, and administrators."

SECTION 2. (a) It shall be unlawful for an individual enrolled as a student in a public or private elementary or secondary school or for any individual age eighteen (18) years of age or younger to possess an electronic paging device, beeper, or similar communications device while on property owned by a public or private elementary or secondary school.

(b) Violation of this Section shall be a Class "C" misdemeanor. It shall be a defense to prosecution under this Section that the individual in possession of the paging device, beeper, or similar communications device has been granted an exemption to possess such device by the board of directors of the school or school board in which such individual is enrolled as a student.

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that the use of electronic communication devices can be used to facilitate drug trafficking in the schools and that the use of such devices should be eliminated unless a legitimate purpose is found to exist for the possession of such devices upon the school campuses. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: February 21, 1989

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