

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**

A Bill

Call Item 3
ACT 51 OF 1994
HOUSE BILL 1036

4 **By: Representatives Hunton, Baker, Thicksten, B. Wood, Hinshaw, Blair, O. Miller, Sanson,**
5 **Purdom, Watts, Jordan, Wagner, McKissack, Thurman, Davis, Calhoun, Whorton,**
6 **Wooldridge, Steele, Rorie, Pryor, Molinaro, Curran, Choate, Bisbee, Hill, Stalnaker, Fletcher,**
7 **Bryant, Wallis, Young, Hall, *Horn, K. Wood, Newman, McJunkin, von Grep and Carter***

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For An Act To Be Entitled

11 "AN ACT TO AMEND ARK. CODE ANN. §§ 6-18-503 AND 6-18-505
12 TO REQUIRE PERSONNEL IN SCHOOL DISTRICTS THAT AUTHORIZE
13 USE OF CORPORAL PUNISHMENT TO FOLLOW CERTAIN PROCEDURES;
14 TO AMEND TITLE 6, CHAPTER 17, SUBCHAPTER 1 OF THE ARKANSAS
15 CODE ANNOTATED TO GRANT CIVIL IMMUNITY TO PERSONNEL WHO
16 ADMINISTER CORPORAL PUNISHMENT IN *SUBSTANTIAL COMPLIANCE*
17 WITH THESE PROCEDURES; AND TO DECLARE AN EMERGENCY; AND
18 FOR OTHER PURPOSES."

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Subtitle

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21 "TO REQUIRE SCHOOL DISTRICTS THAT
22 AUTHORIZE USE OF CORPORAL PUNISHMENT TO
23 FOLLOW CERTAIN PROCEDURES; TO GRANT
24 CIVIL IMMUNITY TO SCHOOL PERSONNEL WHO
25 ADMINISTER CORPORAL PUNISHMENT."

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

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29 SECTION 1. Arkansas Code Annotated § 6-18-505(c) is hereby amended to
30 read as follows:

31 "(c) Any teacher or school administrator in a school district that
32 authorizes use of corporal punishment in the district_s written student
33 discipline policy may use corporal punishment, provided only that the
34 punishment is administered in accord with the district_s written student
35 discipline policy, against any pupil in order to maintain discipline and order
36 within the public schools."

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2 SECTION 2. Arkansas Code Annotated § 6-18-503 is hereby amended to read
3 as follows:

4 "6-18-503. Written student discipline policies required.

5 (a) (1) Each school district in this state shall develop written student
6 discipline policies in compliance with the guidelines established by the
7 Department of Education and shall file such policies with the Department of
8 Education.

9 (A) Guidelines shall include minimum standards of quality,
10 experimentation with innovative programs, and a system to judge the
11 effectiveness of the program.

12 (B) The discipline policy shall include provisions for
13 placement of a student with disciplinary, socially dysfunctional, or
14 behavioral problems not associated with a handicapping condition in an
15 alternative learning environment provided by the district.

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

18 (b) A school district that authorizes use of corporal punishment in its
19 discipline policy shall include provisions for administration of the
20 punishment, including that it be administered only for cause, be reasonable,
21 follow warnings that the misbehavior will not be tolerated, and be
22 administered only in the presence of a *school administrator*.

23 (c) Any amendments or revisions to a school district's student
24 discipline policies shall be developed and adopted in the same manner as the
25 original policies required by § 6-18-502 and shall be consistent with the
26 guidelines established by the Department of Education.

27 (d) Any amendment or revision to the student discipline policies
28 adopted by a school district shall be submitted to the Department of Education
29 within thirty (30) days after the adoption of such amendment or revision."
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31 SECTION 3. Subchapter 1 of Chapter 17 of Title 6 of the Arkansas Code
32 is hereby amended by adding a new section to read as follows:

33 "6-17-112. Teachers and administrators in a school district that
34 authorizes use of corporal punishment in the district_s written student
35 discipline policy shall be immune from any civil liability for administering

1 corporal punishment to students, provided only that the corporal punishment is
2 administered in substantial compliance with the district's written student
3 discipline policy."

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5 SECTION 4. Arkansas Code Annotated § 6-15-806 is hereby amended to read
6 as follows:

7 "§ 6-15-806. Annual report - School report card.

8 (a) The Office of Accountability shall issue an annual report on the
9 performance of each public school district in the state and, where feasible,
10 on the performance of each school within a school district. This report will
11 be known as the 'school report card' and shall be an index of each school or
12 school district's performance measured against statewide standards for
13 comparable school districts and schools. The school report card shall make
14 comparisons to a school or school district's performance in preceding years
15 and project goals in performance categories.

16 (b) The school report card shall contain, but not be limited to, the
17 school district's or school's:

18 (1) drop-out rate;

19 (2) retention-in-grade rate;

20 (3) college-going rate;

21 (4) attendance rate;

22 (5) test scores on nationally-normed tests;

23 (6) corporal punishment rate broken down according to the

24 following:

25 (A) sex;

26 (B) race;

27 (C) age;

28 (D) special education or regular classes;

29 (E) type of offense; and

30 (F) number of offense;

31 (7) number of students required to take remedial courses in high
32 school and college; and

33 (8) ratio of expenditures per pupil on administrative, athletic,
34 and gifted and talented expenses.

35 (c) The school report card must be published no later than December 1

1 of each year, and it shall be published in a format that can be easily
2 understood by parents and other members of the community who are not
3 professional educators."

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5 SECTION 5. As used in this act, "teachers" and "administrators" means
6 those persons employed by a school district and required to have a state-
7 issued certificate as a condition of their employment.

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9 SECTION 6. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 7. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 8. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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22 SECTION 9. EMERGENCY. It is hereby found and determined by the
23 Seventy-Ninth General Assembly of the State of Arkansas, meeting in Second
24 Extraordinary Session, that student discipline is essential to the creation of
25 an optimum learning environment; and that the only place that many individuals
26 are likely to learn self-control and good behavior is in the public schools;
27 and that teachers and administrators in school districts that authorizes
28 corporal punishment should have adequate protection from civil liability,
29 provided only that the corporal punishment is administered in accord with
30 certain procedures. Therefore, an emergency is hereby declared to exist and
31 this Act being necessary for the immediate preservation of the public peace,
32 health, and safety, shall be in full force and effect from and after its
33 passage and approval.

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/s/Rep. Hunton, et al

APPROVED: 8-25-94