

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 49 of the Regular Session

1 State of Arkansas

As Engrossed: H1/10/07 H1/17/07 S1/23/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1041

4  
5 By: Representatives Walters, Hardwick, *Creekmore*

6 By: Senator Wilkinson, *Madison*

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9 **For An Act To Be Entitled**

10 AN ACT TO IMPROVE SAFETY IN ARKANSAS SCHOOLS; TO  
11 PROVIDE SCHOOLS WITH INFORMATION REGARDING THE  
12 ARREST, DETENTION, AND COURT PROCEEDINGS  
13 REGARDING STUDENTS; AND FOR OTHER PURPOSES.

14  
15 **Subtitle**

16 AN ACT TO IMPROVE SAFETY IN ARKANSAS  
17 SCHOOLS AND TO PROVIDE SCHOOLS WITH  
18 INFORMATION REGARDING THE ARREST,  
19 DETENTION, AND PUNISHMENT OF STUDENTS.

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

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24 SECTION 1. Arkansas Code § 9-27-352, concerning confidentiality of  
25 records regarding juvenile arrest, detention, and court proceedings, is  
26 amended to add an additional subsection to read as follows:

27 (d)(1) When a court orders that a juvenile have a safety plan that  
28 restricts or requires supervised contact with another juvenile or juveniles,  
29 the court shall direct that a copy of the safety plan and a copy of the court  
30 order regarding the safety plan be provided to the school superintendent and  
31 school counselor where the juvenile is enrolled.

32 (2) When a court order amends or removes any safety plan  
33 outlined in subdivision (d)(1) of this section, the court shall direct that a  
34 copy of the safety plan and a copy of the court order regarding the safety  
35 plan be provided to the school superintendent and school counselor where the



1 juvenile is enrolled.

2 (3) Any local educational agency that receives a court order  
3 outlined in subdivision (d)(1) or (d)(2) of this section shall:

4 (A) Keep the information confidential;

5 (B) Include the information in the juvenile's permanent  
6 educational records; and

7 (C)(i) Treat the information and documentation contained  
8 in the court order as education records under the Family Educational Rights  
9 and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2007.

10 (ii) The local education agency shall not release,  
11 disclose, or make available the information and documentation contained in  
12 the court order for inspection to any party except as permitted under the  
13 Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed  
14 on January 1, 2007.

15 (iii) However, under no circumstances shall the  
16 local education agency release, disclose, or make available for inspection to  
17 the public, any college, university, institution of higher learning,  
18 vocational or trade school, or any past, present, or future employer of the  
19 student the court order or safety plan portion of a student record.

20 (4) When a student attains an age that he or she is no longer under  
21 the jurisdiction of the juvenile court, the safety plan and the order  
22 regarding the safety plan shall be removed from the school's permanent  
23 records and destroyed.

24 /s/ Walters

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26 APPROVED: 2/2/2007  
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