

**ARKANSAS DEPARTMENT OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING REQUIRED TRAINING
FOR SCHOOL BOARD MEMBERS**

June 2018-_____

FEB 18 2020

BUREAU OF
LEGISLATIVE RESEARCH

1.00 REGULATORY AUTHORITY

- 1.01 The State Board of Education promulgates ~~this Rule~~ *these Rules* pursuant to Ark. Code Ann. §§ ~~6-11-105, 6-13-629, and Acts 589 of 2017~~ 168 and 1029 of 2019.
- 1.02 This Rule shall be known as the ~~Arkansas Department of Education (ADE)~~ Division of Elementary and Secondary Education (DESE) Rules Governing Required Training for School Board Members

2.00 PURPOSE

- 2.01 The purpose of ~~this Rule~~ *these Rules* is to outline the type and amount of training required for new and continuing local school board members.

3.00 DEFINITIONS

- 3.01 "Annual School Performance Report" means the report required to be posted on the ~~ADE~~ DESE website for each school district annually under Ark. Code Ann. § 6-15-1402.
- 3.02 "Comprehensive School Improvement Plan" means the plan that each local school district must prepare annually under the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education Rules Governing Standards for Accreditation of Arkansas Public School and School Districts ~~Section 7.04.1~~ Standard 5-A.1.

4.00 TRAINING HOURS REQUIRED

- 4.01 A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.
- 4.02 A member of a school district board of directors elected for an initial or non-continuous term shall obtain no less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which the member is elected.
- 4.02.1 The training or instruction under Section 4.02 of this Rule shall be ~~accomplished within the first fifteen (15) months of service on the board of directors~~ shall include training or instruction on how to read and interpret an audit report.

- 4.03 Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward through December 31 of the third calendar year following the year in which the hours were obtained.

5.00 TRAINING CONTENT

- 5.01 The training and instruction required under this Rule shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the boards of directors, including without limitation:

5.01.1 Legal requirements, including without limitation:

- 5.01.1.1 The following items listed or required by the Legislative Joint Auditing Committee under Ark. Code Ann. § 6-1-101:

5.01.1.1.1 Audit management letter

5.01.1.1.2 Ethical guidelines

5.01.1.1.3 School elections

5.01.1.1.4 Management of schools

5.01.1.1.5 Revolving loan funds

5.01.1.1.6 School district finances

5.01.1.1.7 School district school bonds

5.01.1.1.8 Teachers and employees

5.01.1.1.9 Teachers' salaries

5.01.1.1.10 Deposit and investments of funds

5.01.1.1.11 Improvement contracts

- 5.01.1.2 Other financial laws or regulations designated by the Arkansas ~~Department of Education~~ Division of Elementary and Secondary Education;

5.01.2 Role differentiation;

5.01.3 Financial management, including without limitation how to read and interpret an audit report;

- 5.01.1.3 The training or instruction on how to read and interpret an audit report shall be conducted by a person who:

- 5.01.1.3.1 Is licensed to practice accounting by the Arkansas State Board of Public Accountancy and has prior experience conducting school district financial audits.
- 5.01.1.3.2 The instructor of the audit training must not be an employee of the ~~Division of Legislative Audit~~ Arkansas Legislative Audit unless the training is conducted for the boards of directors of multiple school districts.
- 5.01.1.3.3 The instructor must not be the person conducting the annual audit or other financial audit of the school district unless the training or instruction is presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts.
- 5.01.1.4 Training or instruction shall be conducted under the consultation or supervision of an individual who qualifies under Section 5.01.1.3 of these rules as part of a program that is provided:
 - 5.01.1.4.1 By an institution of higher education located in Arkansas;
 - 5.01.1.4.2 From instruction sponsored or approved by the ~~Department of Education~~ Division of Elementary and Secondary Education; or
 - 5.01.1.4.3 By an in-service training conducted by or through the Arkansas School Boards Association.
- 5.01.1.5 The audit training or instruction may be presented by electronic means, in person, or both.
- 5.01.4 Improving student achievement-; and
- 5.01.5 Information regarding school safety and student discipline.
 - 5.01.5.1 A member shall be required to complete the program in Section 5.01.5 only one (1) time.

6.00 TRAINING PROVIDERS

- 6.01 This instruction may be provided to board members by an institution of higher learning in this state, by programs sponsored or approved by the ~~ADE~~ DESE, or by an in-service training program conducted by or through the Arkansas School Boards Association
- 6.02 Any instruction directly provided to board members by either an institution of higher learning in this state, the ~~ADE~~ DESE, or the Arkansas School Boards

Association, which instruction meets the training content requirements of Section 5.00 of ~~this Rule~~ *these Rules*, shall not require pre-approval by the ~~ADE~~ DESE. All other instruction must be pre-approved by the ~~ADE~~ DESE in order for the training to count towards the required hours under Section 4.00 of this Rule.

- 6.03 At least thirty (30) days before a training program meeting the content requirements of Section 5.00 of ~~this Rule~~ *these Rules* is offered to members of a local school district's board of directors, the provider shall provide a detailed description of the entire program including staff qualifications to the ~~ADE~~ DESE.
- 6.04 The ~~ADE~~ DESE shall promptly review the content of the program for compliance with any and all applicable statutes and ~~department~~ Division rules to determine if any or all of the program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.
- 6.05 Upon notification by the ~~ADE~~ DESE of approval of the program (or a part or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 6.06 The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proof, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

7.00 RECORDS OF TRAINING

- 7.01 A school district shall maintain a record of hours of training and instruction for board members, which may be in the form of an attested, cumulative annual report from the training providers and which shall be subject to verification and inspection during the school district's annual audit
- 7.02 A statement of the hours of training and instruction obtained by each board member in the preceding year shall be:
 - 7.02.1 Part of the school district's comprehensive school improvement plan and goals;
 - 7.02.2 Posted in the same way that other components of the comprehensive school improvement plan and goals are required to be; and
 - 7.02.3 Made a part of the annual school performance report required under Ark. Code Ann. § 6-15-1402.
- 7.03 The superintendent of each school district shall annually prepare a report of the training hours each school board member received the previous calendar year and those carried forward from a previous year that were eligible to be counted towards the previous year to be presented at the board's regular January meeting.

- 7.03.1 Members who fail to receive or carry forward the required number of training shall be:
- 7.03.1.1 Permitted thirty (30) days from the date of the January board meeting to complete the deficient training hours; and
 - 7.03.1.2 Suspended from participating in official business, except for board member training, until the board member obtains the deficient hours.
- 7.03.2 A board member who fails to cure the board member's training hours deficiency within the thirty (30) days allowed in Section 7.03.1.1 shall be removed from the board and the board member's position shall be filled in accordance with Ark. Code Ann. § 6-13-611 unless:
- 7.03.2.1 The board members' failure to receive the required training was due to military service of the board member; or
 - 7.03.2.2 The board member provides a written sworn statement from the board member's treating physician stating that the board member's failure to receive the required training was due to a serious medical condition.
- 7.03.3 A board member who provides the necessary documentation under Section 7.03.2 shall have until December 31 of the year following the year the board member failed to receive the required training to receive both the hours of training required for the current year and the hours the board member failed to obtain the previous year.

8.00 AUTHORIZATION TO REIMBURSE FOR RELATED EXPENSES

- 8.01 Local school district boards of directors are authorized to pay a reasonable per diem and other necessary expenses from funds belonging to the school district and to reimburse school board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required under ~~this Rule~~ these Rules.

9.00 ENFORCEMENT

- 9.01 A school district shall demonstrate compliance with the requirements of ~~this Rule~~ these Rules in addition to complying with the provisions of Section 7.00 of ~~this Rule~~ these Rules by causing its superintendent to file a written statement of assurance with the ~~ADE~~ DESE pursuant to Ark. Code Ann. § 6-15-202.
- 9.02 A school district which fails to comply with the provisions of Ark. Code Ann. § 6-13-629 and the procedural requirements articulated in ~~this Rule~~ these Rules shall be subject to being placed in probationary status pursuant to Section 24-18 6.00 of the ~~Arkansas Department of Education—Division of Elementary and Secondary~~

Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

- 9.03 A vacancy on the school board shall occur if a board member fails to receive the mandatory hours of training within the time frame required by Ark. Code Ann. § 6-13-629 unless the failure was due to military service of the board member or a serious medical condition as demonstrated by a written sworn statement of the board member's treating physician.
- 9.04 The board shall not appoint the board member who failed to receive the required hours of training to fill the vacant position on the board that resulted from the board member's failure to receive the required hours of training.

Exhibit A

ARKANSAS DEPARTMENT OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
REQUEST TO PRESENT A TRAINING PROGRAM TO
SCHOOL BOARD MEMBERS

Please compile the following information and submit it electronically via the Department's Division's website:

<http://www.arpdsam.org/>

Pursuant to Section 6.03 of the Department's Division of Elementary and Secondary Education Rules Governing Required Training for School Board Members (Rule), program providers must submit a detailed description of the entire program, including staff qualification, to the Department to be received at least thirty (30) days prior to the date of the program. This deadline will allow for ~~departmental~~ review of the program to determine whether training and instruction credit pursuant to Ark. Code Ann. § 6-13-629 and this Rule may be awarded.

1.) Name and Address of Provider: _____

2.) Contact Person for Provider: Name: _____

Address _____

Phone Number: _____

Fax: _____

E-Mail _____

3.) Title and Detailed Description of Program: _____

4.) Please indicate how the program content will apply to Section 5.00, Training Content, of the Rules Governing Required Training for School Board Members

5.) Date(s) program is to be presented: _____

6.) Members of provider's staff who will provide instruction at the program:

a.) Staff Member's Name: _____

Address: _____

Phone Number _____

Fax Number: _____

E-mail: _____

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

b.) Staff Member's Name: _____

Address: _____

Phone Number _____

Fax Number: _____

E-mail: _____

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

c.) Staff Member's Name: _____

Address: _____

Phone Number _____

Fax Number: _____

E-mail: _____

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

d.) Staff Member's Name: _____

Address: _____

Phone Number _____

Fax Number: _____

E-mail: _____

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

e.) Staff Member's Name: _____

Address: _____

Phone Number _____

Fax Number: _____

E-mail: _____

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

f.) Staff Member's Name: _____

Address: _____

Phone Number _____

Fax Number: _____

E-mail: _____

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

- 7.) Please add to this document any other information that you believe would be helpful in assisting the ~~Department~~ Division in determining whether to grant your request.
- 8.) The ~~ADE~~ DESE shall promptly review the content of the program for compliance with any and all applicable ~~statute~~ statutes and ~~department~~ Division rules to determine if any or all of the program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.
- 9.) Upon notification by the ~~ADE~~ DESE of approval of the program (or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 10.) The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

Submitted by: _____ Date: _____

FOR ADE DESE USE ONLY

Date Provider Information Received _____

Date Reviewed: _____

Request to Present Program: Approved: _____

Denied: _____

Date of decision: _____

Signature of ~~ADE~~ DESE Representative: _____

State of Arkansas

As Engrossed: H1/29/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1021

By: Representatives Dotson, Warren, Capp, Cozart, Dalby, Evans, Gazaway, L. Johnson, Maddox,
Vaught, Wing

By: Senators J. English, B. Ballinger

For An Act To Be Entitled

AN ACT CONCERNING THE TRAINING AND INSTRUCTION OF A
SCHOOL BOARD MEMBER; TO AMEND THE REQUIREMENTS
REGARDING TRAINING AND INSTRUCTION REQUIRED OF A
NEWLY ELECTED SCHOOL BOARD MEMBER; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE REQUIREMENTS REGARDING
TRAINING AND INSTRUCTION REQUIRED OF A
NEWLY ELECTED SCHOOL BOARD MEMBER.

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

SECTION 1. Arkansas Code § 6-13-629(a)(1)(B), concerning school board
member training and instruction requirements, is amended to read as follows:

(B)(i) A member of a school district board of directors
elected for an initial or noncontinuous term shall obtain+

~~(i) No~~ no less than nine (9) hours of training and
instruction by December 31 of the calendar year following the year in which
the member is elected; ~~and.~~

(ii) The hours of training or instruction required
under subdivision ~~(a)(3)(B)~~ (a)(1)(B)(i) of this section ~~within the first~~
~~fifteen (15) months of service on the board of directors~~ shall include
training or instruction on how to read and interpret an audit report under
subdivision (a)(3)(A)(iii) of this section.



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/s/Warren

APPROVED: 2/18/19

State of Arkansas

As Engrossed: H4/1/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1933

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO AMEND THE STATE ANTI-BULLYING POLICY; TO
REQUIRE THAT A SCHOOL BOARD MEMBER RECEIVE
INFORMATION REGARDING SCHOOL SAFETY AND STUDENT
DISCIPLINE; TO INCLUDE BULLYING AND CYBERBULLYING
PREVENTION TRAINING WITHIN A PROFESSIONAL DEVELOPMENT
PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ANTI-BULLYING POLICY; TO
REQUIRE A SCHOOL BOARD MEMBER TO RECEIVE
INFORMATION REGARDING SCHOOL SAFETY AND
STUDENT DISCIPLINE; AND TO REQUIRE A
BULLYING AND CYBERBULLYING PREVENTION
PROFESSIONAL DEVELOPMENT PROGRAM.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.
The General Assembly finds that:

(1) A 2016 study, "Indicators of School Crime and Safety,"
published by the United States Department of Justice and the United States
Department of Education, reported that twenty-one percent (21%) of students
twelve (12) through eighteen (18) years of age reported being bullied at
school during the previous school year;

(2) The same 2016 study also reported that about thirty-three
percent (33%) of students who reported being bullied at school indicated that
they were bullied at least once or twice a month during the school year;



1 (3) A 2017 study by the Centers for Disease Control and
2 Prevention, the Youth Risk Behavior Surveillance study, reported that
3 Arkansas ranks highest in the nation for the percentage of teenagers who were
4 bullied on school property;

5 (4) The persistence of school bullying has led to instances of
6 student suicide across the country, including Arkansas;

7 (5) Significant research findings have emerged since Arkansas
8 enacted its public school anti-bullying statutes in 2003 and its
9 cyberbullying law in 2011;

10 (6) School districts and students, parents, teachers,
11 principals, other school staff, and school district boards of directors would
12 benefit from the establishment of clearer standards regarding what
13 constitutes bullying and how to prevent, report, investigate, and respond to
14 incidents of bullying;

15 (7) It is the intent of the General Assembly in enacting this
16 legislation to strengthen the standards and procedures for preventing,
17 reporting, investigating, and responding to incidents of bullying of students
18 that occur on and off school property;

19 (8) Fiscal responsibility requires Arkansas to take a more
20 effective and clearer approach to eliminate school bullying by ensuring that
21 existing resources are better managed and used to make schools safer for
22 students; and

23 (9) By strengthening the standards and procedures for the
24 prevention, reporting, and investigation of and the response to incidents of
25 bullying, it is the intent of the General Assembly to reduce the risk of
26 suicide among students and avert not only the needless loss of a young life
27 but also the tragedy that such loss causes a student's family and the
28 community at large.

29
30 SECTION 2. Arkansas Code § 6-13-629(a)(3)(A), concerning the training
31 and instruction of school board members, is amended to read as follows:

32 (3)(A) The training and instruction required under this section
33 shall include:

34 (i) ~~topics~~ Topics relevant to school laws, and
35 school operations, ~~and~~

36 (ii) ~~the~~ The powers, duties, and responsibilities of

the members of the ~~board~~ boards of directors, including without limitation:

~~(i)~~(a) Legal requirements, including without limitation:

~~(a)~~(1) The items listed or required by the Legislative Joint Auditing Committee under § 6-1-101; and

~~(b)~~(2) Other financial laws or regulations designated by the Department of Education;

~~(ii)~~(b) Role differentiation;

~~(iii)~~(c) Financial management, including without limitation how to read and interpret an audit report; and

~~(iv)~~(d) Improving student achievement; and

(iii) Information regarding school safety and student discipline.

(b) A member shall be required to complete the program in subdivision (a)(3)(A)(iii)(a) of this section only one (1) time.

SECTION 3. Arkansas Code Title 6, Chapter 17, Subchapter 7, is amended to add an additional section to read as follows:

6-17-711. Bullying Prevention – Professional development.

(a) The Department of Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

(1) Bullying prevention; and

(2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and for licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the department shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.

(2) The guidance document required under subdivision (c)(1) of

1 this section shall include without limitation:

2 (A) A public school district's obligations under § 6-18-
3 514;

4 (B) Best practices for the prevention, reporting, and
5 investigation of and the response to bullying in public schools; and

6 (C) A clear definition of bullying that provides examples
7 regarding conduct that does and does not constitute bullying.

8 (3) The guidance document under subdivision (c)(1) of this
9 section shall be provided to licensed public school personnel as part of the
10 professional development required under subsection (a) of this section.

11
12 SECTION 4. Arkansas Code § 6-18-514(b)(2), concerning anti-bullying
13 policies in public schools, is amended to read as follows:

14 (2)(A) "Bullying" means the intentional harassment,
15 intimidation, humiliation, ridicule, defamation, or threat or incitement of
16 violence by a student against another student or public school employee by a
17 written, verbal, electronic, or physical act that may address an attribute of
18 the other student, public school employee, or person with whom the other
19 student or public school employee is associated and that causes or creates
20 actual or reasonably foreseeable:

21 ~~(A)~~(i) Physical harm to a public school employee or
22 student or damage to the public school employee's or student's property;

23 ~~(B)~~(ii) Substantial interference with a student's
24 education or with a public school employee's role in education;

25 ~~(C)~~(iii) A hostile educational environment for one (1) or
26 more students or public school employees due to the severity, persistence, or
27 pervasiveness of the act; or

28 ~~(D)~~(iv) Substantial disruption of the orderly operation of
29 the public school or educational environment;.

30 (B) "Bullying" includes cyberbullying as defined in this
31 section;

32
33 SECTION 5. Arkansas Code § 6-18-514(d)-(j), concerning anti-bullying
34 policies in public schools, are amended to read as follows:

35 (d) A If an alleged incident of bullying occurs during school hours, a
36 public school principal or his or her designee who receives a credible report

1 or complaint of bullying shall ~~promptly investigate the complaint or report~~
2 ~~and make a:~~

3 (1) As soon as reasonably practicable:

4 (A) Report to a parent or legal guardian of a student
5 believed to be the victim of an incident of bullying that his or her child is
6 the victim in a credible report of complaint or bullying; and

7 (B) Prepare a written report of the alleged incident of
8 bullying;

9 (2)(A) Promptly investigate the credible report or complaint.

10 (B)(i) The investigation conducted under subdivision
11 (d)(2)(A) of this section shall be completed as soon as possible but not
12 later than five (5) school days from the date of the written report of the
13 alleged incident of bullying as required under subdivision (d)(1)(B) of this
14 section.

15 (ii) Following the completion of the investigation
16 into the alleged incident of bullying conducted under subdivision (d)(2)(A)
17 of this section, an individual licensed as a public school district building-
18 level administrator or his or her designee may without limitation:

19 (a) Provide intervention services;

20 (b) Establish training programs to reduce
21 bullying;

22 (c) Impose discipline on any of the parties
23 involved in the incident of bullying;

24 (d) Recommend counseling for any of the
25 parties involved in the incident of bullying; or

26 (e) Take or recommend other appropriate
27 action;

28 (3)(A) Notify the parent or legal guardian of the student who is
29 determined to have been the perpetrator of the incident of bullying:

30 (i) Upon completion of the investigation under
31 subdivision (d)(2)(A) of this section; and

32 (ii) Regarding the consequences of continued
33 incidents of bullying.

34 (B) A parent or legal guardian of a student who is a party
35 to an investigation of an incident of bullying conducted under subdivision
36 (d)(2)(A) of this section is entitled within five (5) school days after the

1 completion of the investigation, and in accordance with federal and state
2 law, to receive information about the investigation, including without
3 limitation:

4 (i) That a credible report or complaint of bullying
5 exists;

6 (ii) Whether the credible report or complaint of
7 bullying was found to be true based on the investigation;

8 (iii) Whether action was taken upon the conclusion
9 of the investigation of the alleged incident of bullying; and

10 (iv) Information regarding the reporting of another
11 incident of bullying;

12 (4)(A) Make a written record of the investigation and any action
13 taken as a result of the investigation.

14 (B) The written record of the investigation shall include
15 a detailed description of the alleged incident of bullying, including without
16 limitation a detailed summary of the statements from all material witnesses
17 to the alleged incident of bullying; and

18 (5) Discuss, as appropriate, the availability of counseling and
19 other intervention services with students involved in the incident of
20 bullying.

21 (e) One (1) time each school year, the superintendent of a public
22 school district shall report to the public school district board of directors
23 at a public hearing data regarding discipline in the public school district,
24 including without limitation the number of incidents of bullying reported and
25 the actions taken regarding the reported incidents of bullying.

26 ~~(e)(1)(f)(1)~~ The Each public school district board of directors of
27 every school district shall adopt policies to prevent bullying.

28 (2) The policies shall:

29 (A)(i) Clearly define conduct that constitutes bullying.

30 (ii) The definition under subdivision (f)(2)(A)(i)
31 of this section shall include without limitation the definition contained in
32 subsection (b) of this section;

33 (B) Prohibit bullying:

34 (i) While Bullying while in school, on school
35 equipment or property, in school vehicles, on school buses, at designated
36 school bus stops, at school-sponsored activities, or at school-sanctioned

1 events; or

2 (ii)(a) ~~By an electronic act~~ Cyberbullying that
3 results in the substantial disruption of the orderly operation of the school
4 or educational environment.

5 (b) This section ~~shall apply~~ applies to an
6 ~~electronic act whether or not the electronic act~~ cyberbullying whether or not
7 the cyberbullying originated on school property or with school equipment, if
8 the ~~electronic act~~ cyberbullying is directed specifically at students or
9 school personnel and maliciously intended for the purpose of disrupting
10 school and has a high likelihood of succeeding in that purpose;

11 (C) State the consequences for engaging in the prohibited
12 conduct, which may vary depending on the age or grade of the student
13 involved;

14 (D) Require that a school employee who has witnessed or
15 has reliable information that a pupil has been a victim of an incident of
16 bullying as defined by the public school district shall report the incident
17 to the principal as soon as possible;

18 (E) Require that ~~the any person or persons who file files~~
19 a credible report or makes a complaint of bullying will shall not be subject
20 to retaliation or reprisal in any form;

21 (F) Require that notice of what constitutes bullying, that
22 bullying is prohibited, and that the consequences of engaging in bullying be
23 conspicuously posted in every classroom, cafeteria, restroom, gymnasium,
24 auditorium, and school bus in the district; ~~and~~

25 ~~(G)(i)~~ (i) Require that copies of the notice of what
26 constitutes bullying, ~~that bullying is prohibited, and that the prohibition~~
27 of bullying, and the consequences of engaging in bullying be provided to
28 parents and legal guardians, students, school volunteers, and employees of
29 the public school annually.

30 (ii) Each policy shall require that a full copy of
31 the policy be made available upon request; ~~and~~

32 (H) Describe the procedures for reporting an incident of
33 bullying and the steps school employees may take in order to address a report
34 of an alleged incident of bullying as described in this section.

35 (3) A notice of the public school district's policies shall
36 appear in any:

1 (A) Publication of the public school district that sets
2 forth the comprehensive rules, procedures, and standards of conduct for
3 public schools within the public school district; and

4 (B) Student handbook.

5 (4) The public school district shall, to the extent required,
6 annually conduct a reevaluation, reassessment, and review of its policies
7 regarding the prohibition of bullying and make any necessary revisions and
8 additions.

9 ~~(f)~~(g) A public school district shall provide training on compliance
10 with the ~~antibullying~~ anti-bullying policies to all public school district
11 employees responsible for reporting or investigating bullying under this
12 section.

13 ~~(g)~~(h) A public school employee who has reported violations under the
14 public school district's policy shall be immune from any tort liability that
15 may arise from the failure to remedy the reported incident of bullying.

16 ~~(h)~~(i) The public school district board of directors ~~of a school~~
17 ~~district~~ may provide opportunities for school employees to participate in
18 programs or other activities designed to develop the knowledge and skills to
19 prevent and respond to acts covered by ~~this policy~~ the public school
20 district's policies.

21 ~~(i)~~(j) The public school district shall provide the Department of
22 Education with the website address at which a copy of the policies adopted in
23 compliance with this section may be found.

24 ~~(j)~~(k) This section is not intended to:

25 (1) Restrict a public school district from adopting and
26 implementing policies against bullying ~~or~~ and school violence or policies to
27 promote civility and student dignity that are more inclusive than the
28 ~~antibullying~~ policies prohibiting bullying required under this section; ~~or~~

29 (2) Unconstitutionally restrict protected rights of freedom of
30 speech, freedom of religious exercise, or freedom of assembly;

31 (3) Affect the provisions of any collective bargaining agreement
32 or individual contract of employment in effect on the effective date of this
33 act; or

34 (4) Alter or reduce the rights of a student with a disability
35 with regard to disciplinary action or to general or special educational
36 services and support.

1 (1)(1) Nonpublic schools are encouraged to comply with the provisions
2 of this section.

3 (2) In the case of a faith-based nonpublic school, this section
4 shall not be interpreted to prohibit or abridge the legitimate statement,
5 expression, or free exercise of the beliefs or tenets of any faith by the
6 religious organization operating the school or by the school's faculty,
7 staff, or student body.

8
9 SECTION 6. Arkansas Code § 6-18-514, concerning anti-bullying policies
10 in public schools, is amended to add additional subdivisions to read as
11 follows:

12 (k) "Cyberbullying" means any form of communication by electronic act
13 that is sent with the purpose to:

14 (1) Harass, intimidate, humiliate, ridicule, defame, or threaten
15 a student, public school employee, or person with whom the other student or
16 public school employee is associated; or

17 (2) Incite violence to a student, public school employee, or
18 person with whom the other student or public school employee is associated.

19
20 /s/Gazaway

21
22
23 **APPROVED: 4/15/19**