

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Flanagin**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT THE PUBLIC SCHOOL-SPONSORED SALE OF
9 FUNDRAISING MERCHANDISE AND OTHER DOOR-TO-DOOR
10 SOLICITATION BY STUDENTS IN KINDERGARTEN THROUGH GRADE SIX
11 (6) WITHOUT PARENTALLY APPROVED ADULT SUPERVISION; AND FOR
12 OTHER PURPOSES."

Subtitle

14 "TO PROHIBIT SCHOOL-SPONSORED SALE OF FUNDRAISING
15 MERCHANDISE AND OTHER DOOR-TO-DOOR SOLICITATION BY K-6
16 STUDENTS."

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

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21 SECTION 1. LEGISLATIVE FINDINGS AND DECLARATIONS. The General Assembly
22 hereby finds that fundraising projects in which a public school furnishes
23 elementary students with merchandise for sale may put the children in
24 dangerous situations when the merchandise is sold door-to-door. Accordingly,
25 it is the intent of the General Assembly by this act to further insure the
26 physical and psychological well-being of public school students throughout the
27 state of Arkansas.

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29 SECTION 2. As used in this act, unless the context requires otherwise:

30 (1) "Elementary Student" means a child in kindergarten through grade
31 six (6).

32 (2) "Parent" means a parent or legal guardian.

33 (3) "Adult" means a person age sixteen (16) years or older.

34 (4) "Fundraising Companies" means businesses that assist schools in
35 raising funds in return for a share of all money collected.

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SECTION 3. (a) A public school shall not sponsor or participate in a fundraising project in which elementary students sell merchandise furnished by or through the public school door-to-door or otherwise engage in door-to-door solicitation without parent or parentally approved adult supervision.

(b) A school must provide written notification of the following to parents of all elementary students before the onset of any fundraising project:

(1) Student participation is voluntary and parents have the option of withholding permission;

(2) Students who do not participate will not forfeit any school privileges; and

(3) Parents who grant permission must acknowledge their responsibility for student safety and shall indicate who will provide nonparental adult supervision.

SECTION 4. All prizes and parties related to school fundraising activities shall be awarded or held after regular achool hours, and no public school funds shall be used for these activities.

SECTION 5. If the State Department of Education determines that a school district is not in compliance with this act:

(1) All money collected shall be forfeit to the state of Arkansas to be deposited as General Revenues;

(2) The school district shall have no fundraising projects involving door-to-door solicitation by any student for a period of two (2) year;

(3) No school district in the state of Arkansas may do business with the fundraising company for a period of two (2) years.

SECTION 6. (a) The provisions of this act shall become a part of the standards for accreditation for the public schools of Arkansas.

(b) The State Board of Education shall promulgate such rules and regulations as may be required to implement the intent of this act and shall make them available to all public schools.

1 SECTION 7. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 8. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 9. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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