

Stricken language would be deleted from present law. Underlined language would be added to present law.

As Engrossed: H2/5/97 S2/25/97 S2/27/97 S3/3/97

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 742 OF 1997
HOUSE BILL 1397

4
5 By: Representatives Fletcher and Choate
6 By: Senator Mahony

For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-18-507 TO
10 PROVIDE AN APPEAL PROCESS FOR STUDENTS WHO ARE SUSPENDED
11 OR EXPELLED FROM SCHOOL FOR VIOLATION OF A SCHOOL
12 DISTRICT'S WRITTEN DISCIPLINE POLICIES; TO DECLARE AN
13 EMERGENCY AND FOR OTHER PURPOSES."

Subtitle

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16 "TO PROVIDE AN APPEAL PROCESS FOR
17 STUDENTS WHO ARE SUSPENDED OR EXPELLED
18 FROM SCHOOL FOR VIOLATION OF A SCHOOL
19 DISTRICT'S WRITTEN DISCIPLINE POLICIES."

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

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23 SECTION 1. Arkansas Code Annotated § 6-18-507 is amended to read as
24 follows:

25 "6-18-507. Suspension - Expulsion.

26 (a) As used in this section:

27 (1) Suspension means dismissal from school for a period of time
28 that does not exceed ten (10) days;

29 (2) Expulsion means dismissal from school for a period of time
30 that exceeds ten (10) days;

31 (3) "Nontraditional scheduling" means block or other alternative
32 scheduling as defined by the Department of Education;

33 (4) "Course time" means the number of hours of instruction
34 devoted to a single subject during the school week.

35 ~~_____ (a) (b) The board of directors of any a school district may suspend or~~
36 ~~expel any person student from school for immorality, refractory conduct,~~

1 ~~insubordination, infectious disease, habitual uncleanliness, or other conduct~~
2 ~~that would tend to impair the discipline of the school or harm the other~~
3 ~~pupils, but such suspension shall not extend beyond the current term~~ violation
4 of the school district's written discipline policies.

5 ~~_____ (b)(c)(1) The board of directors may authorize the a teacher or~~
6 ~~administrator to suspend any pupils, subject to appeal to the board~~ student
7 for a maximum of ten (10) school days for violation of the school district's
8 written discipline policies, subject to appeal to the superintendent or his
9 designee; however, schools that utilize nontraditional scheduling may not
10 suspend students from more course time than would result from a ten-day
11 suspension under the last traditional schedule used by the school district.

12 (2) If the superintendent initiates the suspension process, the
13 decision may be appealed to the board.

14 (d)(1) A superintendent may recommend the expulsion of a student for
15 more than ten (10) days for violation of the school district's written
16 discipline policies, subject to appeal to the board of directors and to
17 requirements of the federal Individuals with Disabilities Education Act.

18 ~~_____ (e)(2) All school district board meetings entertaining such~~
19 ~~appeals shall be conducted in executive session if requested by the parent or~~
20 ~~guardian of the student, provided that after hearing all testimony and debate,~~
21 ~~the school board of directors shall conclude the executive session and~~
22 ~~reconvene in public session to vote on such appeal.~~

23 ~~_____ (d)(e) The superintendent of any school district shall suspend~~
24 recommend the expulsion of any student from school for a period of not less
25 than one (1) year for possession of any firearm or other weapon prohibited
26 upon the school campus by law; provided, however, that the superintendent
27 shall have discretion to modify such expulsion requirement for a student on a
28 case-by-case basis."

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

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 4. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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7 SECTION 5. EMERGENCY. It is found and determined by the General
8 Assembly that the recent decision by the Arkansas Supreme Court in Richie v.
9 Board of Education of Lead Hill School District has created some confusion in
10 local school districts as to the validity of written student discipline
11 policies in cases involving suspensions and expulsions and that it is
12 necessary that this act take immediate effect to resolve this confusion.
13 Therefore an emergency is declared to exist and this act being immediately
14 necessary for the preservation of the public peace, health and safety shall
15 become effective on the date of its approval by the Governor. If the bill is
16 neither approved nor vetoed by the Governor, it shall become effective on the
17 expiration of the period of time during which the Governor may veto the bill.
18 If the bill is vetoed by the Governor and the veto is overridden, it shall
19 become effective on the date the last house overrides the veto.

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21 /s/Rep. Fletcher et al

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23 APPROVED: 3-21-97

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