

Act 474 of the 1989 Regular Session.

Act 474

HB1527

By: Representative Mahony

"AN ACT TO ASSESS A CIVIL PENALTY AGAINST PARENTS WHO FAIL TO ATTEND A SCHOOL DISTRICT CONFERENCE DESIGNED TO PRESENT A PLAN TO ASSIST THEIR CHILD IN ACHIEVING MASTERY OF BASIC SKILLS; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) For each student failing to achieve mastery level performance on the basic competency test at grade levels third, sixth and eighth, within thirty (30) days of the test results being known, each school district shall evaluate the student and develop an academic skills plan to assist the student in achieving mastery of the basic skills in subject areas where performance is below mastery level.

(b) Once the academic skills plan is developed, a conference shall be organized and scheduled, within sixty (60) days of the test results being known, for the student's school principal, the student's teachers, the student's counselor and any other necessary person to present the plan to the student and the student's parents, guardians or persons in loco parentis. At the request of the parents, guardians or persons in loco parentis, an individual of their choosing may attend the conference with them.

(c) The conference shall be held at a reasonable time and location to be set by the student's school principal who shall notify the student's parents, guardians or persons in loco parentis in writing by certified mail return receipt requested of the conference.

(d) Failure on the part of the student's parents, guardians or persons in loco parentis, upon proper notice as provided herein to attend the conference provided for in subsection (b) herein or to change the date and time to one which is mutually agreeable, shall subject them to a civil penalty in such amount as a court of competent jurisdiction may prescribe but not to exceed fifty dollars (\$50.00) plus costs of court and any reasonable fees assessed by the court. The fine shall be forwarded by the court to the school district attended by the student and placed in a fund set up to defer the cost of remedial programs for students failing to achieve mastery level performance on the basic competency test. When practicable and appropriate, the court may utilize community service requirements in lieu of monetary penalties.

(e) Each school district shall notify the prosecuting attorney if the school attended by the student is located outside of the city limits, or city attorney if the school attended by the student is located within the city limits, whichever is applicable, whenever a parent, guardian, or persons in loco parentis violates the provisions of this act who shall take whatever action is necessary to collect the penalty provided for herein for the school district. The failure of the prosecuting attorney to timely pursue collection on a case once notified shall be considered neglect of duty, subjecting the prosecuting attorney to the provisions of Arkansas Code 16-21-116.

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

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 10, 1989
