

Act 70 of the Third Special Session of 1989.

Act 70

HB1042

By: Representative Mahony

For An Act To Be Entitled  
"AN ACT TO AMEND ACT 473 OF 1989 TO CLARIFY REQUIREMENTS OF  
SCHOOL ATTENDANCE POLICIES; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1(a) of Act 473 of 1989 is hereby amended to read as follows:

"SECTION 1. (a) The Board of Directors of each school district in this state shall adopt a student attendance policy as provided for in Ark. Code 6-18-209 which shall include a certain number of an excessive absences which may be used as a basis for denial of course credit, promotion or graduation. However, excessive absences shall not be a basis for expulsion or dismissal of a student. The legislative intent is that a student having excessive absences because of illness, accident or other reasons should be given assistance in obtaining credit for the courses."

SECTION 2. Section 1(c) of Act 473 of 1989 is hereby amended to read as follows:

"(c) The student's parents, guardians or persons in loco parentis shall be notified when the student has accumulated excessive absences equal to one-third and two-thirds the total number of absences permitted under the school district's student attendance policy per semester. Notice shall be by telephonic contact with the student's parents, guardians or persons in loco parentis by the end of the school day in which such absence occurred or by certified mail with a return receipt required sent no later than the following school day."

SECTION 3. Section 1(d) of Act 473 of 1989 is hereby amended to read as follows:

"(d) Whenever a student exceeds the number of excesssive absences as provided for in the district's student attendance policy, and the school district notifies the prosecuting or city attorney, the student's parents, guardians or parents in loco parentis shall be subject to a civil penalty in such an amount as a court of competent jurisdiction presiding in the presence of a representative of the school district may prescribe, but not to exceed five hundred dollars (\$500.00) plus costs of court and any reasonable fees assessed by the court. The penalty shall be forwarded by the court to the school attended by the student."

SECTION 4. Section 1(e) of Act 473 of 1989 is hereby amended to read as follows:

"(e) Upon notification by the school district of the prosecuting attorney if the school is located outside of the city limits, or the city attorney if the school is located within the city limits, whichever is applicable, the prosecuting or city attorney shall file an action in the appropriate court to impose the civil penalty set forth in subsection (d) and shall take whatever action is necessary to collect the penalty provided for therein. The failure of the prosecuting attorney to timely file an action or 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 5. Section 2(a) of Act 473 of 1989 is hereby amended to read as follows:

"SECTION 2. (a)(1) Each public, private, or parochial school shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school.

(2) Upon receipt of such notification, the Department of Finance and Administration shall notify the licensee by certified mail, return receipt requested, that his motor vehicle operator's license will be suspended unless a hearing is requested in writing within thirty (30) days from the date of notice.

(3) The licensee shall be entitled to retain or regain his license by providing the Department of Finance and Administration with adequate evidence that:

- (A) the licensee is seventeen (17) years of age;
- (B) the licensee is attending school; or
- (C) the licensee has obtained a high school diploma or its

equivalent.

(4) The Department of Finance and Administration shall have the power to promulgate rules and regulations to carry out the intent of this act, and shall distribute to each public, private, and parochial school a copy of all rules and regulations adopted under this act.

(5) In cases where demonstrable financial hardship would result from the suspension of the learner's permit or driver's license, the Department of Finance and Administration may grant exceptions only to the extent necessary to ameliorate the hardship."

SECTION 6. 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 7. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 8. Emergency. It is hereby found and determined by the General Assembly that parental involvement is a necessary part of a student's education, and the General Assembly feels very strongly that a student's parents, guardians or persons in loco parentis should be informed of excessive student absences and should bear certain responsibilities regarding their students' absences. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: November 16, 1989

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