

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 334 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/26/09

A Bill

HOUSE BILL 1057

5 By: Representative Hobbs
6 By: Senators *Bledsoe, Elliott*
7

8
9 **For An Act To Be Entitled**

10 AN ACT TO PROVIDE NOTIFICATION OF CHANGES TO A
11 JUVENILE SAFETY PLAN UNDER ARKANSAS CODE § 9-27-
12 352 TO SCHOOL PRINCIPALS AND ASSISTANT SCHOOL
13 PRINCIPALS; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 TO PROVIDE NOTIFICATION OF CHANGES TO A
17 JUVENILE SAFETY PLAN TO SCHOOL
18 PRINCIPALS AND ASSISTANT PRINCIPALS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code § 9-27-352(d), concerning juvenile safety*
24 *plans, is amended to read as follows:*

25 *(d)(1) When a court orders that a juvenile have a safety plan that*
26 *restricts or requires supervised contact with another juvenile or juveniles*
27 *as it relates to the safety of a student, the court shall direct that a copy*
28 *of the safety plan and a copy of the court order regarding the safety plan*
29 *concerning student safety be provided to the school principal and*
30 *superintendent ~~and school counselor~~ where the juvenile is enrolled.*

31 *(2) When a court order amends or removes ~~any~~ a safety plan*
32 *outlined in subdivision (d)(1) of this section, the court shall direct that a*
33 *copy of the safety plan and a copy of the court order regarding the safety*
34 *plan be provided to the school principal and superintendent ~~and school~~*
35 *~~counselor~~ where the juvenile is enrolled.*



1 (3)(A) A superintendent may provide verbal notification only to
2 school officials as necessary to implement the safety plan ordered by the
3 court to ensure student safety.

4 (B) The verbal notification shall be provided to:

5 (i) Assistant principal(s);

6 (ii) School counselor(s);

7 (iii) School employee(s) who is primarily
8 responsible for the juvenile's learning environment in the school where the
9 juvenile is currently enrolled; and

10 (iv) Bus drivers, if applicable.

11 (4) The principal and superintendent shall maintain a copy of
12 the court order or information concerning the court order and safety plan
13 under this section.

14 ~~(3)(5) Any local educational agency school official that~~
15 ~~receives a court order outlined in subdivision (d)(1) or subdivision (d)(2)~~
16 ~~of or information concerning the court order and safety plan under this~~
17 ~~section subsection (d) shall:~~

18 (A) Keep the information confidential Maintain the
19 confidentiality of and sign a statement not to disclose the information or
20 court order and safety plan;

21 (B) Include the information in the juvenile's permanent
22 educational records; and

23 (C)(i) Treat the information and documentation contained
24 in the court order as education records under the Family Educational Rights
25 and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2007.

26 (ii) The local education agency shall not release,
27 disclose, or make available the information and documentation contained in
28 the court order for inspection to any party except as permitted under the
29 Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed
30 on January 1, 2007.

31 (iii) However, under no circumstances shall the
32 local education agency release, disclose, or make available for inspection to
33 the public, any college, university, institution of higher learning,
34 vocational or trade school, or any past, present, or future employer of the
35 student the court order or safety plan portion of a student record.

36 ~~(4)(6) When a student attains an age that he or she is no longer~~

1 under the jurisdiction of the juvenile court, the safety plan and the order
2 regarding the safety plan shall be removed from the school's permanent
3 records and destroyed.

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5 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that safety of students is of
7 paramount importance to the state; that knowledge of juvenile safety plans
8 are required by court order, the juvenile's school district must be made
9 aware to ensure the safety of all students; and that this act is immediately
10 necessary to allow school districts to address safety concerns in the schools
11 as quickly and efficiently as possible. Therefore, an emergency is declared
12 to exist and this act being immediately necessary for the preservation of the
13 public peace, health, and safety shall become effective on:

14 (1) The date of its approval by the Governor;

15 (2) If the bill is neither approved nor vetoed by the Governor,
16 the expiration of the period of time during which the Governor may veto the
17 bill; or

18 (3) If the bill is vetoed by the Governor and the veto is
19 overridden, the date the last house overrides the veto.

20 /s/ Hobbs

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22 APPROVED: 3/10/2009
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