

ARKANSAS SENATE
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of Senate Bill No. 140

TO REQUIRE SCHOOL DISTRICT BOARDS OF DIRECTORS TO INCLUDE IN STUDENT DISCIPLINE
POLICIES THE REQUIREMENT THAT SCHOOLS CONDUCT AN ASSESSMENT OF A STUDENT'S
ADVERSE CHILDHOOD EXPERIENCES BEFORE DISCIPLINING A STUDENT.

Amendment No. 1 to Senate Bill 140

Amend Senate Bill No. 140 as originally introduced:

Add Representatives Scott, L. Johnson as cosponsors of the bill

AND

Page 1, delete lines 28 and 29, and substitute the following:

"SECTION 1. Arkansas Code § 6-18-516(a), concerning the definition of "exclusionary disciplinary actions", is amended to read as follows:

(a) As used in this section, "exclusionary disciplinary actions" means out-of-school suspension and expulsion of a student who attends public school on-site, through virtual means, or any combination of both.

SECTION 2. Arkansas Code Title 6, Chapter 18, Subchapter 5, is amended to add additional sections to read as follows:

AND

Page 2, delete lines 12 through 32, and substitute the following:

requirement that a public school administrator or his or her designee request and review information related to any adverse childhood experiences that may have manifested in the behavior exhibited by the public school student before the placement of the public school student in an alternative learning environment or the implementation of an exclusionary disciplinary action, as defined in § 6-18-516, that would exceed ten (10) consecutive days or ten (10) cumulative days out of school within one (1) school year.

(2) Information requested and reviewed under subdivision (b)(1) of this section may be obtained from:

(A) The parent, guardian, or person standing in loco parentis of the public school student;

(B) The public school student, if appropriate;



(C) Records maintained by or available to the public school;

(D) Public school district employees, including without limitation the public school district:

(i) Liaison for students who are in foster care;

(ii) Liaison for students who are homeless;

(iii) A counselor;

(iv) A nurse; or

(v) A social worker; and

(E)(i) An employee of the Department of Human Services if the public school student is or has been the subject of a current or former case overseen by the department.

(ii) An employee of the department shall provide, upon request of a public school, information relevant to the public school's review of adverse childhood experiences related to behavior that violates the public school's code of conduct.

(c)(1) If an adverse childhood experience is determined to have a direct and substantial relationship to the behavior of the public school student, appropriate behavioral supports shall be implemented.

(2)(A) A determination that a public school student has experienced an adverse childhood experience does not prohibit a public school from imposing disciplinary action.

(B) However, an adverse childhood experience shall be considered in determining whether disciplinary action is appropriate and what disciplinary action would be implemented.

(d) Nothing in this section shall be construed to prohibit implementing disciplinary action consistent with § 6-18-507.

(e) The State Board of Education may promulgate rules necessary for the implementation of this section.

6-18-518. Positive behavioral supports.

(a) Each public school district shall implement positive behavioral supports that shall be used at the:

(1) Prevention level for each public school student in the public school;

(2) Strategic intervention level for a public school student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and

(3) Intensive service or crisis-management level for a public school student who needs multifaceted or comprehensive behavioral or mental health services.

(b) Positive behavioral supports implemented by a public school district shall include the following:

(1) The teaching and reinforcing of interpersonal, social, problem-solving, conflict resolution, and coping skills to a public school student;

(2) Holding a public school student positively accountable for meeting an established behavioral expectation;

(3) Maintaining a high level of consistency through the implementation process; and

(4) The following interrelated activities:

(A) Providing a school-wide approach to the discipline and safety of each public school student rather than an approach to only the behavior problem of a public school student;

(B) Focusing on preventing the development and occurrence of problem behavior;

(C) Regularly reviewing behavior data to adapt the procedures of a public school to meet the needs of every public school student; and

(D) Providing a multitiered approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each public school student.

(c) A positive behavioral support system and conflict resolution or de-escalation approach implemented by a public school district shall be based on the following principles:

(1) A public school should promote the right of a public school student to be treated with dignity;

(2) A public school student should receive necessary academic, social, emotional, and behavioral support that is provided in a safe and least-restrictive environment possible;

(3) Positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, should be provided routinely to each public school student who needs the intervention or support;

(4) Public school personnel should be trained to provide routinely positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, to each public school student who needs intervention or support;

(5) Behavioral intervention should emphasize prevention and should be part of a public school's system of positive behavioral supports;

(6) A public school should have the public school personnel necessary to effectively provide positive support to each public school student;

(7) A public school should appropriately train its public school personnel to be able to address the needs of each public school student;

(8) All public school personnel should receive mandatory training in:

(A) The use of positive behavioral support for public school student behavior;

(B) Preventative techniques for teaching and motivating pro-social public school student behavior; and

(C) Conflict de-escalation and resolution techniques, which should be employed by all public school personnel to prevent, defuse, evaluate, and debrief a crisis and conflict situation; and

(9) Each public school student who exhibits an ongoing behavior that interferes with his or her learning or the learning of others, and who is nonresponsive to effectively implemented classroom or administrative intervention, should receive additional intensive behavioral intervention that is based on a functional behavior assessment and data-based problem solving.

(d)(1) A public school shall establish a problem-solving and intervention team for each public school student who exhibits social,

emotional, or behavioral difficulty that may, if not addressed, escalate to potentially dangerous behavior.

(2) A problem-solving and intervention team established under subdivision (d)(1) of this section shall include without limitation a team member who is an academic and behavioral assessment and intervention professional.

(3) A problem-solving and intervention team shall:

(A) Work with the public school teachers of a public school student to complete:

(i) A functional behavior assessment of the public school student; and

(ii) An assessment of any problematic situations involving the public school student; and

(B) Consider the need for a behavior intervention plan with the goal of:

(i) Preventing or resolving the social, emotional, or behavioral difficulty of the public school student; and

(ii) Developing a response that will de-escalate and stabilize a potential emergency situation that approaches a dangerous level.

(4) If a public school student is suspected of having a disability that relates to behavioral concerns, the public school shall follow public school district, state, and federal special education procedures.

(e) The State Board of Education may promulgate rules necessary for the implementation of this section."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Dismang

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Secretary