

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.

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

## 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

### Subtitle

15 TO PROVIDE NOTIFICATION OF CHANGES TO A  
16 JUVENILE SAFETY PLAN TO SCHOOL  
17 PRINCIPALS AND ASSISTANT PRINCIPALS.  
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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 § 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.*

36 *(3)(A) A superintendent may provide verbal notification only to*



1 school officials as necessary to implement the safety plan ordered by the  
 2 court to ensure student safety.

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

4 (i) Assistant principal(s);

5 (ii) School counselor(s);

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

9 (iv) Bus drivers, if applicable.

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

13 ~~(3)(5)~~ Any local educational agency school official that  
 14 receives a court order outlined in subdivision (d)(1) or subdivision (d)(2)  
 15 of or information concerning the court order and safety plan under this  
 16 section subsection (d) shall:

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

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

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

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

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

35 ~~(4)(6)~~ When a student attains an age that he or she is no longer  
 36 under the jurisdiction of the juvenile court, the safety plan and the order

1 regarding the safety plan shall be removed from the school's permanent  
2 records and destroyed.

3  
4 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
5 General Assembly of the State of Arkansas that safety of students is of  
6 paramount importance to the state; that knowledge of juvenile safety plans  
7 are required by court order, the juvenile's school district must be made  
8 aware to ensure the safety of all students; and that this act is immediately  
9 necessary to allow school districts to address safety concerns in the schools  
10 as quickly and efficiently as possible. Therefore, an emergency is declared  
11 to exist and this act being immediately necessary for the preservation of the  
12 public peace, health, and safety shall become effective on:

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

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

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

19 /s/ Hobbs  
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