

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S3/16/21

# A Bill

SENATE BILL 140

5 By: Senator J. Dismang  
6 By: Representatives Scott, L. Johnson  
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## For An Act To Be Entitled

9 AN ACT CONCERNING STUDENT DISCIPLINE IN PUBLIC  
10 SCHOOLS; TO REQUIRE PUBLIC SCHOOL DISTRICT BOARDS OF  
11 DIRECTORS TO INCLUDE IN STUDENT DISCIPLINE POLICIES  
12 THE REQUIREMENT THAT PUBLIC SCHOOLS CONDUCT AN  
13 ASSESSMENT OF A PUBLIC SCHOOL STUDENT'S ADVERSE  
14 CHILDHOOD EXPERIENCES BEFORE DISCIPLINING A PUBLIC  
15 SCHOOL STUDENT; AND FOR OTHER PURPOSES.  
16  
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## Subtitle

18 TO REQUIRE SCHOOL DISTRICT BOARDS OF  
19 DIRECTORS TO INCLUDE IN STUDENT  
20 DISCIPLINE POLICIES THE REQUIREMENT THAT  
21 SCHOOLS CONDUCT AN ASSESSMENT OF A  
22 STUDENT'S ADVERSE CHILDHOOD EXPERIENCES  
23 BEFORE DISCIPLINING A STUDENT.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 *SECTION 1. Arkansas Code § 6-18-516(a), concerning the definition of*  
30 *"exclusionary disciplinary actions", is amended to read as follows:*

31 *(a) As used in this section, "exclusionary disciplinary actions" means*  
32 *out-of-school suspension and expulsion of a student who attends public school*  
33 *on-site, through virtual means, or any combination of both.*  
34

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



1 6-18-517. Adverse childhood experiences – Consideration when  
2 disciplining – Definition.

3 (a)(1) As used in this section, an "adverse childhood experience"  
4 means a stressful or traumatic event experienced by a minor child.

5 (2) An "adverse childhood experience" may include without  
6 limitation a minor child witnessing, or being the victim of:

7 (A) Physical abuse;

8 (B) Sexual abuse;

9 (C) Emotional abuse;

10 (D) Physical neglect;

11 (E) Emotional neglect;

12 (F) Domestic violence;

13 (G) Substance abuse;

14 (H) Mental illness;

15 (I) Parental separation or divorce; and

16 (J) Incarceration.

17 (b)(1) A public school district board of directors shall include  
18 within the written student discipline policies required under § 6-18-503 the  
19 requirement that a public school administrator or his or her designee request  
20 and review information related to any adverse childhood experiences that may  
21 have manifested in the behavior exhibited by the public school student before  
22 the placement of the public school student in an alternative learning  
23 environment or the implementation of an exclusionary disciplinary action, as  
24 defined in § 6-18-516, that would exceed ten (10) consecutive days or ten  
25 (10) cumulative days out of school within one (1) school year.

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

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

30 (B) The public school student, if appropriate;

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

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

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

36 (ii) Liaison for students who are homeless;

1 (iii) A counselor;

2 (iv) A nurse; or

3 (v) A social worker; and

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

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

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

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

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

20 (3) Placement in an alternative learning environment as  
21 described in § 6-48-101 et seq. and other alternative restorative practices  
22 shall be considered before expelling a public school student who has  
23 experienced an adverse childhood experience that may have manifested into  
24 significant behaviors exhibited by the public school student.

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

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

29  
30 6-18-518. Positive behavioral supports.

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

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

35 (2) Strategic intervention level for a public school student who  
36 is not responding, from a social, emotional, or behavioral perspective, to

1 the prevention level; and

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

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

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

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

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

14 (4) The following interrelated activities:

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

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

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

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

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

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

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

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

1 support;

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

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

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

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

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

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

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

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

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

28 (d)(1) A public school shall establish a problem-solving and  
29 intervention team for each public school student who exhibits social,  
30 emotional, or behavioral difficulty that may, if not addressed, escalate to  
31 potentially dangerous behavior.

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

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

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

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

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

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

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

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

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

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

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21                   /s/J. Dismang  
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