

1 State of Arkansas As Engrossed: S3/16/21 S3/23/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 140

4

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.

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Subtitle

19 TO REQUIRE SCHOOL DISTRICT BOARDS OF
20 DIRECTORS TO INCLUDE IN STUDENT
21 DISCIPLINE POLICIES THE REQUIREMENT THAT
22 SCHOOLS CONDUCT AN ASSESSMENT OF A
23 STUDENT'S ADVERSE CHILDHOOD EXPERIENCES
24 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.

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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 make a
20 reasonable request for information related to adverse childhood experiences
21 or childhood trauma that may have manifested in the behavior exhibited by the
22 public school student before the placement of the public school student in an
23 alternative learning environment or the implementation of an exclusionary
24 disciplinary action, as defined in § 6-18-516, that would exceed ten (10)
25 cumulative days out of school within one (1) school year.

26 (2) Information received by a public school district in response
27 to a request under subdivision (b)(1) of this section shall be reviewed and
28 considered by appropriate public school district personnel before the
29 placement of a public school student in an alternative learning environment
30 or the implementation of an exclusionary disciplinary action, as defined in §
31 6-18-516, that would exceed ten (10) consecutive days or ten (10) cumulative
32 days out of school within one (1) school year.

33 (3) Information requested under subdivision (b)(1) of this
34 section may be obtained from:

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

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

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

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

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

7 (ii) Liaison for students who are homeless;

8 (iii) A counselor;

9 (iv) A nurse; or

10 (v) A social worker; and

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

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

18 (c)(1) If an adverse childhood experience is determined to have a
19 direct and substantial causal relationship to the behavior of the public
20 school student, the public school district in which the public school student
21 is enrolled shall provide to the public school student behavioral supports
22 that the public school district determines are appropriate.

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

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

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

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

36 (e) The State Board of Education may promulgate rules necessary for

1 the implementation of this section.

2
3 6-18-518. Positive behavioral supports.

4 (a) The Division of Elementary and Secondary Education shall develop a
5 model of positive behavioral supports and resources to be used at the:

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

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

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

14 (b) Positive behavioral supports and resources shall include the
15 following:

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

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

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

23 (4) The following interrelated activities:

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

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

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

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

35 (c) A positive behavioral support system and conflict resolution or
36 de-escalation approach implemented by a public school district shall be based

1 on the following principles:

2 (1) The right of a public school student to be treated with
3 dignity;

4 (2) Necessary academic, social, emotional, and behavioral
5 support should be provided in a safe and the least-restrictive environment
6 possible;

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

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

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

17 (6) A public school student should have access to public school
18 personnel who effectively provide positive support to a public school student
19 who needs the support;

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

22 (8) Appropriate public school personnel should receive training
23 in:

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

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

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

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

1 (d) The model developed by the division under subdivision (a)(1) of
2 this section shall include information regarding how a public school may
3 establish a problem-solving and intervention team for a public school student
4 who exhibits social, emotional, or behavioral difficulty that may, if not
5 addressed, escalate to potentially dangerous behavior.

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

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10 /s/J. Dismang
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