

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1057

"TO PROVIDE NOTIFICATION OF CHANGES TO A JUVENILE SAFETY PLAN TO
SCHOOL PRINCIPALS AND ASSISTANT PRINCIPALS."

Amendment No. 2 to House Bill No. 1057.

Amend House Bill No. 1057 as originally introduced:

Add Senators Elliott and Bledsoe as cosponsors of the bill:

AND

Page 1, delete line 22 through 35 and substitute the following:

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

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

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

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

(B) The verbal notification shall be provided to:

(i) Assistant principal(s);

(ii) School counselor(s);

(iii) School employee(s) who is primarily

responsible for the juvenile's learning environment in the school where the juvenile is currently enrolled; and

(iv) Bus drivers, if applicable.

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

~~(3)(5)~~ Any local educational agency school official that



receives a court order ~~outlined in subdivision (d)(1) or subdivision (d)(2)~~ of or information concerning the court order and safety plan under this section subsection (d) shall:

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

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

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

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

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

~~(4)(6)~~ When a student attains an age that he or she is no longer under the jurisdiction of the juvenile court, the safety plan and the order regarding the safety plan shall be removed from the school's permanent records and destroyed.

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

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

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

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

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

By: Senator Elliott
SAG/LNS - 02-24-2009 14:01
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Secretary