

7270 Anti-Bullying

7270.1. Definitions.

(1)(A) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or DYS or provider school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student or staff member or disrupt the operation of the DYS facility.

(B) The physical acts under subdivision (1)(A) of this section may cause:

- (i) Physical harm or damage to the person's property; or
- (ii) Substantial interference within the DYS facility.

(C) "Bullying" includes cyberbullying.

(2)(A) "Cyberbullying" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

(B)(i) "Cyberbullying" includes any form of communication sent by an electronic act that is to:

- (a) Harass;
- (b) Intimidate;
- (c) Humiliate;
- (d) Ridicule;
- (e) Defame; or
- (f) Threaten or incite violence.

(ii) An electronic act under this subdivision (2) includes those acts whether or not they originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.

(3) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment.

7270.2. Policy.

(a)(1) The Division of Youth Services (DYS) and its contract provider shall follow state and federal laws, rules, and regulations as applicable to students in DYS residential facilities.

(2) As a system of education, DYS shall follow all applicable rules and set forth by the Arkansas Department of Education.

(3) DYS is committed to providing students and staff at its residential facilities, whether operated by DYS or its contracted providers, with a safe environment free from discrimination and harassment.

(b)(1) Residential program staff shall actively encourage students to report any behavior they consider to be bullying, whether directed at themselves or another student.

(2) Students shall be advised that reports of bullying may be made verbally or in writing to any division or provider, including without limitation to any:

(A) Teacher;

- (B) Principal;
 - (C) Counselor; or
 - (D) Residential unit staff.
- (3) The reports under this subsection (b) may be made anonymously.
- (4) A DYS Incident Report shall be filed in the JJIS outlining the alleged incident.
- (c) A school principal or his or her designee who receives a report or complaint of bullying shall:
 - (1) Promptly investigate the complaint or report; and
 - (2) Make a record of the investigation and any action taken as a result of the investigation to school superintendent and facility director.
- (d) Teachers, staff members, or other employees who have witnessed bullying or have received a report that a student has been a victim of behavior considered to be bullying shall make a written report of the behavior to the facility director.
- (e) Facility staff shall conduct an investigation as soon as reasonably practicable, but no later than five (5) days from the date of the written report of the alleged incident.
- (f)(1) A record of investigation shall be entered into the JJIS.
 - (2) The record under subdivision (f)(1) of this section shall:
 - (A) Include a detailed description of the alleged incident;
 - (B) Include a detailed summary of the statement from all material witnesses;
- and
 - (C) Discuss the services offered to the youth involved.
- (g) Once the investigation is complete, DYS or a provider may:
 - (1) Provide intervention services;
 - (2) Establish training programs to reduce bullying;
 - (3) Impose discipline on any of the parties involved in the incident;
 - (4) Recommend counseling for any of the parties involved in the incident; or
 - (5) Take or recommend other appropriate action.
- (h) The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.
- (i)(1) If at any time a staff member believes a student is at imminent risk of serious physical, psychological, or emotional harm as a result of bullying, immediate action shall be taken in accordance with facility procedures to protect that student.
 - (2) This rule does not require any division or provider staff to complete an investigation before taking protective action.
- (i)(1) A report shall be made to a parent or legal guardian of any student believed to be the victim of an incident or credible report or complaint of bullying.
 - (2) The report under subdivision (i)(1) of this section shall be entered into the JJIS and:
 - (A) Be made within 5 (five) business days after the completion of the investigation;
 - (B) State the following:
 - (i) That a credible report or complaint exists;
 - (ii) Whether the report was found to be true; and
 - (iii) Whether action was taken; and
 - (C) Include information regarding the reporting of another incident of bullying.

(k)(1) A report shall be made to the parent or legal guardian of the youth who is determined to have been the perpetrator of bullying.

(2) The report under subdivision (k)(1) of this section shall be entered into the JJIS and:

(A) Be made within five (5) days after the completion of the investigation; and

(B) State information regarding the consequences of continued incidents of bullying.

(l)(1) Notice of what constitutes bullying, DYS's prohibition against bullying, and the consequences for students who bully shall be conspicuously posted in every:

(A) Classroom;

(B) Cafeteria;

(C) Restroom;

(D) Gymnasium;

(E) Auditorium; and

(F) Transportation vehicle.

(2) Parents, students, school volunteers, and employees shall be given copies of the notice under subdivision (l)(1) of this section.

(m) A. DYS staff or provider staff found to be in violation of this rule shall be subject to disciplinary action.

7231 Absent Without Leave (AWOL) Youths

7231.1. Definitions.

As used in this section:

- (1) "Absent without leave" or "AWOL" means when a youth leaves his or her placement without authorization; and
- (2) "Identifying and descriptive information" means any information pertaining to a youth that is necessary to safeguard public safety and aid in the apprehension of the youth, including without limitation:
 - (A) A photo of the youth;
 - (B) The name of the youth;
 - (C) The age of the youth; and
 - (D) A felony offense for which the youth is committed to the custody of DYS.

7231.2. Policy.

(a) The Division of Youth Services (DYS) and its providers shall follow state and federal law as applicable to Absent Without Leave (AWOL) youths from DYS residential facilities.

(b) When a youth that is committed to DYS goes AWOL from his or her placement, the contracted provider shall immediately notify the DYS on call personnel and provide the following information:

- (1) Name of youth;
- (2) Photograph of the youth;
- (3) Committing county;
- (4) Residential county of the youth;
- (5) Location of the youth at the time of the escape;
- (6) Time and date of escape
- (7) General direction the youth was headed;
- (8) Accomplices inside or outside the facility;
- (7) When staff became aware of the escape;
- (8) The means or method of escape used by the youth, if known;
- (9) Description of the youth's clothing; and
- (10) Any other information that may help in the capture of the youth.

(c)(1) The Facility Director shall ensure proper staff supervision of youth by employees.

(2) Case management or administration shall notify direct care staff of any abnormal occurrences among youth.

(d) All employees shall be alert to the risk of youth attempting to escape during movement or transportation of youth throughout the facility.

(e) Any employee who suspects an AWOL attempt or observes an AWOL shall notify the facility administration.

(f)(1) Pursuit of the escaping youth must begin immediately.

(2) All staff may be utilized in searches for escaped youth.

(g) The DYS on-call personnel shall:

(1) Notify the DYS on-call administrator immediately; and

(2) Initiate the request for completion and submission of a pick-up order to the Arkansas State Police and subsequent law enforcement personnel.

(h) The DYS Director or his or her designee shall notify the DHS Director of Communications or his or her designee to release the identifying and descriptive information of the AWOL youth to the general public if the youth:

- (1) Is committed to DYS for an offense that would be a felony if the offense were

committed by an adult;

(2) Poses a serious threat to public safety or a member of the public;

(3) Is at a heightened risk of harm if he or she is not apprehended immediately due to his

or her;

(A) Age;

(B) Disability;

(C) Medical condition;

(D) Mental capacity; or

(E) Other emergency circumstance; or

(4) Is committed to the division under extended juvenile jurisdiction.

(i)(1) The DYS Director, Assistant Directors, and the DHS Communications Team shall:

(A) Review the identifying and descriptive information and Ark. Code Ann. § 9-28-215; and

(B) Notify each facility to send out notifications via the Rave Alert System.

(2)(A) Within one (1) hour of the AWOL, the youth's parents or guardians be shall notified by the Facility Director or Assistant Facility Director.

(B) All attempts at notification shall be documented in the JJIS.

(3)(A) The DYS on-call administrator shall notify the DYS legal unit.

(B)(i) The DYS Legal Unit shall notify the committing juvenile court of the AWOL within twenty-four (24) hours.

(ii) The Legal Unit shall send the following information:

(a) Copy of the RS-10; and

(b) Copy of the Arkansas State Police pick-up order.

(i)(1) After the AWOL attempt or AWOL has occurred, the primary staff involved shall:

(A) Complete a DYS Incident Report; and

(B) Submit a complete written report to the shift supervisor for data entry into the JJIS by the end of shift.

(2) The Facility Director or Assistant Facility Director shall ensure that all aspects of the DYS Incident Reporting Policy have been followed.

(k) All AWOL attempts and AWOLs shall be reported to the DYS Internal Affairs Investigator and the DYS Monitoring Unit for investigation of the circumstances of the escape.

(l) Once the youth is apprehended:

(1) The Case Coordinator shall notify the:

(A) Parents or guardians of the youth; and

(B) DYS Legal Unit; and

(2) The DYS Legal Unit shall send written notification to the committing court.

7406 Dyslexia Screening and Reading Intervention Services

7406.1. Screening.

(a) Within thirty (30) calendar days, excluding holidays, of being committed to the Division of Youth Services (DYS), a youth shall have his or her reading proficiency level assessed and a dyslexia screening shall be delivered with fidelity, as defined in Ark. Code Ann. § 6-41-602.

(b) If a juvenile fails the dyslexia screener a Level II dyslexia assessment will be administered.

7406.2. Services.

(a)(1) If a reading assessment or the dyslexia assessment indicates that a youth is reading below the level of proficiency required to be a high functioning reader, the youth shall be provided evidenced-based reading intervention based on the science of reading and dyslexia intervention that is evidence-based according to the Arkansas Department of Education compilation of appropriate intervention programs.

(2) An intervention plan provided for a youth who is reading below the level of proficiency shall be administered with fidelity by a teacher who has been trained in the science of reading and has demonstrated proficient knowledge and skills to teach reading consistent with the best practices of scientific reading instruction as required under the Right to Read Act, Ark. Code Ann. § 6-17-429.

(b) Juveniles currently committed to DYS shall be:

(1) Provided with information that explains what dyslexia is in common and easily understandable language;

(2) Offered and encouraged to submit to dyslexia screening; and

(3) Provided with dyslexia intervention with fidelity, as defined in Ark. Code Ann. § 6-41-602, in the same manner as required for newly committed juveniles

7311 Termination of Pregnancy

7311.1. Policy.

(a) While a youth is in Division of Youth Services (DYS) care:

(1) The Department of Human Services (DHS) shall:

(A) Allow for the termination of a pregnancy to save the life of the pregnant female or as required by federal law; and

(B) Neither consent to or approve the termination of a pregnancy nor authorize the expenditure of state funds for the purpose of paying for the termination of a pregnancy; and

(2) The pregnant female, her family, or a third-party shall be responsible for all costs related to the termination of her pregnancy, except as required by federal law, including:

(A) Transportation costs;

(B) Costs incurred for medical appointments; or

(C) Subsequent healthcare determined necessary.

(b) DHS may be involved in any court proceeding related to the consideration to approve the termination of a pregnancy for any female in the custody of the state.

(c) DHS shall report annually to the Senate and House Committees on Public Health, Welfare, and Labor the number of terminations of pregnancies that occurred for females in the custody or guardianship of state.

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HOUSE BILL 1384

1 State of Arkansas

As Engrossed: S2/28/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

5 By: Representative C. Fite

6 By: Senator Rice

For An Act To Be Entitled

9 AN ACT TO CLARIFY WHEN THE DIVISION OF YOUTH SERVICES
10 MAY RELEASE INFORMATION ABOUT A JUVENILE TO THE
11 GENERAL PUBLIC; AND FOR OTHER PURPOSES.

Subtitle

15 TO CLARIFY WHEN THE DIVISION OF YOUTH
16 SERVICES MAY RELEASE INFORMATION ABOUT A
17 JUVENILE TO THE GENERAL PUBLIC.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 SECTION 1. Arkansas Code § 9-28-215 is amended to read as follows:

23 9-28-215. Departure without authorization – Release of information.

24 (a) ~~When a juvenile departs without authorization from a youth~~
25 ~~services center or other facility operated by the Division of Youth Services~~
26 ~~of the Department of Human Services for the care of delinquent juveniles, if~~
27 ~~at the time of departure the juvenile is committed or detained for an offense~~
28 ~~for which the juvenile could have been tried as an adult, the Director of the~~
29 ~~Division of Youth Services of the Department of Human Services shall release~~
30 ~~to the general public the name, age, and description of the juvenile and any~~
31 ~~other pertinent information he or she deems necessary to aid in the~~
32 ~~apprehension of the juvenile and safeguard the public welfare~~ As used in this
33 section, "identifying and descriptive information" means any information
34 pertaining to a juvenile that is necessary to safeguard public safety and aid
35 in the apprehension of the juvenile, including without limitation:

36 (1) A photo of the juvenile;



1 (2) The name of the juvenile;

2 (3) The age of the juvenile; and

3 (4) A felony offense for which the juvenile is committed to the
4 custody of the Division of Youth Services of the Department of Human
5 Services.

6 (b)(1) When a juvenile who is committed to the custody of the Division
7 of Youth Services of the Department of Human Services leaves his or her
8 assigned placement without authorization, the Director of the Division of
9 Youth Services of the Department of Human Services or his or her designee
10 shall release the identifying and descriptive information of the juvenile to
11 the general public if the juvenile :

12 (A) Is committed to the division for an offense that would
13 be a felony if the offense were committed by an adult;

14 (B) Poses a serious threat to public safety or a member of
15 the public; or

16 (C) Is at a heightened risk of harm if he or she is not
17 apprehended immediately due to his or her age, disability, medical condition,
18 mental capacity, or another emergency circumstance.

19 (2) The division shall release identifying and descriptive
20 information to the general public if the juvenile is committed to the
21 division under extended juvenile jurisdiction.

22 (3) The division shall promulgate rules detailing the factors to
23 be considered in determining when identifying and descriptive information may
24 be released.

25 ~~(b)~~(c) When a juvenile departs without authorization from the Arkansas
26 State Hospital, if at the time of departure the juvenile is committed as a
27 result of an acquittal, for mental disease or defect, of an offense for which
28 the juvenile could have been tried as an adult, the Director of the Division
29 of Behavioral Health of the Department of Human Services shall release to the
30 general public the name, age, and description of the juvenile and any other
31 pertinent information he or she deems necessary to aid in the apprehension of
32 the juvenile and safeguard the public welfare.

33 ~~(e)~~(d) When a juvenile departs without authorization from a local
34 juvenile detention facility, if at the time of departure the juvenile is
35 committed or detained for an offense for which the juvenile could have been
36 tried as an adult, the director of the juvenile detention facility shall

1 release to the general public the name, age, and description of the juvenile
2 and any other pertinent information the director deems necessary to aid in
3 the apprehension of the juvenile and safeguard the public welfare.

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5
6 /s/C. Fite

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9 **APPROVED: 3/7/19**
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OCT 11 2019

BUREAU OF
LEGISLATIVE RESEARCH

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H4/1/19

A Bill

HOUSE BILL 1933

5 By: Representative Gazaway
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE STATE ANTI-BULLYING POLICY; TO
9 REQUIRE THAT A SCHOOL BOARD MEMBER RECEIVE
10 INFORMATION REGARDING SCHOOL SAFETY AND STUDENT
11 DISCIPLINE; TO INCLUDE BULLYING AND CYBERBULLYING
12 PREVENTION TRAINING WITHIN A PROFESSIONAL DEVELOPMENT
13 PROGRAM; AND FOR OTHER PURPOSES.
14

Subtitle

15
16
17 TO AMEND THE ANTI-BULLYING POLICY; TO
18 REQUIRE A SCHOOL BOARD MEMBER TO RECEIVE
19 INFORMATION REGARDING SCHOOL SAFETY AND
20 STUDENT DISCIPLINE; AND TO REQUIRE A
21 BULLYING AND CYBERBULLYING PREVENTION
22 PROFESSIONAL DEVELOPMENT PROGRAM.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

28 The General Assembly finds that:

29 (1) A 2016 study, "Indicators of School Crime and Safety,"
30 published by the United States Department of Justice and the United States
31 Department of Education, reported that twenty-one percent (21%) of students
32 twelve (12) through eighteen (18) years of age reported being bullied at
33 school during the previous school year;

34 (2) The same 2016 study also reported that about thirty-three
35 percent (33%) of students who reported being bullied at school indicated that
36 they were bullied at least once or twice a month during the school year;



1 (3) A 2017 study by the Centers for Disease Control and
2 Prevention, the Youth Risk Behavior Surveillance study, reported that
3 Arkansas ranks highest in the nation for the percentage of teenagers who were
4 bullied on school property;

5 (4) The persistence of school bullying has led to instances of
6 student suicide across the country, including Arkansas;

7 (5) Significant research findings have emerged since Arkansas
8 enacted its public school anti-bullying statutes in 2003 and its
9 cyberbullying law in 2011;

10 (6) School districts and students, parents, teachers,
11 principals, other school staff, and school district boards of directors would
12 benefit from the establishment of clearer standards regarding what
13 constitutes bullying and how to prevent, report, investigate, and respond to
14 incidents of bullying;

15 (7) It is the intent of the General Assembly in enacting this
16 legislation to strengthen the standards and procedures for preventing,
17 reporting, investigating, and responding to incidents of bullying of students
18 that occur on and off school property;

19 (8) Fiscal responsibility requires Arkansas to take a more
20 effective and clearer approach to eliminate school bullying by ensuring that
21 existing resources are better managed and used to make schools safer for
22 students; and

23 (9) By strengthening the standards and procedures for the
24 prevention, reporting, and investigation of and the response to incidents of
25 bullying, it is the intent of the General Assembly to reduce the risk of
26 suicide among students and avert not only the needless loss of a young life
27 but also the tragedy that such loss causes a student's family and the
28 community at large.

29
30 SECTION 2. Arkansas Code § 6-13-629(a)(3)(A), concerning the training
31 and instruction of school board members, is amended to read as follows:

32 (3)(A) The training and instruction required under this section
33 shall include:

34 (i) ~~topics~~ Topics relevant to school laws, and
35 school operations, ~~;~~ and

36 (ii) ~~the~~ The powers, duties, and responsibilities of

1 the members of the ~~board~~ boards of directors, including without limitation:
2 ~~(i)~~(a) Legal requirements, including without
3 limitation:

4 ~~(a)~~(1) The items listed or required by the
5 Legislative Joint Auditing Committee under § 6-1-101; and

6 ~~(b)~~(2) Other financial laws or regulations
7 designated by the Department of Education;

8 ~~(ii)~~(b) Role differentiation;

9 ~~(iii)~~(c) Financial management, including without
10 limitation how to read and interpret an audit report; and

11 ~~(iv)~~(d) Improving student achievement-; and

12 (iii) Information regarding school safety and
13 student discipline.

14 (b) A member shall be required to complete the
15 program in subdivision (a)(3)(A)(iii)(a) of this section only one (1) time.
16

17 SECTION 3. Arkansas Code Title 6, Chapter 17, Subchapter 7, is amended
18 to add an additional section to read as follows:

19 6-17-711. Bullying Prevention – Professional development.

20 (a) The Department of Education shall require two (2) hours of
21 professional development in the following areas for licensed public school
22 personnel according to the professional development schedule under § 6-17-
23 709:

24 (1) Bullying prevention; and

25 (2) Recognition of the relationship between incidents of
26 bullying and the risk of suicide.

27 (b) The professional development under this section shall count toward
28 the satisfaction of requirements for professional development in the
29 Standards for Accreditation of Arkansas Public Schools and School Districts
30 and for licensure requirements for licensed personnel.

31 (c)(1) In addition to the professional development requirement under
32 subsection (a) of this section, the department shall develop a guidance
33 document for use by parents and legal guardians, students, and public school
34 districts to assist in resolving complaints concerning student bullying
35 behaviors.

36 (2) The guidance document required under subdivision (c)(1) of

1 this section shall include without limitation:

2 (A) A public school district's obligations under § 6-18-
3 514;

4 (B) Best practices for the prevention, reporting, and
5 investigation of and the response to bullying in public schools; and

6 (C) A clear definition of bullying that provides examples
7 regarding conduct that does and does not constitute bullying.

8 (3) The guidance document under subdivision (c)(1) of this
9 section shall be provided to licensed public school personnel as part of the
10 professional development required under subsection (a) of this section.

11
12 SECTION 4. Arkansas Code § 6-18-514(b)(2), concerning anti-bullying
13 policies in public schools, is amended to read as follows:

14 (2)(A) "Bullying" means the intentional harassment,
15 intimidation, humiliation, ridicule, defamation, or threat or incitement of
16 violence by a student against another student or public school employee by a
17 written, verbal, electronic, or physical act that may address an attribute of
18 the other student, public school employee, or person with whom the other
19 student or public school employee is associated and that causes or creates
20 actual or reasonably foreseeable:

21 ~~(A)(i)~~ Physical harm to a public school employee or
22 student or damage to the public school employee's or student's property;

23 ~~(B)(ii)~~ Substantial interference with a student's
24 education or with a public school employee's role in education;

25 ~~(C)(iii)~~ A hostile educational environment for one (1) or
26 more students or public school employees due to the severity, persistence, or
27 pervasiveness of the act; or

28 ~~(D)(iv)~~ Substantial disruption of the orderly operation of
29 the public school or educational environment+.

30 (B) "Bullying" includes cyberbullying as defined in this
31 section;

32
33 SECTION 5. Arkansas Code § 6-18-514(d)-(j), concerning anti-bullying
34 policies in public schools, are amended to read as follows:

35 (d) A If an alleged incident of bullying occurs during school hours, a
36 public school principal or his or her designee who receives a credible report

1 or complaint of bullying shall ~~promptly investigate the complaint or report~~
2 ~~and make a:~~

3 (1) As soon as reasonably practicable:

4 (A) Report to a parent or legal guardian of a student
5 believed to be the victim of an incident of bullying that his or her child is
6 the victim in a credible report of complaint or bullying; and

7 (B) Prepare a written report of the alleged incident of
8 bullying;

9 (2)(A) Promptly investigate the credible report or complaint.

10 (B)(i) The investigation conducted under subdivision
11 (d)(2)(A) of this section shall be completed as soon as possible but not
12 later than five (5) school days from the date of the written report of the
13 alleged incident of bullying as required under subdivision (d)(1)(B) of this
14 section.

15 (ii) Following the completion of the investigation
16 into the alleged incident of bullying conducted under subdivision (d)(2)(A)
17 of this section, an individual licensed as a public school district building-
18 level administrator or his or her designee may without limitation:

19 (a) Provide intervention services;

20 (b) Establish training programs to reduce
21 bullying;

22 (c) Impose discipline on any of the parties
23 involved in the incident of bullying;

24 (d) Recommend counseling for any of the
25 parties involved in the incident of bullying; or

26 (e) Take or recommend other appropriate
27 action;

28 (3)(A) Notify the parent or legal guardian of the student who is
29 determined to have been the perpetrator of the incident of bullying:

30 (i) Upon completion of the investigation under
31 subdivision (d)(2)(A) of this section; and

32 (ii) Regarding the consequences of continued
33 incidents of bullying.

34 (B) A parent or legal guardian of a student who is a party
35 to an investigation of an incident of bullying conducted under subdivision
36 (d)(2)(A) of this section is entitled within five (5) school days after the

1 completion of the investigation, and in accordance with federal and state
2 law, to receive information about the investigation, including without
3 limitation:

4 (i) That a credible report or complaint of bullying
5 exists;

6 (ii) Whether the credible report or complaint of
7 bullying was found to be true based on the investigation;

8 (iii) Whether action was taken upon the conclusion
9 of the investigation of the alleged incident of bullying; and

10 (iv) Information regarding the reporting of another
11 incident of bullying;

12 (4)(A) Make a written record of the investigation and any action
13 taken as a result of the investigation.

14 (B) The written record of the investigation shall include
15 a detailed description of the alleged incident of bullying, including without
16 limitation a detailed summary of the statements from all material witnesses
17 to the alleged incident of bullying; and

18 (5) Discuss, as appropriate, the availability of counseling and
19 other intervention services with students involved in the incident of
20 bullying.

21 (e) One (1) time each school year, the superintendent of a public
22 school district shall report to the public school district board of directors
23 at a public hearing data regarding discipline in the public school district,
24 including without limitation the number of incidents of bullying reported and
25 the actions taken regarding the reported incidents of bullying.

26 ~~(e)(1)(f)(1)~~ The Each public school district board of directors of
27 ~~every school district~~ shall adopt policies to prevent bullying.

28 (2) The policies shall:

29 (A)(i) Clearly define conduct that constitutes bullying.

30 (ii) The definition under subdivision (f)(2)(A)(i)
31 of this section shall include without limitation the definition contained in
32 subsection (b) of this section;

33 (B) Prohibit bullying:

34 (i) ~~While~~ Bullying while in school, on school
35 equipment or property, in school vehicles, on school buses, at designated
36 school bus stops, at school-sponsored activities, or at school-sanctioned

1 events; or

2 (ii)(a) ~~By an electronic act~~ Cyberbullying that
3 results in the substantial disruption of the orderly operation of the school
4 or educational environment.

5 (b) This section ~~shall apply~~ applies to an
6 ~~electronic act whether or not the electronic act~~ cyberbullying whether or not
7 the cyberbullying originated on school property or with school equipment, if
8 the ~~electronic act~~ cyberbullying is directed specifically at students or
9 school personnel and maliciously intended for the purpose of disrupting
10 school and has a high likelihood of succeeding in that purpose;

11 (C) State the consequences for engaging in the prohibited
12 conduct, which may vary depending on the age or grade of the student
13 involved;

14 (D) Require that a school employee who has witnessed or
15 has reliable information that a pupil has been a victim of an incident of
16 bullying as defined by the public school district shall report the incident
17 to the principal as soon as possible;

18 (E) Require that ~~the any person or persons~~ who file files
19 a credible report or makes a complaint of bullying ~~will~~ shall not be subject
20 to retaliation or reprisal in any form;

21 (F) Require that notice of what constitutes bullying, that
22 bullying is prohibited, and that the consequences of engaging in bullying be
23 conspicuously posted in every classroom, cafeteria, restroom, gymnasium,
24 auditorium, and school bus in the district; ~~and~~

25 ~~(G)(G)(i)~~ Require that copies of the notice of what
26 constitutes bullying, ~~that bullying is prohibited, and that the prohibition~~
27 of bullying, and the consequences of engaging in bullying be provided to
28 parents and legal guardians, students, school volunteers, and employees of
29 the public school annually.

30 (ii) Each policy shall require that a full copy of
31 the policy be made available upon request; and

32 (H) Describe the procedures for reporting an incident of
33 bullying and the steps school employees may take in order to address a report
34 of an alleged incident of bullying as described in this section.

35 (3) A notice of the public school district's policies shall
36 appear in any:

1 (A) Publication of the public school district that sets
2 forth the comprehensive rules, procedures, and standards of conduct for
3 public schools within the public school district; and

4 (B) Student handbook.

5 (4) The public school district shall, to the extent required,
6 annually conduct a reevaluation, reassessment, and review of its policies
7 regarding the prohibition of bullying and make any necessary revisions and
8 additions.

9 ~~(f)~~(g) A public school district shall provide training on compliance
10 with the ~~antibullying~~ anti-bullying policies to all public school district
11 employees responsible for reporting or investigating bullying under this
12 section.

13 ~~(g)~~(h) A public school employee who has reported violations under the
14 public school district's policy shall be immune from any tort liability that
15 may arise from the failure to remedy the reported incident of bullying.

16 ~~(h)~~(i) The public school district board of directors ~~of a school~~
17 ~~district~~ may provide opportunities for school employees to participate in
18 programs or other activities designed to develop the knowledge and skills to
19 prevent and respond to acts covered by ~~this policy~~ the public school
20 district's policies.

21 ~~(i)~~(j) The public school district shall provide the Department of
22 Education with the website address at which a copy of the policies adopted in
23 compliance with this section may be found.

24 ~~(j)~~(k) This section is not intended to:

25 (1) Restrict a public school district from adopting and
26 implementing policies against bullying ~~or~~ and school violence or policies to
27 promote civility and student dignity that are more inclusive than the
28 ~~antibullying~~ policies prohibiting bullying required under this section; ~~or~~

29 (2) Unconstitutionally restrict protected rights of freedom of
30 speech, freedom of religious exercise, or freedom of assembly;
31

32 (3) Affect the provisions of any collective bargaining agreement
33 or individual contract of employment in effect on the effective date of this
34 act; or

35 (4) Alter or reduce the rights of a student with a disability
36 with regard to disciplinary action or to general or special educational
services and support.

(1)(1) Nonpublic schools are encouraged to comply with the provisions of this section.

(2) In the case of a faith-based nonpublic school, this section shall not be interpreted to prohibit or abridge the legitimate statement, expression, or free exercise of the beliefs or tenets of any faith by the religious organization operating the school or by the school's faculty, staff, or student body.

SECTION 6. Arkansas Code § 6-18-514, concerning anti-bullying policies in public schools, is amended to add additional subdivisions to read as follows:

(k) "Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:

(1) Harass, intimidate, humiliate, ridicule, defame, or threaten a student, public school employee, or person with whom the other student or public school employee is associated; or

(2) Incite violence to a student, public school employee, or person with whom the other student or public school employee is associated.

/s/Gazaway

APPROVED: 4/15/19

RECEIVED

OCT 11 2019

BUREAU OF
LEGISLATIVE RESEARCH

1 State of Arkansas

As Engrossed: H3/25/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1856

5 By: Representative Dotson

6 By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO PROHIBIT STATE AGENCIES FROM CONSENTING TO
OR APPROVING THE TERMINATION OF PREGNANCY FOR AN
INDIVIDUAL IN THE CUSTODY OR GUARDIANSHIP OF THE
STATE AND FROM EXPENDING STATE FUNDS FOR THE PURPOSE
OF TERMINATING A PREGNANCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT STATE AGENCIES FROM
CONSENTING OR APPROVING THE TERMINATION
OF PREGNANCY FOR AN INDIVIDUAL IN THE
CUSTODY OR GUARDIANSHIP OF THE STATE AND
FROM EXPENDING STATE FUNDS FOR THE
PURPOSE OF TERMINATING A PREGNANCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 6, is
amended to add an additional section to read as follows:

20-16-605. In custody or guardianship of state.

(a) A state agency shall not:

(1) Consent to or approve the termination of a pregnancy for a
pregnant woman in the custody or guardianship of the state; or

(2) Authorize the expenditure of state funds for the purpose of
paying for the termination of a pregnancy for a pregnant woman in the custody
of the state except to save the life of the pregnant woman, or as required by
federal law.



1 (b) A pregnant woman in the custody or guardianship of the state, her
2 family, or a third-party payer is responsible for all costs, including
3 transportation costs, associated with a medical appointment, or any
4 subsequent healthcare service determined necessary, related to the
5 termination of her pregnancy, except as required by federal law.

6 (c) A state agency may be involved in a court proceeding related to
7 the consideration by the court of whether to approve the termination of a
8 pregnancy for a pregnant woman in the custody or guardianship of the state.

9 (d) A state agency under the section shall report annually to the
10 Senate Committee on Public Health, Welfare, and Labor and the House Committee
11 on Public Health, Welfare, and Labor the number of any terminations of
12 pregnancies that occurred for women in the custody or guardianship of the
13 state agency.

14 (e)(1) A state agency under this section shall promulgate rules
15 necessary to implement this section.

16 (2)(A) When adopting the initial rules to implement this
17 section, the final rule shall be filed with the Secretary of State for
18 adoption under § 25-15-204(f):

19 (i) On or before January 1, 2020; or

20 (ii) If approval under § 10-3-309 has not occurred
21 by January 1, 2020, as soon as practicable after approval under § 10-3-309.

22 (B) A state agency shall file the proposed rule with the
23 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
24 2020, so that the Legislative Council may consider the rule for approval
25 before January 1, 2020.

26
27 /s/Dotson

28
29
30 APPROVED: 4/16/19

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 677

4
5 By: Senator Elliott
6 By: Representative Scott

For An Act To Be Entitled

7
8
9 AN ACT CONCERNING THE DIVISION OF YOUTH SERVICES, THE
10 SCIENCE OF READING, AND DYSLEXIA SCREENING AND
11 INTERVENTION SERVICES; TO REQUIRE A YOUTH NEWLY
12 COMMITTED TO THE DIVISION OF YOUTH SERVICES TO
13 UNDERGO A READING ASSESSMENT AND DYSLEXIA SCREENING
14 DURING THE INTAKE PROCESS; TO REQUIRE THAT YOUTHS WHO
15 READ BELOW THE REQUIRED PROFICIENCY LEVEL BE PROVIDED
16 WITH APPROPRIATE INTERVENTION SERVICES; TO REQUIRE
17 THAT YOUTHS CURRENTLY COMMITTED TO THE DIVISION OF
18 YOUTH SERVICES RECEIVE INFORMATION REGARDING DYSLEXIA
19 AND DYSLEXIA INTERVENTION SERVICES; TO REQUIRE THAT
20 AN INDIVIDUAL WHO TEACHES IN THE DIVISION OF YOUTH
21 SERVICES' EDUCATION SYSTEM DEMONSTRATE PROFICIENCY
22 AND AWARENESS OF THE BEST PRACTICES OF SCIENTIFIC
23 READING INSTRUCTION; AND FOR OTHER PURPOSES.

Subtitle

24
25
26
27 TO REQUIRE THAT YOUTHS UNDERGO READING
28 ASSESSMENTS AND DYSLEXIA SCREENINGS; TO
29 REQUIRE READING AND DYSLEXIA SERVICES;
30 AND TO REQUIRE THAT DIVISION OF YOUTH
31 SERVICES' TEACHERS KNOW BEST PRACTICES OF
32 SCIENTIFIC READING INSTRUCTION.

33
34
35 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
36



1 SECTION 1. DO NOT CODIFY. Legislative findings.

2 The General Assembly finds that:

3 (1) The Division of Youth Services is part of the organizational
4 structure of the Department of Human Services and offers a number of programs
5 for juveniles;

6 (2) Among the programs and services offered by the division is
7 an education system, and one (1) of the goals of the education system of the
8 division is to ensure significant academic progress for each juvenile who is
9 served by the division;

10 (3) The mission of the education system of the division is to
11 provide, in a manner consistent with the administration of public education
12 in this state and throughout the country, a system of high quality education
13 programs that address the needs of juveniles who come in contact with the
14 juvenile justice system;

15 (4) To accomplish the mission of the division, the division:

16 (A) Identifies and serves each juvenile with a disability
17 in the division;

18 (B) Improves the individual academic achievement of each
19 juvenile in the education system of the division;

20 (C) Provides an opportunity for progress toward state and
21 local graduation requirements for each high-school-age juvenile in the
22 education system of the division; and

23 (D) Provides an opportunity for postsecondary education
24 preparation for each juvenile who enters with or achieves graduate status
25 while in the education system of the division;

26 (5) The goal of the education system of the division is to
27 coordinate with and not match the public school system in this state, and by
28 offering courses in the core subject areas that meet state standards and
29 graduation requirements, the division offers a consistent opportunity for all
30 juveniles who are involved with the division to make adequate progress
31 towards graduation; and

32 (6) Reading proficiency is the foundation for achieving the goal
33 of the education system of the division and any other education system in
34 this state.

35
36 SECTION 2. Arkansas Code Title 9, Chapter 31, is amended to add an

1 additional subchapter to read as follows:

2 Subchapter 5 – Science of Reading

3
4 9-31-501. Dyslexia screening – Intervention services.

5 (a) Within thirty (30) calendar days, excluding holidays, of being
6 committed to the Division of Youth Services, a juvenile shall have his or her
7 reading proficiency level assessed and a dyslexia screening shall be
8 delivered with fidelity, as defined in § 6-41-602.

9 (b) If a reading assessment or dyslexia screening under subsection (a)
10 of this section indicates that an individual is reading below the level of
11 proficiency required to be a high-functioning reader, the individual shall be
12 provided:

13 (1) Evidence-based reading intervention based on the science of
14 reading; and

15 (2) Dyslexia intervention that is evidence-based according to
16 the Department of Education's compilation of appropriate intervention
17 programs under Acts 2019, No. 83.

18 (c) An intervention plan provided for an individual who is reading
19 below the level of proficiency required to be a high-functioning reader under
20 subsection (b) of this section shall be administered with fidelity, as
21 defined in § 6-41-602.

22 (d) Juveniles currently committed to the division shall be:

23 (1) Provided with information that explains what dyslexia is in
24 common and easily understandable language;

25 (2) Offered and encouraged to submit to dyslexia screening; and

26 (3) Provided with dyslexia intervention with fidelity, as
27 defined in § 6-41-602, in the same manner as required for newly committed
28 juveniles under subsection (b) of this section.

29
30 9-31-502. Requirements for educators – Science of reading.

31 (a) An individual who teaches nonreaders and juveniles reading at a
32 sixth-grade level or below in the education system of the Division of Youth
33 Services shall:

34 (1) Have and demonstrate proficient knowledge and skills to
35 teach reading consistent with the best practices of scientific reading
36 instruction as required under the Right to Read Act, § 6-17-429; and

1 (2) Administer reading instruction with fidelity, as defined in
2 § 6-41-602.

3 (b) An individual who teaches juveniles reading at a seventh-grade
4 level or above in the education system of the division shall:

5 (1) Have and demonstrate awareness of the best practices of
6 scientific reading instruction as required under the Right to Read Act, § 6-
7 17-429; and

8 (2) Administer reading instruction with fidelity, as defined in
9 § 6-41-602.

10
11 9-31-503. Rulemaking authority.

12 The Division of Youth Services:

13 (1)(A) Shall promulgate rules for implementing this subchapter.

14 (B) When adopting the initial rules to implement this
15 subchapter, the final rule shall be filed with the Secretary of State for
16 adoption under § 25-15-204(f):

17 (i) On or before January 1, 2020; or

18 (ii) If approval under § 10-3-309 has not occurred
19 by January 1, 2020, as soon as practicable after approval under § 10-3-309.

20 (C) The division shall file the proposed rule with the
21 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
22 2020, so that the Legislative Council may consider the rule for approval
23 before January 1, 2020; and

24 (2) May consult with the Department of Education and make use of
25 Department of Education resources in order to implement this subchapter.

26
27
28 **APPROVED: 4/17/19**