

**ARKANSAS DEPARTMENT OF EDUCATION GUIDELINES FOR THE
DEVELOPMENT, REVIEW AND REVISION OF SCHOOL DISTRICT
ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING STUDENT DISCIPLINE AND SCHOOL SAFETY POLICIES**
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1.00 TITLE

- 1.01 These ~~guidelines rules~~ shall be known as the ~~Arkansas Department of Education Guidelines for the Development, Review and Revision of School District Division of Elementary and Secondary Education (Division) Rules Governing Student Discipline and School Safety Policies.~~

2.00 REGULATORY AUTHORITY

- 2.01 The State Board of Education enacts these ~~guidelines rules~~ pursuant to its authority as set forth in Ark. Code Ann. §§ ~~6-11-105, 6-18-502, 6-18-503, 6-18-504, 6-18-505, 6-18-506, 6-18-507, 6-18-514, 6-18-501 et seq., 6-16-1406, and 25-15-201 et seq., and Acts 557, 640, 709, and 1029 of 2019.~~

3.00 PURPOSE

- 3.01 These ~~guidelines rules~~ are designed to assist local school districts with the development, review and revision of student discipline and school safety policies.

4.00 DEFINITIONS

- 4.01 "Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation.

- 4.02 "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

4.02.1 Physical harm to a public school employee or student or damage to the public school employee's or student's property;

4.02.2 Substantial interference with a student's education or with a public school employee's role in education;

- 4.02.3 A hostile educational environment for one (1) or more student or public school employees due to the severity, persistence, or pervasiveness of the act; or
- 4.02.4 Substantial disruption of the orderly operation of the school or educational environment; and
- 4.02.5 Includes cyberbullying.
- 4.03 “Course time” means the number of hours of instruction devoted to a single subject during the school week.
- 4.04 “Cyberbullying” means any form of communication by electronic act that is sent with the purpose to:
- 4.04.1 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
- 4.04.2 Incite violence to a student, public school employee, or person with whom the other student or public school employee is associated.
- 4.05 “Electronic act” means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone, or other wireless communications device, computer, or pager.
- 4.06 “Expulsion” means dismissal from school for a period of time that exceeds ten (10) days.
- 4.06 “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.
- 4.07 “Nontraditional scheduling” means block or other alternative scheduling as defined by the Division.
- 4.08 “Personal electronic device” means without limitation a:
- 4.08.1 Cellular telephone;
- 4.08.2 Paging device;

4.08.3 Beeper;

4.08.4 Mobile telephone that offers advanced computing and Internet accessibility;

4.08.5 Digital media player;

4.08.6 Portable game console;

4.08.7 Tablet, notebook, or laptop computer;

4.08.8 Digital camera; and

4.08.9 Digital video or audio recorder.

4.09 “Substantial disruption” means without limitation that any one (1) or more of the following occur as a result of the bullying:

4.09.1 Necessary and substantial cessation of instruction or educational activities;

4.09.2 Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

4.09.3 Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or

4.09.4 Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

4.10 “Suspension” means dismissal from school for a period of time that does not exceed ten (10) days.

4.11 “Teacher or school administrator” means a person employed by a school district and required to hold a valid Arkansas standard teaching license, an ancillary license, a provisional license, a technical permit, or an administrator’s license issued by the State Board; and a nonlicensed classroom teacher or administrator employed in a position under a waiver from licensure, as a condition of their employment.

4.005.00 GENERAL GUIDELINES AND MINIMUM REQUIREMENTS **STUDENT DISCIPLINE**

~~4.01—Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies.~~

~~4.01.1 School districts should strive to ensure that those involved with the development of school district student discipline policies come from diverse racial, gender, and socioeconomic backgrounds and that the group consist of a sufficient number of individuals to provide broad representation within the district.~~

~~4.01.2 School districts may elect to have separate policies for different organizational levels and may have policy development teams for each organizational level or use one team for all organizational levels.~~

~~4.02—The student discipline policies shall be reviewed annually by the school district's committee on personnel policies. The committee may recommend changes in the policies to the board of directors of the local school district.~~

~~4.03—Student discipline policies shall include, but not be limited to, the following offenses:~~

~~4.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;~~

~~4.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;~~

~~4.03.3 Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;~~

~~4.03.4 Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:~~

~~4.03.4.1—The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and~~

~~4.03.4.2—The policy may exempt possession of such a device after normal school hours for extracurricular activities.~~

~~4.03.5 Willfully or intentionally damaging, destroying, or stealing school property by students.~~

~~4.04—The school discipline policies shall:~~

- ~~4.04.1 Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;~~
- ~~4.04.2 Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.~~
- ~~4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;~~
- ~~4.04.4 Include prevention, intervention, and conflict resolution provisions; and~~
- ~~4.04.5 Set forth the role and authority of public school employees and volunteers.~~
- ~~4.05 Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.~~
- ~~4.06 Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.~~
- ~~4.07 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.~~
- ~~4.08 If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.~~
- ~~4.09 Each school district in this state shall develop written student discipline policies in compliance with these guidelines and shall file such policies with the Department of Education.~~
- ~~4.10 School district discipline policies shall include provisions for placement of a student with disciplinary, socially dysfunctional, or behavioral problems not~~

~~associated with a handicapping condition in an alternative learning environment provided by the district. Behavioral problems shall include those at risk of not satisfactorily completing a high school education.~~

~~4.11 A school district that authorizes the use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.~~

~~4.11.1 "Teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.~~

~~4.11.2 Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.~~

~~4.12 A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female. This policy shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.~~

~~4.12.1 A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of Section 4.12 of these rules.~~

~~4.12.2 Section 4.12 of these rules shall not be enforced in a manner than discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.~~

~~4.13 Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies as required by law and shall be submitted to the Department of Education within thirty (30) days after the adoption of such amendment or revision.~~

~~4.14 The Department of Education shall monitor compliance with the requirements of these rules and of Ark. Code Ann. §§ 6-18-502 and 6-18-503. Any school district failing to file the disciplinary policies required by Ark. Code Ann. § 6-15-503 and Section 4.09 of these rules with the Department of Education shall have all state aid funds withheld until such disciplinary policy is filed with the~~

Department of Education.

- 4.15 — Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns. Such written policies may be a part of the school district's student discipline policies. These policies may be revised at any time by filing an updated policy with the Department of Education.
- 4.16 — Every school district board of directors shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.
- 4.17 — The principal of each school shall report within a week to the Department of Education the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.
- 4.18 — The expulsion shall be noted on the student's permanent school record.
- 4.19 — Nothing in Section 4.17 of these rules shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis.
- 4.20 — The Department of Education shall establish and maintain a registry of students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence. The names, addresses, and social security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state, so long as the provision of such information does not otherwise violate state or federal law.
- 4.21 — The board of directors of every school district shall adopt policies to prevent bullying and file such policies with the Department of Education. Such policies may be a part of the school district's student discipline policies. The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the State Board of Education determines that the policies need improvement.
- 5.01 — Each school district in this state shall develop written student discipline policies in compliance with these rules and shall file the policies with the Division by posting the policies on the school district's website no later than August 1 each year.

5.02 Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies.

5.02.1 School districts should attempt to ensure that those involved with the development of school district student discipline policies come from diverse racial, gender, and socioeconomic backgrounds and that the group consist of a sufficient number of individuals to provide broad representation within the district.

5.03 Student discipline policies shall include, without limitation, the following offenses:

5.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

5.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

5.03.3 Using, offering for sale, or selling, beer, alcoholic beverages, or other illicit drugs, by students on school property; and

5.03.4 Willfully or intentionally damaging, destroying, or stealing school property by students.

5.04 Student discipline policies shall:

5.04.1 Prescribe minimum and maximum penalties, including without limitation, students' suspension or expulsion from school, for violations of any of the offenses listed in 5.03 above, and for violations of other practices prohibited by school discipline policies; however, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

5.04.2 Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

5.04.2.1 The policy shall require parents, guardians, or other persons in loco parentis of a student expelled for possession of a firearm or other prohibited weapon to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental

responsibility for allowing a child to possess a weapon on school property.

5.04.2.2 The statement shall be signed by the parents, guardians, or other persons in loco parentis before readmitting a student or enrolling a student in any public school immediately after the expiration of the expulsion.

5.04.2.3 School administrators and the local school district board shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

5.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors:

5.04.4 Include prevention, intervention, and conflict resolution provisions:

5.04.5 Set forth the role and authority of public school employees and volunteers:

5.04.6 Include a provision for the seizure by school personnel of hand-held laser pointers in the possession of students:

5.04.7 Establish procedures for responding to reports received through school safety lines, including without limitation the school safety and crisis line established under Ark. Code Ann. § 6-18-111, if operational:

5.04.8 Include a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female, and the disciplinary action(s) that will be taken against a student for violation.

5.04.8.1 This policy shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event and shall not be enforced in a manner that discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.

5.04.9 Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion:

5.04.10 Include provisions for placement of a student with disciplinary, socially dysfunctional, or behavioral problems not associated with a physical or mental impairment or disability in an alternative learning environment provided by the district. Behavioral problems include being at risk of not satisfactorily completing a high school education; and

5.04.11 Provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

5.04.11.1 Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

5.05 A school district may establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device:

5.05.1 On school property:

5.05.2 At an after-school activity: or

5.05.3 At a school-related function.

5.05.4 The policy may, without limitation:

5.05.4.1 Allow or restrict the possession and use of a personal electronic device:

5.05.4.2 Allow the use of a personal electronic device in school for instructional purposes at the discretion of a teacher or administrator:

5.05.4.3 Limit the times or locations in which a personal electronic device may be used to make telephone calls, send text messages or emails, or engage in other forms of communication:

5.05.4.4 Allow or prohibit the use of any photographic, audio, or video recording capabilities of a personal electronic device while in school:

5.05.4.5 Exempt the possession or use of a personal electronic device by a student who is required to use such a device for health or another compelling reason;

5.05.4.6 Exempt the possession or use of a personal electronic device after normal school hours for extracurricular activities; and

5.05.4.7 Include other relevant provisions deemed appropriate and necessary by the school district.

5.06 Nothing in any student discipline policies promulgated under state law and these rules shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

5.06.1 The school principal, or in his or her absence the principal's designee, shall make a reasonable, good faith effort to notify the student's parent or legal guardian, or other person having lawful control of the student by court order, or person standing in loco parentis, listed on the student's enrollment forms, if the school or school district, with respect to a student under the age of eighteen (18):

5.06.1.1 Makes a report to any law enforcement agency concerning student misconduct, including without limitation a report made pursuant to Ark. Code Ann. § 6-17-113;

5.06.1.2 Grants law enforcement personnel other than a school resource officer acting in the normal course and scope of his or her assigned duties access to a student; or

5.06.1.3 Knows that a student has been taken into custody by law enforcement personnel during the school day or while under school supervision.

5.06.2 The school principal or the principal's designee shall notify the student's parent, legal guardian, or other person having lawful control of the student under an order of court or person acting in loco parentis that the student has been reported to, interviewed by, or taken into custody by law enforcement personnel.

5.06.3 If the principal or the principal's designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call either the principal or the principal's designee and leave both a day and an after-hours telephone number.

5.06.4 The notification required by 5.06.1 and 5.06.2 is not required if school personnel make a report or file a complaint based on suspected child maltreatment as required under § 12-18-401 et seq. or if a law enforcement officer, investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or Department of Human Services investigator or personnel member interviews a student during the course of an investigation of suspected child maltreatment.

5.06.5 The principal or the principal's designee shall not provide notification under 5.06.1 or 5.06.2 if a request is made to interview a student during the course of an investigation of suspected child maltreatment and a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender.

5.06.5.1 The investigator shall provide the school with documentation that notification to the parent, guardian, custodian, or person standing in loco parentis is prohibited.

5.06.5.2 The request to interview under 5.06.5 must be made by:

5.06.5.2.1 A law enforcement officer;

5.06.5.2.2 An investigator of the Crimes Against Children Division of the Department of Arkansas State Police; or

5.06.5.2.3 An investigator or employee of the Department of Human Services.

5.07 The student discipline policies and State and district discipline data shall be reviewed annually by the school district's committee on personnel policies. The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review.

5.08 Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies as required by law, consistent with these rules, and submitted to the Division within thirty (30) days after the adoption of such amendment or revision.

5.09 The Division shall monitor compliance with the requirements of these rules and of Ark. Code Ann. §§ 6-18-502 and 6-18-503. Any school district failing to file with the Division disciplinary policies that meet the requirements of law and these rules shall have all state aid funds withheld until such disciplinary policies are filed with the Division as required by these rules.

- 5.10 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.
- 5.11 Consistent with state and federal law, in order to maintain effective discipline in the classroom, a teacher may remove from class and send to the principal's or principal's designee's office, a student:
- 5.11.1 Who has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn; or
 - 5.11.2 Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn.
 - 5.11.3 If a teacher removes a student from class in accordance with 5.11, the principal or his or her designee may:
 - 5.11.3.1 Place the student into another appropriate classroom, into in-school suspension, or into the district's alternative learning environment, so long as such placement is consistent with the school district's written policies, and state and federal law and rules;
 - 5.11.3.2 Return the student to the class; or
 - 5.11.3.3 Take other appropriate action consistent with the school district's discipline policy, state law, and federal law.
 - 5.11.4 If a teacher removes a student from class, in accordance with 5.11, two (2) times during any nine-week grading period or its equivalent, the principal or the principal's designee may not return the student to the teacher's class unless a conference is held for the purpose of determining the causes of the problem and possible solutions, with the following individuals present:
 - 5.11.4.1 The principal or the principal's designee;
 - 5.11.4.2 The teacher;
 - 5.11.4.3 The school counselor;
 - 5.11.4.4 The parents, guardians, or persons in loco parentis; and
 - 5.11.4.5 The student, if appropriate.

5.11.4.6 The failure of the parents, guardians, or persons in loco parentis to attend the conference provided for in this subsection shall not prevent the conference from being held nor prevent any action from being taken as a result of that conference, provided that the parents, guardians, or persons in loco parentis have been offered the opportunity to participate.

5.12 If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow student discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

SUSPENSION and EXPULSION

5.13 The board of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, with the following exceptions:

5.13.1 A school district shall not use out-of-school suspension as a discipline measure for truancy; and

5.13.2 A school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:

5.13.2.1 Poses a physical risk to himself or herself or to others; or

5.13.2.2 Causes a serious disruption that cannot be addressed through other means.

5.14 A school district board may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee.

5.14.1 However, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.

5.15 If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.

5.16 A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to

appeal to the board of directors and to requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.

5.16.1 After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.

5.16.2 At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.

5.16.3 A school district board meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.

5.17 Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.

5.17.1 Each parent or legal guardian shall provide the school:

5.17.1.1 A primary call number. If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;

5.17.1.2 An email address if the parent or legal guardian does not have a telephone; or

5.17.1.3 A current mailing address if the parent or legal guardian does not have a telephone or email address.

5.17.2 The contact required in this subsection is sufficient if made by:

5.17.2.1 Direct contact with the parent or legal guardian at the primary call number or in person;

5.17.2.2 Leaving a voice mail at the primary call number;

5.17.2.3 Sending a text message to the primary call number;

5.17.2.4 Email if the school is unable to make contact through the primary call number; or

5.17.2.5 Regular first-class mail if the school is unable to make contact through the primary call number or email.

5.17.3 The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.

5.17.4 A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of-school suspension.

5.18 A public school district or open-enrollment public charter school that expels a student, shall offer to the expelled public school student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to credit the expelled public school student may have received if he or she was still enrolled in his or her assigned public school or open-enrollment public charter school immediately before he or she was expelled.

5.19 The principal of each school shall report, within a week, to the Division, the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

5.19.1 The expulsion shall be noted on the student's permanent school record.

5.19.2 Nothing in Section 5.19 of these rules shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis.

5.19.3 The Division shall maintain information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

5.20 The board of directors of a school district may adopt a policy that any person who has been expelled as a student from any other school district may not enroll as a student until the time of the student's expulsion has expired, provided that the receiving school district board affords the student the opportunity for a hearing at the time the student is seeking enrollment.

CORPORAL PUNISHMENT

5.21 A school district that authorizes the use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.

5.21.1 A school district that authorizes use of corporal punishment, shall not:

5.21.1.1 Use corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic; or

5.21.1.2 Include in its written student discipline policy, a provision to allow the use of corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

6.00 ANTI-BULLYING

6.01 Bullying of a public school student or a public school employee is prohibited.

6.02 Each public school district board of directors shall adopt policies to prevent bullying. The policies shall:

6.02.1 Clearly define conduct that constitutes bullying and shall include the definition contained in Ark. Code Ann. § 6-18-514 and these rules;

6.02.2 Prohibit bullying while in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events;

6.02.3 Prohibit cyberbullying that results in the substantial disruption of the orderly operation of the school or educational environment, whether or not the cyberbullying originated on school property or with school equipment if the cyberbullying 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;

6.02.4 State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;

6.02.5 Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of an incident of bullying as defined by the public school district shall report the incident to the principal as soon as possible;

6.02.6 Require that any person who files a credible report or makes a complaint of bullying shall not be subject to retaliation or reprisal in any form;

6.02.7 Require that notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be

conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district;

6.02.8 Require that copies of the notice of what constitutes bullying, the prohibition of bullying, and the consequences of engaging in bullying be provided to parents and legal guardians, students, school volunteers, and employees of the public school annually;

6.02.9 Require that a full copy of the policy be made available upon request;

6.02.10 Describe the procedures for reporting an incident of bullying and the steps school employees may take in order to address a report of an alleged incident of bullying; and

6.02.11 Include information on how to make an anonymous report to the school safety and crisis line under Ark. Code Ann. § 6-18-111.

6.03 A notice of the public school district's policies shall appear in any publication of the public school district that sets forth the comprehensive rules, procedures, and standards of conduct for public schools within the public school district, and the student handbook.

6.04 The public school district shall, to the extent required, annually conduct a reevaluation, reassessment, and review of its policies regarding the prohibition of bullying and make any necessary revisions and additions.

6.05 A public school district shall provide training on compliance with the anti-bullying policies to all public school district employees responsible for reporting or investigating bullying.

6.06 A public school employee who has reported violations under the public school district's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident of bullying.

6.07 The public school district board of directors may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by the public school district's policies.

6.08 The public school district shall provide the Division with the website address at which a copy of the policies adopted in compliance with these rules may be found.

6.09 Nothing in these rules shall be construed to:

- 6.09.1 Restrict a public school district from adopting and implementing policies against bullying and school violence or policies to promote civility and student dignity that are more inclusive than the policies prohibiting bullying required under these rules;
- 6.09.2 Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly;
- 6.09.3 Affect the provisions of any collective bargaining agreement or individual contract of employment in effect on July 24, 2019; or
- 6.09.4 Alter or reduce the rights of a student with a disability with regard to disciplinary action or to general or special educational services and support.
- 6.10 If an alleged incident of bullying occurs during school hours, a public school principal or his or her designee who receives a credible report or complaint of bullying shall:
 - 6.10.1 As soon as reasonably practicable:
 - 6.10.1.1 Report to a parent or legal guardian of a student believed to be the victim of an incident of bullying that his or her child is the victim in a credible report or complaint of bullying; and
 - 6.10.1.2 Prepare a written report of the alleged incident of bullying; and
 - 6.10.2 Promptly investigate the credible report or complaint.
 - 6.10.2.1 The investigation shall be completed as soon as possible but not later than five (5) school days from the date of the written report of the alleged incident of bullying.
 - 6.10.2.2 Following the completion of the investigation into the alleged incident of bullying, an individual licensed as a public school district building-level administrator or his or her designee may without limitation:
 - 6.10.2.2.1 Provide intervention services;
 - 6.10.2.2.2 Establish training programs to reduce bullying;

6.10.2.2.3 Impose discipline on any of the parties involved in the incident of bullying in accordance with state and federal law and rules and district policy;

6.10.2.2.4 Recommend counseling for any of the parties involved in the incident of bullying; or

6.10.2.2.5 Take or recommend other appropriate action.

6.10.3 Notify the parent or legal guardian of the student who is determined to have been the perpetrator of the incident of bullying:

6.10.3.1 Upon completion of the investigation; and

6.10.3.2 Regarding the consequences of continued incidents of bullying.

6.10.3.3 A parent or legal guardian of a student who is the victim or perpetrator of an incident of bullying is entitled within five (5) school days after the completion of the investigation, and in accordance with federal and state law, to receive information about the investigation, including without limitation:

6.10.3.3.1 That a credible report or complaint of bullying exists;

6.10.3.3.2 Whether the credible report or complaint of bullying was found to be true based on the investigation;

6.10.3.3.3 Whether action was taken upon the conclusion of the investigation of the alleged incident of bullying; and

6.10.3.3.4 Information regarding the reporting of another incident of bullying.

6.10.4 Make a written record of the investigation and any action taken as a result of the investigation.

6.10.4.1 The written record of the investigation shall include a detailed description of the alleged incident of bullying.

including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying; and

6.10.5 Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

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

DRAFT

State of Arkansas *As Engrossed: S2/20/19 S3/7/19*

92nd General Assembly

Regular Session, 2019

A Bill

SENATE BILL 381

By: Senator Elliott

By: Representative Vaught

For An Act To Be Entitled

AN ACT CONCERNING CORPORAL PUNISHMENT; TO PROHIBIT
THE USE OF CORPORAL PUNISHMENT ON A CHILD WITH A
DISABILITY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT THE USE OF CORPORAL
PUNISHMENT ON A CHILD WITH A DISABILITY.

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

SECTION 1. Arkansas Code § 6-17-112(a), concerning a teacher and an administrator's immunity from liability upon the administration of corporal punishment, is amended to read as follows:

(a)(1) ~~Teachers~~ Except as provided under subdivision (a)(2) of this section, teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.

(2) A teacher or administrator in a school district that authorizes use of corporal punishment in the school district's written student disciplinary policy is not immune from civil liability under subdivision (a)(1) of this section if the teacher or administrator uses corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.



1
2 SECTION 3. Arkansas Code § 6-17-1113(a)(2), concerning protection of
3 school employees under the School Worker Defense Program, is amended to read
4 as follows:

5 (2)(A) This section provides protection against civil liability,
6 attorney's fees, and costs of defense for acts or omissions of each employee
7 or volunteer in the performance of his or her duties as a volunteer or his or
8 her official duties as a school employee, including without limitation civil
9 liability for administering corporal punishment to students, in the amount of
10 two hundred fifty thousand dollars (\$250,000) for incidents ~~which~~ that
11 occurred before July 1, 1999, and one hundred fifty thousand dollars
12 (\$150,000) for each incident ~~which~~ that occurs after June 30, 1999.

13 (B) An employee or volunteer who administers corporal
14 punishment to a child who is intellectually disabled, non-ambulatory, non-
15 verbal, or autistic is not subject to the protection against civil liability,
16 attorney's fees, and costs of defense under subdivision (a)(2)(A) of this
17 section.

18
19 SECTION 4. Arkansas Code § 6-18-503(b), concerning a written student
20 discipline policy of a public school district that authorizes use of corporal
21 punishment, is amended to add an additional subdivision to read as follows:

22 (3) A school district that authorizes use of corporal punishment
23 under subdivision (b)(1) of this section shall not:

24 (A) Use corporal punishment on a child who is
25 intellectually disabled, non-ambulatory, non-verbal, or autistic; or

26 (B) Include in its written student discipline policy a
27 provision to allow the use of corporal punishment on a child who is
28 intellectually disabled, non-ambulatory, non-verbal, or autistic.

29
30 SECTION 5. Arkansas Code § 6-18-505(c)(1), concerning the use of
31 corporal punishment under the School Discipline Act, is amended to read as
32 follows:

33 (c)(1) Any A teacher or school administrator in a school district that
34 authorizes use of corporal punishment in the district's written student
35 discipline policy may use corporal punishment, ~~provided only that~~ if the
36 punishment is administered in accord with the district's written student

1 discipline policy, ~~against~~ on any pupil, except a child who is intellectually
2 disabled, non-ambulatory, non-verbal, or autistic, in order to maintain
3 discipline and order within the public schools.

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6 /s/Elliott
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9 **APPROVED: 3/26/19**
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1 State of Arkansas

As Engrossed: H2/14/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1398

5 By: Representative S. Meeks

6 By: Senator E. Cheatham

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING STUDENT ATTENDANCE AND DISCIPLINE; AND FOR
11 OTHER PURPOSES.

Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE
16 CONCERNING STUDENT ATTENDANCE AND
17 DISCIPLINE.

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

22 SECTION 1. Arkansas Code § 6-18-502(a) and (b), concerning development
23 of school district student discipline policies, are amended to read as
24 follows:

25 (a) The Department of Education shall establish ~~guidelines~~ rules for
26 the development of school district student discipline policies.

27 (b) Such ~~guidelines~~ rules shall include, ~~but not be limited to,~~
28 without limitation the following requirements:

29 (1) Parents, students, and school district personnel, including
30 teachers, shall be involved in the development of school district student
31 discipline policies;

32 (2)(A) The school district's committee on personnel policies
33 shall review annually:

34 (i) The school district's student discipline
35 policies; and

36 (ii) State and district discipline data.



1 (B) The committee may recommend changes in the policies to *the board*
2 *of directors of the local school district based on the committee's review*
3 *under subdivision (2)(A) of this section; and*

4 (3) Student discipline policies shall include, ~~but not be~~
5 ~~limited to,~~ without limitation the following offenses:

6 (A) Willfully and intentionally assaulting or threatening
7 to assault or abuse any student or teacher, principal, superintendent, or
8 other employee of a school system;

9 (B) Possession by students of any firearm or other weapon
10 prohibited upon the school campus by law or by policies adopted by the school
11 district board of directors;

12 (C) Using, offering for sale, or selling beer, alcoholic
13 beverages, or other illicit drugs by students on school property; and

14 (D) Willfully or intentionally damaging, destroying, or
15 stealing school property by students.

16
17 SECTION 2. Arkansas Code § 6-18-502(c), concerning the development of
18 school district student discipline policies, is amended to add an additional
19 subdivision to read as follows:

20 (c) The school discipline policies shall:

21 (1)(A) Prescribe minimum and maximum penalties, including
22 without limitation students' suspension or dismissal expulsion from school,
23 for violations of each any of the aforementioned offenses described in
24 subdivision (b)(3) of this section and for violations of other practices
25 prohibited by school discipline policies;.

26 (B) However, the superintendent shall have discretion to
27 modify the prescribed penalties for a student on a case-by-case basis;

28 (2)(A) Prescribe expulsion from school for a period of ~~not less~~
29 ~~than one~~ (1) year for possession of any firearm or other weapon prohibited
30 upon the school campus by law.

31 (B) *Provided, however, that the superintendent shall have*
32 *discretion to modify such expulsion requirement for a student on a case-by-*
33 *case basis;*

34 (3) Establish procedures for notice to students and parents of
35 charges, hearings, and other due process proceedings to be applicable in the
36 enforcement and administration of such policies by the school administrator

1 and by the school district board of directors;

2 (4) Include prevention, intervention, and conflict resolution
3 provisions; and

4 (5) Set forth the role and authority of public school employees
5 and volunteers as provided in this subchapter; and

6 (6) Include programs, measures, or alternative means and methods
7 to continue student engagement and access to education during periods of
8 suspension or expulsion.

9
10 SECTION 3. Arkansas Code § 6-18-502(f), concerning the development of
11 school district student discipline policies, is amended to read as follows:

12 (f) Teachers and administrators, classified school employees, and
13 volunteers shall be provided with appropriate student discipline, behavioral
14 intervention, and classroom management training and support.

15
16 SECTION 4. Arkansas Code § 6-18-502(h), concerning the development of
17 school district student discipline policies, is amended to read as follows:

18 (h) In developing the state guidelines rules for school district
19 discipline policies, the department shall involve parents, students,
20 teachers, and administrators.

21
22 SECTION 5. Arkansas Code § 6-18-503(a), concerning written student
23 discipline policies, is amended to read as follows:

24 (a)(1)(A) Each school district in this state shall develop written
25 student discipline policies in compliance with the guidelines rules
26 established by the Department of Education and shall file ~~such~~ the policies
27 with the department.

28 (B) ~~Guidelines shall~~ The rules required under subdivision
29 (a)(1)(A) of this section may include minimum standards of quality,
30 experimentation with innovative programs, and a system to judge the
31 effectiveness of the program.

32 (C) The discipline policy required under subdivision
33 (a)(1)(A) of this section shall include provisions for:

34 ~~(i) Placement~~ placement of a student with
35 disciplinary, socially dysfunctional, or behavioral problems not associated
36 with a ~~handicapping condition~~ physical or mental impairment or disability in

1 an alternative learning environment provided by the district; and
2 ~~(ii)(a) Expulsion from school for a period of not~~
3 ~~less than one (1) year for possession of any firearm or other weapon~~
4 ~~prohibited upon the school campus by law.~~

5 ~~(b) Provided, however, that the superintendent~~
6 ~~shall have discretion to modify such expulsion requirement for a student on a~~
7 ~~case-by-case basis.~~

8 (2) Behavioral problems shall include those being at risk of not
9 satisfactorily completing a high school education.

10
11 SECTION 6. Arkansas Code § 6-18-503(b)(2), concerning written student
12 discipline policies, is amended to read as follows:

13 (2) As used in this ~~section~~ subchapter, "teacher or school
14 administrator" means a:

15 (A) A person employed by a school district and required to
16 have a state-issued educator license as a condition of their employment hold
17 a valid Arkansas standard teaching license, an ancillary license, a
18 provisional license, a technical permit, or an administrator's license issued
19 by the State Board of Education; and

20 (B) A nonlicensed classroom teacher or administrator
21 employed in a position under a waiver from licensure.

22
23 SECTION 7. Arkansas Code § 6-18-503(d), concerning written student
24 discipline policies, is amended to read as follows:

25 (d) Any amendments or revisions to a school district's student
26 discipline policies shall be developed and adopted in the same manner as the
27 original policies required by § 6-18-502 and shall be consistent with the
28 guidelines rules established by the department.

29
30 SECTION 8. Arkansas Code § 6-18-504(b), concerning compliance with
31 written student discipline policies, is amended to read as follows:

32 (b) Any school district failing to file with the department the
33 disciplinary policy required by § 6-18-503 with the department policies that
34 meet the requirements of this subchapter shall have all state aid funds
35 withheld until such disciplinary policy is policies are filed with the
36 department.

SECTION 9. Arkansas Code §§ 6-18-505 and 6-18-506 are repealed.

~~6-18-505. School Discipline Act — Definition.~~

~~(a) This section may be cited as the "School Discipline Act".~~

~~(b) Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.~~

~~(c)(1) Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.~~

~~(2) As used in subdivision (c)(1) of this section, "teacher or school administrator" means those persons employed by a school district and required to have a state issued educator license as a condition of their employment.~~

~~6-18-506. School Dismissal Act.~~

~~(a) This section may be cited as the "School Dismissal Act".~~

~~(b) Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns.~~

~~(c) Every school district board of directors in this state shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.~~

~~(d) Each school district board of directors shall adopt written rules and regulations delineating its disciplinary policies.~~

~~(e) The policy may be revised at any time by filing an updated policy with the department.~~

SECTION 10. Arkansas Code § 6-18-507(e)(1), concerning student suspension and expulsion, is repealed.

~~(e)(1)(A) The superintendent of any school district shall recommend~~

~~the expulsion of any student from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.~~

~~(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.~~

SECTION 11. Arkansas Code § 6-18-507(e)(4), concerning student suspension and expulsion, is amended to read as follows:

(4)(A) The department shall ~~establish and maintain a registry of~~ information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

~~(B) The names, addresses, and Social Security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state.~~

SECTION 12. Arkansas Code § 6-18-510 is amended to read as follows:

6-18-510. Enrollment during expulsion – School policy.

The board of directors of any school district may adopt a policy that, ~~after a hearing before the board of directors,~~ any person who has been expelled as a student from any other school district may not enroll as a student until the time of the person's expulsion has expired, provided that the receiving school district board of directors affords the student the opportunity for a hearing at the time the student is seeking enrollment.

SECTION 13. Arkansas Code § 6-18-511(c)(1), concerning what a principal may do with a student who has been removed by a teacher from a class, is amended to read as follows:

(1) Place the student into another appropriate classroom, into in-school suspension, or into the district's alternative learning environment ~~established in accordance with § 6-18-508 [repealed],~~ so long as such placement is consistent with the school district's written student discipline policy;

/s/S. Meeks

APPROVED: 4/1/19

State of Arkansas

92nd General Assembly

Regular Session, 2019

A Bill

HOUSE BILL 1790

By: Representatives Glover, Scott

By: Senator Elliott

For An Act To Be Entitled

AN ACT CONCERNING THE DIGITAL LEARNING ACT OF 2013;
TO REQUIRE A PUBLIC SCHOOL DISTRICT THAT EXPELS A
STUDENT TO OFFER TO THE EXPELLED STUDENT DIGITAL
LEARNING COURSES OR ALTERNATIVE EDUCATIONAL SERVICES
FOR WHICH THE STUDENT MAY RECEIVE CREDIT; AND FOR
OTHER PURPOSES.

Subtitle

TO REQUIRE A PUBLIC SCHOOL DISTRICT THAT
EXPELS A STUDENT TO OFFER TO THE EXPELLED
STUDENT DIGITAL LEARNING COURSES OR
ALTERNATIVE EDUCATIONAL SERVICES FOR
WHICH THE STUDENT MAY RECEIVE CREDIT.

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

SECTION 1. Arkansas Code § 6-16-1406, concerning requirements for
digital learning courses under the Digital Learning Act of 2013, is amended
to add an additional subsection to read as follows:

(g) A public school district or open-enrollment public charter school
that expels a student under § 6-18-507 shall offer to the expelled public
school student digital learning courses or other alternative educational
courses for which the student may receive academic credit that is at least
equal to credit the expelled public school student may have received if he or
she was still enrolled in his or her assigned public school or open-
enrollment public charter school immediately before he or she was expelled.



1
2 SECTION 2. Arkansas Code § 6-18-507, concerning suspensions and
3 expulsions of public school students, is amended to add an additional
4 subsection to read as follows:

5 (h) A public school district and open-enrollment public charter school
6 shall comply with the requirements under § 6-16-1406(g) with respect to
7 courses and services provided to an expelled public school student.
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12 **APPROVED: 4/4/19**
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State of Arkansas

As Engrossed: H4/1/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1933

By: Representative Gazaway

For An Act To Be Entitled

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

Subtitle

TO AMEND THE ANTI-BULLYING POLICY; TO
REQUIRE A SCHOOL BOARD MEMBER TO RECEIVE
INFORMATION REGARDING SCHOOL SAFETY AND
STUDENT DISCIPLINE; AND TO REQUIRE A
BULLYING AND CYBERBULLYING PREVENTION
PROFESSIONAL DEVELOPMENT PROGRAM.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.
The General Assembly finds that:

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

(2) The same 2016 study also reported that about thirty-three
percent (33%) of students who reported being bullied at school indicated that
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, i and

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

the members of the ~~board~~ boards of directors, including without limitation:

~~(i)(a)~~ Legal requirements, including without limitation:

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

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

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

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

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

(iii) Information regarding school safety and student discipline.

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

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

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

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

(1) Bullying prevention; and

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

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

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

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

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

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

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

8
9 SECTION 6. Arkansas Code § 6-18-514, concerning anti-bullying policies
10 in public schools, is amended to add additional subdivisions to read as
11 follows:

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

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

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

19
20 /s/Gazaway

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23 **APPROVED: 4/15/19**
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