

State of Arkansas

77th General Assembly

Regular Session, 1989

HOUSE BILL

1526

By: Representative Mahony

"AN ACT TO ASSESS A CIVIL PENALTY AGAINST PARENTS OF STUDENTS WITH EXCESSIVE UNEXCUSED SCHOOL ABSENCES; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) The Board of Directors of each school district in this state shall adopt a student attendance policy as provided for in Ark. Code §6-18-209 which shall include a certain number of an excessive unexcused absences as a basis for denial of promotion or graduation. However, unexcused absences shall not be a basis for expulsion or dismissal of a student. The State Board of Education shall promulgate whatever rules and regulations are necessary to define "excused" and "unexcused" absences.

(b) The school district's student attendance policy shall also include a provision which mandates notifying the student's parents, guardians and persons in loco parentis of the district's student attendance policy and of all the student's unexcused absences prior to the end of the school day in which the unexcused absence is discovered. If the school is unable to contact the student's parents, guardians or persons in loco parentis by the end of the school day, a certified letter with return receipt requested should be mailed the following school day.

(c) Whenever a student exceeds the number of unexcused absences as provided for in the district's student attendance policy, the student's parents, guardians or persons in loco parentis, shall be subject to a civil penalty in such an amount as a court of competent jurisdiction presiding in the presence of the district's Board of Directors at a regular or special called meeting may prescribe, but not to exceed five hundred dollars (\$500.00) plus costs of court and any reasonable fees assessed by the court. The

penalty shall be paid directly to the school attended by the student.

(d) Each school district shall notify the prosecuting attorney or city attorney, whichever is applicable, whenever a student exceeds the number of unexcused absences who shall take whatever action is necessary to collect the penalty provided for herein.

SECTION 2. (a) Upon notification by the school district that a student is no longer attending school, a court of competent jurisdiction shall inform the Department of Finance and Administration that the student's learner's permit or driver's license is suspended. This suspension shall be in effect until the school district certifies that the student has returned to school or the individual has turned seventeen (17). In cases where demonstrable financial hardship would result from the suspension of the learner's permit or driver's license, the court may grant exceptions only to the extent necessary to ameliorate the hardship.

(b) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

