

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM

1042

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND ACT 473 OF 1989 TO CLARIFY REQUIREMENTS OF
SCHOOL ATTENDANCE POLICIES; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1(a) of Act 473 of 1989 is hereby amended to read as follows:

"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 absences which may be used as a basis for denial of course credit, promotion or graduation. However, excessive absences shall not be a basis for expulsion or dismissal of a student."

SECTION 2. Section 1(c) of Act 473 of 1989 is hereby amended to read as follows:

"(c) The student's parents, guardians or persons in loco parentis shall receive actual notice when the student has accumulated unexcused absences equal to one-third and two-thirds the total number of absences permitted under the school district's student attendance policy per semester. Notice shall be by telephonic contact with the student's parents, guardians or persons in loco parentis by the end of the school day in which such absence occurred or by certified mail with a return receipt required sent no later than the following school day."

SECTION 3. Section 1(d) of Act 473 of 1989 is hereby amended to read as follows:

"(d) Whenever a student exceeds the number of unexcused absences as provided for in the district's student attendance policy, and the school

district notifies the prosecuting or city attorney, the student's parents, guardians or parents 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 a representative of the school district 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 forwarded by the court to the school attended by the student."

SECTION 4. Section 1(e) of Act 473 of 1989 is hereby amended to read as follows:

"(e) Upon notification by the school district of the prosecuting attorney if the school is located outside of the city limits, or the city attorney if the school is located within the city limits, whichever is applicable, the prosecuting or city attorney shall file an action in the appropriate court to impose the civil penalty set forth in subsection (d) and shall take whatever action is necessary to collect the penalty provided for therein. The failure of the prosecuting attorney to timely file an action or pursue collection on a case once notified shall be considered neglect of duty, subjecting the prosecuting attorney to the provisions of Arkansas Code §16-21-116."

SECTION 5. Section 2(a) of Act 473 of 1989 is hereby amended to read as follows:

"SECTION 2. (a) (1) Each public, private, or parochial school shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school.

(2) Upon receipt of such notification, the Department of Finance and Administration shall suspend the driver's license of the student until satisfactory evidence is presented to the Department of Finance and Administration that the student is attending school, or the student reaches eighteen (18) years of age.

(3) The suspension shall be imposed without a hearing.

(4) The Department of Finance and Administration shall have the power to promulgate rules and regulations to carry out the intent of this act, and shall distribute to each public, private, and parochial school a copy of all rules and regulations adopted under this act."

SECTION 6. 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 7. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 8. Emergency. It is hereby found and determined by the General Assembly that parental involvement is a necessary part of a student's education, and the General Assembly feels very strongly that a student's parents, guardians or persons in loco parentis should be informed of excessive student absences and should bear certain responsibilities regarding their students' absences. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.