

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Representative Thicksten**

Call Item 4

A Bill

HOUSE BILL 1028

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE §§ 12-12-515 AND 12-12-506, TO
9 CLARIFY THE RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN
10 SERVICES TO REPORT FOUNDED CASES OF CHILD MALTREATMENT TO
11 LOCAL EDUCATIONAL AGENCIES; AND FOR OTHER PURPOSES."

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

15 SECTION 1. Arkansas Code § 12-12-515(a) is hereby amended to read as
16 follows:

17 "(a) (1) If the person or agency making the initial notification of
18 suspected child maltreatment is required to do so by this subchapter, the
19 department, within ten (10) business days of the investigative determination,
20 shall provide to the person the following information:

21 (A) The investigative determination; and

22 (B) Services offered and provided.

23 (2) The department shall provide the local educational agency
24 *specifically to the school counselor* where the maltreated child attends school
25 a report indicating the department's *founded* investigative determination
26 regarding the child and the services offered or provided by the department to
27 the child.

28 (3) Any local educational agency receiving such
29 information from the department shall make this information, *if it is a*
30 *founded report*, a part of the child's permanent educational record and shall
31 treat such information as educational records are treated under the Family
32 Educational Rights and Privacy Act, 20 U.S.C. 1232(g)."

34 SECTION 2. Arkansas Code § 12-12-506(d) is hereby amended to read as
35 follows:

1 "(d) (1) Any person or agency to whom disclosure is made shall not
2 disclose to any other person reports or other information obtained pursuant to
3 this subdivision.

4 (2) (A) *Provided, however, that a local educational agency or a
5 school counselor shall forward all founded reports of child maltreatment
6 received from the department whenever a child transfers from one local
7 educational agency to another, and shall notify the department of the child's
8 new school, and address, if known.*

9 (B) *Any person disclosing information in violation of this
10 subsection shall be guilty of a Class C misdemeanor.*

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

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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25 SECTION 6. Emergency. It is hereby found and determined by the General
26 Assembly that, unless a person or agency making the initial notification of
27 suspected child abuse is a teacher or school official, there is currently no
28 provision in the law whereby the Department of Human Services can make
29 available to local educational agencies the Department's reports of
30 investigative determinations regarding suspected child abuse and services
31 offered or provided by the Department to the child; that local educational
32 agencies can best serve the needs of the abused child when the Department's
33 reports are made available to the local educational agencies; that the
34 information contained in the reports should become a part of the child's
35 permanent educational record and treated as educational records are treated

1 under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232(g); that
2 it is in the best interests of the child that a local educational agency
3 forward all *founded reports* of child maltreatment received from the Department
4 whenever the child transfers to another local educational agency; that this
5 act should go into effect immediately in order to remedy the situation.
6 Therefore, an emergency is hereby declared to exist and this act being
7 immediately necessary for the preservation of the public peace, health and
8 safety shall be in full force and effect from and after its passage and
9 approval.

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/s/Edward F. Thicksten

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