

1 State of Arkansas

Call Item 3

2 79th General Assembly

# A Bill

3 Second Extraordinary Session, 1994

HOUSE BILL 1036

4 By: Representatives Hunton, Baker, Thicksten, B. Wood, Hinshaw, Blair, O. Miller, Sanson,  
5 Purdom, Watts, Jordan, Wagner, McKissack, Thurman, Davis, Calhoun, Whorton,  
6 Wooldridge, Steele, Rorie, Pryor, Molinaro, Curran, Choate, Bisbee, Hill, Stalnaker, Fletcher,  
7 Bryant, Wallis, Young, Hall, *Horn, K. Wood, Newman, McJunkin, von Grep and Carter*

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## For An Act To Be Entitled

11 "AN ACT TO AMEND ARK. CODE ANN. §§ 6-18-503 AND 6-18-505  
12 TO REQUIRE PERSONNEL IN SCHOOL DISTRICTS THAT AUTHORIZE  
13 USE OF CORPORAL PUNISHMENT TO FOLLOW CERTAIN PROCEDURES;  
14 TO AMEND TITLE 6, CHAPTER 17, SUBCHAPTER 1 OF THE ARKANSAS  
15 CODE ANNOTATED TO GRANT CIVIL IMMUNITY TO PERSONNEL WHO  
16 ADMINISTER CORPORAL PUNISHMENT IN *SUBSTANTIAL COMPLIANCE*  
17 WITH THESE PROCEDURES; AND TO DECLARE AN EMERGENCY; AND  
18 FOR OTHER PURPOSES."

19

### Subtitle

20  
21 "TO REQUIRE SCHOOL DISTRICTS THAT  
22 AUTHORIZE USE OF CORPORAL PUNISHMENT TO  
23 FOLLOW CERTAIN PROCEDURES; TO GRANT  
24 CIVIL IMMUNITY TO SCHOOL PERSONNEL WHO  
25 ADMINISTER CORPORAL PUNISHMENT."

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

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29 SECTION 1. Arkansas Code Annotated § 6-18-505(c) is hereby amended to  
30 read as follows:

31 "(c) Any teacher or school administrator in a school district that  
32 authorizes use of corporal punishment in the district\_s written student  
33 discipline policy may use corporal punishment, provided only that the  
34 punishment is administered in accord with the district\_s written student  
35 discipline policy, against any pupil in order to maintain discipline and order

1 within the public schools."  
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3 SECTION 2. Arkansas Code Annotated § 6-18-503 is hereby amended to read  
4 as follows:

5 "6-18-503. Written student discipline policies required.

6 (a) (1) Each school district in this state shall develop written student  
7 discipline policies in compliance with the guidelines established by the  
8 Department of Education and shall file such policies with the Department of  
9 Education.

10 (A) Guidelines shall include minimum standards of quality,  
11 experimentation with innovative programs, and a system to judge the  
12 effectiveness of the program.

13 (B) The discipline policy shall include provisions for  
14 placement of a student with disciplinary, socially dysfunctional, or  
15 behavioral problems not associated with a handicapping condition in an  
16 alternative learning environment provided by the district.

17 (2) Behavioral problems shall include those at risk of not  
18 satisfactorily completing a high school education.

19 (b) A school district that authorizes use of corporal punishment in its  
20 discipline policy shall include provisions for administration of the  
21 punishment, including that it be administered only for cause, be reasonable,  
22 follow warnings that the misbehavior will not be tolerated, and be  
23 administered only in the presence of a *school administrator*.

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

28 (d) Any amendment or revision to the student discipline policies  
29 adopted by a school district shall be submitted to the Department of Education  
30 within thirty (30) days after the adoption of such amendment or revision."  
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32 SECTION 3. Subchapter 1 of Chapter 17 of Title 6 of the Arkansas Code  
33 is hereby amended by adding a new section to read as follows:

34 "6-17-112. Teachers and administrators in a school district that  
35 authorizes use of corporal punishment in the district\_s written student

1 discipline policy shall be immune from any civil liability for administering  
2 corporal punishment to students, provided only that the corporal punishment is  
3 administered in *substantial compliance* with the district\_s written student  
4 discipline policy."  
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6 SECTION 4. Arkansas Code Annotated § 6-15-806 is hereby amended to read  
7 as follows:

8 "§ 6-15-806. Annual report - School report card.

9 (a) The Office of Accountability shall issue an annual report on the  
10 performance of each public school district in the state and, where feasible,  
11 on the performance of each school within a school district. This report will  
12 be known as the 'school report card' and shall be an index of each school or  
13 school district's performance measured against statewide standards for  
14 comparable school districts and schools. The school report card shall make  
15 comparisons to a school or school district's performance in preceding years  
16 and project goals in performance categories.

17 (b) The school report card shall contain, but not be limited to, the  
18 school district's or school's:

- 19 (1) drop-out rate;
- 20 (2) retention-in-grade rate;
- 21 (3) college-going rate;
- 22 (4) attendance rate;
- 23 (5) test scores on nationally-normed tests;
- 24 (6) corporal punishment rate broken down according to the

25 following:

- 26 (A) sex;
- 27 (B) race;
- 28 (C) age;
- 29 (D) special education or regular classes;
- 30 (E) type of offense; and
- 31 (F) number of offense;
- 32 (7) number of students required to take remedial courses in high  
33 school and college; and
- 34 (8) ratio of expenditures per pupil on administrative, athletic,  
35 and gifted and talented expenses.

1           (c) The school report card must be published no later than December 1  
2 of each year, and it shall be published in a format that can be easily  
3 understood by parents and other members of the community who are not  
4 professional educators."

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6           SECTION 5. As used in this act, "teachers" and "administrators" means  
7 those persons employed by a school district and required to have a state-  
8 issued certificate as a condition of their employment.

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10          SECTION 6. All provisions of this act of a general and permanent nature  
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
12 Revision Commission shall incorporate the same in the Code.

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14          SECTION 7. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

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20          SECTION 8. All laws and parts of laws in conflict with this act are  
21 hereby repealed.

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23          SECTION 9. EMERGENCY. It is hereby found and determined by the  
24 Seventy-Ninth General Assembly of the State of Arkansas, meeting in Second  
25 Extraordinary Session, that student discipline is essential to the creation of  
26 an optimum learning environment; and that the only place that many individuals  
27 are likely to learn self-control and good behavior is in the public schools;  
28 and that teachers and administrators in school districts that authorizes  
29 corporal punishment should have adequate protection from civil liability,  
30 provided only that the corporal punishment is administered in accord with  
31 certain procedures. Therefore, an emergency is hereby declared to exist and  
32 this Act being necessary for the immediate preservation of the public peace,  
33 health, and safety, shall be in full force and effect from and after its  
34 passage and approval.

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*/s/Rep. Hunton, et al*