

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Jeffries

A Bill

SENATE BILL 837

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE § 6-18-222(a) TO PROVIDE FOR
9 PARENTAL NOTIFICATION WHEN STUDENTS HAVE EXCESSIVE
10 UNEXCUSED ABSENCES FROM SCHOOL; AND FOR OTHER PURPOSES."

Subtitle

13 "TO AMEND A.C.A § 6-18-222(a) TO PROVIDE
14 FOR PARENTAL NOTIFICATION WHEN STUDENTS
15 HAVE EXCESSIVE UNEXCUSED ABSENCES FROM
16 SCHOOL."

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

20 SECTION 1. Arkansas Code Annotated § 6-18-222(a) is hereby amended to
21 read as follows:

22 "(a)(1)(A) The board of directors of each school district in this
23 state shall adopt a student attendance policy as provided for in § 6-18-209,
24 which shall include a certain number of excessive unexcused absences which
25 may be used as a basis for denial of course credit, promotion, or graduation.
26 However, excessive unexcused absences shall not be a basis for expulsion or
27 dismissal of a student.

28 (B) The legislative intent is that a student having
29 excessive absences because of illness, accident, or other unavoidable reasons
30 should be given assistance in obtaining credit for the courses.

31 (2) The State Board of Vocational Education shall adopt a
32 student attendance policy for sixteen (16) and seventeen (17) year olds
33 enrolled in an adult education program, which shall require a minimum
34 attendance of twenty (20) hours per week to remain in the program.

35 (3) A copy of the school district's student attendance policy or

1 the State Board of Vocational Education's student attendance policy for
2 sixteen (16) and seventeen (17) year olds enrolled in adult education shall
3 be provided to the student's parents, guardians, or persons in loco parentis
4 at the beginning of the school year or upon enrollment, whichever event first
5 occurs.

6 (4) The student's parents, guardians, or persons in loco
7 parentis shall be notified when the student has accumulated excessive
8 unexcused absences equal to one-half (1/2) the total number of absences
9 permitted under the school district's or the State Board of Vocational
10 Education's student attendance policy per semester. Notice shall be by
11 telephonic contact with the student's parents, guardians, or persons in loco
12 parentis by the end of the school day in which such absence occurred or by
13 regular mail with a return address on the envelope sent no later than the
14 following school day.

15 (5) Whenever a student exceeds the number of excessive unexcused
16 absences provided for in the district's or the State Board of Vocational
17 Education's student attendance policy, the school district or the adult
18 education program shall notify the prosecuting authority, and the student's
19 parents, guardians, or persons in loco parentis shall be subject to a civil
20 penalty in such an amount as a court of competent jurisdiction, presiding in
21 the presence of a representative of the school district, may prescribe, but
22 not to exceed five hundred dollars (\$500) plus costs of court and any
23 reasonable fees assessed by the court. The penalty shall be forwarded by the
24 court to the school or the adult education program attended by the student.

25 (6)(A) Upon notification by the school district or the adult
26 education program to the prosecuting authority, the prosecuting authority
27 shall file an action which shall be exempt from all filing fees for civil
28 cases in the appropriate court to impose the civil penalty set forth in
29 subdivision (a)(5) of this section and shall take whatever action is
30 necessary to collect the penalty provided for therein.

31 (B) The failure of the prosecuting authority to timely
32 file an action or pursue collection on a case, once notified, shall be
33 considered neglect of duty, subjecting the prosecuting attorney to the
34 provisions of § 16-21-116.

35 (C) Actions under this section shall be filed in an

1 appropriate municipal court as a matter of preference.

2 (7)(A) The penalty set forth in this section is to impress upon
3 the parents, guardians, or persons in loco parentis the importance of school
4 or adult education attendance and is not to be used as a primary source of
5 revenue.

6 (B) When assessing penalties, the court shall be aware of
7 any available programs designed to improve the parent-child relationship or
8 parenting skills.

9 (C) When practicable and appropriate, the court may
10 utilize mandatory attendance to such programs as well as community service
11 requirements in lieu of monetary penalties.

12 (8) In cases where the court determines the student's unexcused
13 absences cannot be attributed to the parents, guardians, or persons in loco
14 parentis, the action may be suspended or dismissed conditioned on a
15 petition's being filed in juvenile court to seek services on behalf of the
16 student.

17 (9) As used in this section, prosecuting authority means the
18 elected district prosecuting attorney, or his appointed deputy, for schools
19 located in unincorporated areas of the county or within cities not having a
20 police or municipal court and means the prosecuting attorney of the city for
21 schools located within the city limits of cities having either a police court
22 or a municipal court in which a city prosecutor represents the city for
23 violations of city ordinances or traffic violations.

24 (10) In any instance where it is found that the school district
25 or the adult education program or the prosecuting authority is not complying
26 with the provisions of this section, the State Board of Education may
27 petition the circuit court to issue a writ of mandamus."
28

29 SECTION 2. All provisions of this act of a general and permanent
30 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
31 Code Revision Commission shall incorporate the same in the Code.
32

33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

3

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