

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas As Engrossed: H1/10/07 H1/17/07 S1/23/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1041

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5 By: Representatives Walters, Hardwick, *Creekmore*

6 By: Senator Wilkinson, *Madison*

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For An Act To Be Entitled

10 AN ACT TO IMPROVE SAFETY IN ARKANSAS SCHOOLS; TO
11 PROVIDE SCHOOLS WITH INFORMATION REGARDING THE
12 ARREST, DETENTION, AND COURT PROCEEDINGS
13 REGARDING STUDENTS; AND FOR OTHER PURPOSES.

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Subtitle

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

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24 SECTION 1. Arkansas Code § 9-27-352, concerning confidentiality of
25 records regarding juvenile arrest, detention, and court proceedings, is
26 amended to add an additional subsection to read as follows:

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(d)(1) When a court orders that a juvenile have a safety plan that restricts or requires supervised contact with another juvenile or juveniles, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan be provided to the school superintendent and school counselor where the juvenile is enrolled.

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(2) When a court order amends or removes any safety plan outlined in subdivision (d)(1) of this section, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan be provided to the school superintendent and school counselor where the juvenile is enrolled.



1 (3) Any local educational agency that receives a court order
2 outlined in subdivision (d)(1) or (d)(2) of this section shall:

3 (A) Keep the information confidential;

4 (B) Include the information in the juvenile's permanent
5 educational records; and

6 (C)(i) Treat the information and documentation contained
7 in the court order as education records under the Family Educational Rights
8 and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2007.

9 (ii) The local education agency shall not release,
10 disclose, or make available the information and documentation contained in
11 the court order for inspection to any party except as permitted under the
12 Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed
13 on January 1, 2007.

14 (iii) However, under no circumstances shall the
15 local education agency release, disclose, or make available for inspection to
16 the public, any college, university, institution of higher learning,
17 vocational or trade school, or any past, present, or future employer of the
18 student the court order or safety plan portion of a student record.

19 (4) When a student attains an age that he or she is no longer under
20 the jurisdiction of the juvenile court, the safety plan and the order
21 regarding the safety plan shall be removed from the school's permanent
22 records and destroyed.

23 /s/ Walters
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