

1 State of Arkansas *As Engrossed: S3/19/13 S3/20/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 1147

4

5 By: Senators L. Chesterfield, *Elliott, J. Key*

6 *By: Representative McLean*

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For An Act To Be Entitled

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9 AN ACT TO EVALUATE THE IMPACT OF SCHOOL DISCIPLINE ON

10 STUDENT ACHIEVEMENT; AND FOR OTHER PURPOSES.

11

12

Subtitle

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14 TO EVALUATE THE IMPACT OF SCHOOL

15 DISCIPLINE ON STUDENT ACHIEVEMENT.

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

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20 SECTION 1. LEGISLATIVE FINDINGS. The General Assembly finds that:

21 (1) There are many factors that contribute to poor student

22 performance including lost instruction time or chronic absence;

23 (2) A student who has been suspended even once is less likely to

24 graduate;

25 (3) Discipline that keeps students engaged in the learning

26 process and in the school community is more effective than discipline that

27 interrupts the learning process and separates the student from the school

28 community;

29 (4) Out-of-school suspensions are necessary in some situations

30 but the excessive use of out-of-school suspension as a discipline measure is

31 harmful to the educational process; and

32 (5) Disparity in discipline rates does not necessarily indicate

33 discrimination; it can result from an ineffective school climate or from

34 cultural strategies that are not successful in engaging the academic efforts

35 of all students.

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1 SECTION 2. Arkansas Code § 6-15-1402(b)(2)(A), concerning the
2 information required to be included on a school performance report, is
3 amended to add an additional subdivision to read as follows:

4 (x) Beginning with the 2015-2016 school year,
5 information on student discipline required under § 6-18-515(b); and
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7 SECTION 3. Arkansas Code 6-15-2006(b), concerning the information
8 required to be included on a school district annual report, is amended to add
9 an additional subdivision to read as follows:

10 (6) Beginning with the 2015-2016 school year, information on
11 student discipline required under § 6-18-515.
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13 SECTION 4. Arkansas Code § 6-18-507(b), concerning school district
14 authority to suspend or expel students, is amended to read as follows:

15 (b) The board of directors of a school district may suspend or expel
16 any student from school for violation of the school district's written
17 discipline policies, except that a school district shall not use out-of-
18 school suspension as a discipline measure for truancy.
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20 SECTION 5. Arkansas Code § 6-18-507, concerning school district
21 authority to suspend or expel students, is amended to add an additional
22 subsection to read as follows:

23 (g) A public school shall indicate on a student's attendance record if
24 a student's absence is the result of an out-of school suspension.
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26 SECTION 6. Arkansas Code Title 6, Chapter 18, Subchapter 5, is amended
27 to add an additional section to read as follows:

28 6-18-515. Effective school discipline.

29 (a) As used in this section:

30 (1) "Disciplinary rate" means a three-year average for each
31 discipline measure of the number of students in a school district or the
32 number of students in a subgroup in the school district who have at least one
33 (1) discipline measure divided by the corresponding total enrollment in the
34 school district or the total enrollment in the subgroup;

35 (2) "Discipline measure" means:

36 (A) In-school suspension;

1 (B) Out-of-school suspension;

2 (C) Expulsion;

3 (D) Corporal punishment; and

4 (E) Referrals to law enforcement authorities;

5 (3) "Rate of disciplinary disparity" means the disciplinary rate
6 for a subgroup subtracted from the disciplinary rate for another comparison
7 subgroup; and

8 (4) "Subgroup" means the enrollment of students in one (1) of
9 the following demographic groups:

10 (A) White students;

11 (B) Nonwhite students;

12 (C) Low-income students, including without limitation
13 students who are economically disadvantaged for standardized testing
14 purposes;

15 (D) Students with disabilities, defined as "a child with a
16 disability" under § 6-41-203; and

17 (E) Students whose achievement is at the basic or below
18 basic level, or the equivalent, for the school year on the state-required:

19 (i) Literacy benchmark assessments;

20 (ii) Mathematics benchmark assessments; or

21 (iii) End-of-course assessments.

22 (b) By July 1 of each year beginning in 2014, the Department of
23 Education shall prepare and provide a report to the State Board of Education
24 and to all school districts that includes the following information:

25 (1) The total number of students enrolled in the school district
26 and in each subgroup;

27 (2) The percentage that each subgroup represents of the school
28 district's total enrollment;

29 (3) The number of students who appear in more than one (1)
30 subgroup;

31 (4) The disciplinary rate for each discipline measure for the
32 total student enrollment in a school district;

33 (5) The disciplinary rate for each discipline measure for each
34 subgroup; and

35 (6) The rate of disciplinary disparity for each discipline
36 measure for each subgroup compared with the subgroup with the lowest

1 disciplinary rate.

2 (c) The report shall also:

3 (1) Identify the twenty-four (24) school districts with the
4 highest disciplinary rates or highest rates of disciplinary disparity for
5 each measure.

6 (B) The department shall identify a method for determining
7 which school districts will be identified in the report.

8 (C) The department may:

9 (i) Identify one (1) or more schools within a school
10 district; and

11 (ii) Provide additional information that the
12 department determines will provide a better understanding of the disciplinary
13 rate or rate of disciplinary disparity of a particular school or school
14 district;

15 (2) Include the achievement status for a school district
16 identified in the report; and

17 (3) Identify discipline-related strategies, alternatives, and
18 resources available to school districts.

19 (d) The department shall:

20 (1) Track the progress that school districts in the state have
21 made in reducing the disciplinary rate and rate of disciplinary disparity
22 and;

23 (2) Identify school districts that make progress reducing the
24 disciplinary rate and rate of disciplinary disparity and assess the
25 successful strategies used by those school districts;

26 (3) Assess the gains, if any, in student academic achievement
27 that correspond to the reduction of disciplinary rates and rates of
28 disciplinary disparity; and

29 (4) Report annually to the state board the information under
30 subdivisions (d)(1)-(3) of this section:

31 (A) The progress made for the year;

32 (B) Successful strategies that may be used by other school
33 districts; and

34 (C) The corresponding gains, if any, in student academic
35 achievement.

36 (e)(1) The department shall survey districts to determine which school

1 districts are currently implementing evidence-based strategies, including
2 without limitation:

3 (A) Positive behavior interventions and support systems;

4 and

5 (B) Restorative justice.

6 (2) The department shall:

7 (A) Develop information concerning the resources needed by
8 school districts to reduce discipline using the strategies in subdivision
9 (e)(1) of this section; and

10 (B) Provide the information for inclusion in the
11 educational adequacy study required under § 10-3-2102(a)(1)-(4).

12 (f) A school district identified with a high disciplinary rate or high
13 rate of disciplinary disparity under subsection (c) of this section shall
14 include in the climate and culture section of the comprehensive school
15 improvement plan required under § 6-15-426 the school district's plan for
16 reducing the disciplinary rate and rate of disciplinary disparity.

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