

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1791

5 By: Representative Gazaway
6

For An Act To Be Entitled

8 AN ACT CONCERNING STUDENT DISCIPLINE IN PUBLIC
9 SCHOOLS; TO REQUIRE PUBLIC SCHOOL DISTRICT BOARDS OF
10 DIRECTORS TO INCLUDE IN STUDENT DISCIPLINE POLICIES
11 THE REQUIREMENT THAT PUBLIC SCHOOLS CONDUCT AN
12 ASSESSMENT OF A PUBLIC SCHOOL STUDENT'S ADVERSE
13 CHILDHOOD EXPERIENCES BEFORE DISCIPLINING A PUBLIC
14 SCHOOL STUDENT; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO REQUIRE SCHOOL DISTRICT BOARDS OF
19 DIRECTORS TO INCLUDE IN STUDENT
20 DISCIPLINE POLICIES THE REQUIREMENT THAT
21 SCHOOLS CONDUCT AN ASSESSMENT OF A
22 STUDENT'S ADVERSE CHILDHOOD EXPERIENCES
23 BEFORE DISCIPLINING A STUDENT.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 6-18-516(a), concerning the definition of
29 "exclusionary disciplinary actions", is amended to read as follows:

30 (a) As used in this section, "exclusionary disciplinary actions" means
31 out-of-school suspension and expulsion of a student who attends public school
32 on-site, through virtual means, or any combination of both.
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34 SECTION 2. Arkansas Code Title 6, Chapter 18, Subchapter 5, is amended
35 to add additional sections to read as follows:

36 6-18-517. Adverse childhood experiences – Consideration when



1 disciplining – Definition.

2 (a)(1) As used in this section, an "adverse childhood experience"
 3 means a stressful or traumatic event experienced by a minor child.

4 (2) An "adverse childhood experience" may include without
 5 limitation a minor child witnessing, or being the victim of:

6 (A) Physical abuse;

7 (B) Sexual abuse;

8 (C) Emotional abuse;

9 (D) Physical neglect;

10 (E) Emotional neglect;

11 (F) Domestic violence;

12 (G) Substance abuse;

13 (H) Mental illness;

14 (I) Parental separation or divorce; and

15 (J) Incarceration.

16 (b)(1) A public school district board of directors shall include
 17 within the written student discipline policies required under § 6-18-503 the
 18 requirement that a public school administrator or his or her designee make a
 19 reasonable request for information related to adverse childhood experiences
 20 or childhood trauma that may have manifested in the behavior exhibited by the
 21 public school student before the placement of the public school student in an
 22 alternative learning environment or the implementation of an exclusionary
 23 disciplinary action, as defined in § 6-18-516, that would exceed ten (10)
 24 cumulative days out of school within one (1) school year.

25 (2) Information received by a public school district in response
 26 to a request under subdivision (b)(1) of this section shall be reviewed and
 27 considered by appropriate public school district personnel before the
 28 placement of a public school student in an alternative learning environment
 29 or the implementation of an exclusionary disciplinary action, as defined in §
 30 6-18-516, that would exceed ten (10) consecutive days or ten (10) cumulative
 31 days out of school within one (1) school year.

32 (3) Information requested under subdivision (b)(1) of this
 33 section may be obtained from:

34 (A) The parent, guardian, or person standing in loco
 35 parentis of the public school student;

36 (B) The public school student, if appropriate;

1 (C) Records maintained by or available to the public
 2 school;

3 (D) Public school district employees, including without
 4 limitation the public school district:

5 (i) Liaison for students who are in foster care;

6 (ii) Liaison for students who are homeless;

7 (iii) A counselor;

8 (iv) A nurse; or

9 (v) A social worker; and

10 (E)(i) An employee of the Department of Human Services if
 11 the public school student is or has been the subject of a current or former
 12 case overseen by the department.

13 (ii) An employee of the department shall provide,
 14 upon request of a public school, information relevant to the public school's
 15 review of adverse childhood experiences related to behavior that violates the
 16 public school's code of conduct.

17 (c)(1) If an adverse childhood experience is determined to have a
 18 direct and substantial causal relationship to the behavior of the public
 19 school student, the public school district in which the public school student
 20 is enrolled shall provide to the public school student behavioral supports
 21 that the public school district determines are appropriate.

22 (2)(A) A determination that a public school student has
 23 experienced an adverse childhood experience does not prohibit a public school
 24 from imposing disciplinary action.

25 (B) However, an adverse childhood experience shall be
 26 considered in determining whether disciplinary action is appropriate and what
 27 disciplinary action would be implemented.

28 (3) Placement in an alternative learning environment as
 29 described in § 6-48-101 et seq. and other alternative restorative practices
 30 shall be considered before expelling a public school student who has
 31 experienced an adverse childhood experience that may have manifested into
 32 significant behaviors exhibited by the public school student.

33 (d) Nothing in this section shall be construed to prohibit
 34 implementing disciplinary action consistent with § 6-18-507.

35 (e) The State Board of Education may promulgate rules necessary for
 36 the implementation of this section.

6-18-518. Positive behavioral supports.

(a) The Division of Elementary and Secondary Education shall develop a model of positive behavioral supports and resources to be used at the:

(1) Prevention level for each public school student in the public school;

(2) Strategic intervention level for a public school student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and

(3) Intensive service or crisis-management level for a public school student who needs multifaceted or comprehensive behavioral or mental health services.

(b) Positive behavioral supports and resources shall include the following:

(1) The teaching and reinforcing of interpersonal, social, problem-solving, conflict resolution, and coping skills to a public school student;

(2) Holding a public school student positively accountable for meeting an established behavioral expectation;

(3) Maintaining a high level of consistency through the implementation process; and

(4) The following interrelated activities:

(A) Providing a school-wide approach to the discipline and safety of each public school student rather than an approach to only the behavior problem of a public school student;

(B) Focusing on preventing the development and occurrence of problem behavior;

(C) Regularly reviewing behavior data to adapt the procedures of a public school to meet the needs of every public school student; and

(D) Providing a multitiered approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each public school student.

(c) A positive behavioral support system and conflict resolution or de-escalation approach implemented by a public school district shall be based on the following principles:

1 (1) The right of a public school student to be treated with
2 dignity;

3 (2) Necessary academic, social, emotional, and behavioral
4 support should be provided in a safe and the least-restrictive environment
5 possible;

6 (3) Positive and appropriate academic, social, emotional, or
7 behavioral intervention, as well as mental health support, should be provided
8 routinely to each public school student who needs the intervention or
9 support;

10 (4) The appropriate public school personnel should be trained to
11 provide positive and appropriate academic, social, emotional, or behavioral
12 intervention, as well as mental health support, to each public school student
13 who needs intervention or support;

14 (5) Behavioral intervention should emphasize prevention and
15 should be part of a public school's system of positive behavioral supports;

16 (6) A public school student should have access to public school
17 personnel who effectively provide positive support to a public school student
18 who needs the support;

19 (7) A public school should appropriately train its public school
20 personnel to be able to address the needs of each public school student;

21 (8) Appropriate public school personnel should receive training
22 in:

23 (A) The use of positive behavioral support for public
24 school student behavior;

25 (B) Preventative techniques for teaching and motivating
26 pro-social public school student behavior; and

27 (C) Conflict de-escalation and resolution techniques,
28 which should be employed by all public school personnel to prevent, defuse,
29 evaluate, and debrief a crisis and conflict situation; and

30 (9) Each public school student who exhibits an ongoing behavior
31 that interferes with his or her learning or the learning of others, and who
32 is nonresponsive to effectively implemented classroom or administrative
33 intervention, should receive additional intensive behavioral intervention
34 that is based on a functional behavior assessment and data-based problem
35 solving.

36 (d) The model developed by the division under subdivision (a)(1) of

1 this section shall include information regarding how a public school may
2 establish a problem-solving and intervention team for a public school student
3 who exhibits social, emotional, or behavioral difficulty that may, if not
4 addressed, escalate to potentially dangerous behavior.

5 (e) The State Board of Education may promulgate rules necessary for
6 the implementation of this section.

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