



Arkansas Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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The State of Arkansas contracts with LexisNexis to provide free public access to the Arkansas Code (<http://www.lexisnexis.com/hottopics/arcodes/>). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

Title 5. Criminal Offenses

Subtitle 6. Offenses Against Public Health, Safety, Or Welfare

Chapter 71. Riots, Disorderly Conduct, Etc.

Subchapter 2. Offenses Generally

A.C.A. § 5-71-217. Cyberbullying

Chapter 73. Weapons

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A.C.A. § 5-73-119. Handguns - Possession by minor or possession on school property

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Chapter 15. Educational Standards and Quality Generally

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A.C.A. § 6-15-1005. Safe, equitable, and accountable public schools

Subchapter 13. Safe Schools Committee

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A.C.A. § 6-18-221. Cooperation of Law Enforcement Agencies

A.C.A. § 6-18-222. Penalty for unexcused absences - Revocation of driving privilege

A.C.A. § 6-18-226. Community truancy boards - Members - Duties

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A.C.A. § 6-18-501. Duty of teachers, classified school employees, and volunteers

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- A.C.A. § 6-18-604. Exclusions
- A.C.A. § 6-18-605. Suspension or expulsion of members

Subchapter 9. Student Records

- A.C.A. § 6-18-901. Maintenance of permanent student records

Subchapter 11. Insurance

- A.C.A. § 6-17-1113. School Worker Defense Program

Subchapter 20. School Counseling Improvement Act of 2019

- A.C.A. § 6-18-2001. Title
- A.C.A. § 6-18-2002. Definitions
- A.C.A. § 6-18-2003. Comprehensive school counseling program and plan framework
- A.C.A. § 6-18-2004. Comprehensive student services
- A.C.A. § 6-18-2005. Monitoring and support

Chapter 21. School Property and Supplies

Subchapter 6. Miscellaneous Offenses

- A.C.A. § 6-21-608. Concealment of guns and drugs - Definitions
- A.C.A. § 6-21-609. Prohibition against smoking, the use of tobacco or tobacco products, or the use of e-cigarettes - Definition

Subtitle 3. Special Educational Programs

Chapter 48. Alternative Learning Environments

- A.C.A. § 6-48-101. Definitions
- A.C.A. § 6-48-102. Alternative learning environment required - Reporting
- A.C.A. § 6-48-103. Assessment and intervention services
- A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities

Title 12. Law Enforcement, Emergency Management, and Military Affairs

Subtitle 2. Law Enforcement Agencies and Programs

Chapter 9. Law Enforcement Officer Training and Standards

Subchapter 5. Management Training and Education

- A.C.A. § 12-9-501. Legislative determination

Arkansas Regulations

[Arkansas Administrative Rules](#)

Department of Education

Division of Learning Services

[005.15.11-003.](#) Guidelines for the development, review and revision of school district student discipline and school safety policies

[005.15.12-008.](#) ADE 096: Rules governing public school student services

Arkansas Division of Elementary and Secondary Education

Procedural Requirements and Program Standards

Section 1 to 30 of Procedural Requirements and Program Standards

20.00 Time-Out Seclusion Room

- 20.01. General
- 20.02. Definition
- 20.03. Restrictions on the use of a time-out seclusion room
- 20.04. Guidelines for appropriate use of a time-out seclusion room

General Provisions

Authority to develop and establish rules of conduct

LAWS

A.C.A. § 6-15-1005. Safe, equitable, and accountable public schools.

- (b)(1) The school climate will promote student achievement.
- (2)(A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.
- (B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.
- (3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.
- (4) Every school and school district will have in place a policy on addressing disruptive students.
- (5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.
- (B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.
- (c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.

A.C.A. § 6-18-501. Duty of teachers, classified school employees, and volunteers.

- (a) Every teacher shall seek to exercise wholesome discipline in his or her school and endeavor by precept and otherwise to instill and cultivate in the pupils good morals and gentle manners.
- (b) Classified school employees and volunteers shall have as a minimum the responsibility to appropriately assist and support teachers in these efforts.

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
- (b) Such rules shall include without limitation the following requirements:
- (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
- (2)(A) The school district's committee on personnel policies shall review annually:
- (i) The school district's student discipline policies; and
- (ii) State and district discipline data.
- (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
- (3) Student discipline policies shall include without limitation the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-503. Written student discipline policies required.

(a)(1)(A) Each school district in this state shall develop written student discipline policies in compliance with the rules established by the Division of Elementary and Secondary Education and shall file the policies with the division.

(B) The rules required under subdivision (a)(1)(A) of this section may include minimum standards of quality, experimentation with innovative programs, and a system to judge the effectiveness of the program.

(C) The discipline policy required under subdivision (a)(1)(A) of this section shall include provisions for:

- (i) Placement of a student with disciplinary, socially dysfunctional, or behavioral problems not associated with a physical or mental impairment or disability in an alternative learning environment provided by the district; and
- (ii) Procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(2) Behavioral problems include being at risk of not satisfactorily completing a high school education.

(b)(1) A school district that authorizes use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or school administrator employed by the school district.

(2) As used in this subchapter, "teacher or school administrator" means:

- (A) A person employed by a school district and required to hold a valid Arkansas standard teaching license, an ancillary license, a provisional license, a technical permit, or an administrator's license issued by the State Board of Education; and
- (B) An unlicensed classroom teacher or administrator employed in a position under a waiver from licensure.

(3) A school district that authorizes use of corporal punishment under subdivision (b)(1) of this section shall not:

- (A) Use corporal punishment on a child who is intellectually disabled, nonambulatory, nonverbal, or autistic; or
- (B) Include in its written student discipline policy a provision to allow the use of corporal punishment on a child who is intellectually disabled, nonambulatory, nonverbal, or autistic.

(c)(1) A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and at school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female.

(2) Subdivision (c)(1) of this section shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.

(3) A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of subdivision (c)(1) of this section.

(4) Subdivision (c)(1) of this section shall not be enforced in a manner that discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.

(d) Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies required by § 6-18-502 and shall be consistent with the rules established by the division.

(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the division within thirty (30) days after the adoption of such amendment or revision.

A.C.A. § 6-18-512. Seizure of hand-held laser pointers.

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

REGULATIONS

No relevant regulations found.

Scope

LAWS

A.C.A. § 6-15-1005. Safe, equitable, and accountable public schools.

(b)(1) The school climate will promote student achievement.

(2)(A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.

(B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.

(3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.

(4) Every school and school district will have in place a policy on addressing disruptive students.

(5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.

(B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.

(c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.

A.C.A. § 6-18-515. Use of personal electronic devices.

(b) A school district may establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device:

(1) On school property;

(2) At an after-school activity; or

(3) At a school-related function.

(c) The policy may, without limitation:

(1) Allow or restrict the possession and use of a personal electronic device;

(2) Allow the use of a personal electronic device in school for instructional purposes at the discretion of a teacher or administrator;

(3) Limit the times or locations in which a personal electronic device may be used to make telephone calls, send text messages or emails, or engage in other forms of communication;

(4) Allow or prohibit the use of any photographic, audio, or video recording capabilities of a personal electronic device while in school;

- (5) Exempt the possession or use of a personal electronic device by a student who is required to use such a device for health or another compelling reason;
- (6) Exempt the possession or use of a personal electronic device after normal school hours for extracurricular activities; and
- (7) Include other relevant provisions deemed appropriate and necessary by the school district.

A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.

(a) As used in this section:

- (2) "School-owned property" means any property located among premises owned in whole or in part by the state or any city, district, or county within the state, including but not limited to any desk, locker, file, or other tangible property assigned to, for the use of, or on loan to any student or other person using the property for his or her own use;
- (3) "School premises" means any locale upon which is situated any school building; and

REGULATIONS

No relevant regulations found.

Communication of policy

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

A.C.A. § 6-18-511. Removal by teacher.

(a) Consistent with state and federal law, a teacher may remove a student from class and send him or her to the principal's or principal's designee's office in order to maintain effective discipline in the classroom.

(b) A teacher may remove from class a student:

(1) Who has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn; or

(2) Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn.

(c) If a teacher removes a student from class in accordance with subsection (b) of this section, the principal or his or her designee may:

(1) Place the student into another appropriate classroom, into in-school suspension, or into the district's alternative learning environment, so long as such placement is consistent with the school district's written student discipline policy;

(2) Return the student to the class; or

(3) Take other appropriate action consistent with the school district's discipline policy, state law, and federal law.

(d)(1) If a teacher removes a student from class two (2) times during any nine-week grading period or its equivalent as determined by the Division of Elementary and Secondary Education, the principal or the principal's designee may not return the student to the teacher's class unless a conference is held for the purpose of determining the causes of the problem and possible solutions, with the following individuals present:

(A) The principal or the principal's designee;

(B) The teacher;

(C) The school counselor;

(D) The parents, guardians, or persons in loco parentis; and

(E) The student, if appropriate.

(2) The failure of the parents, guardians, or persons in loco parentis to attend the conference provided for in this subsection shall not prevent the conference from being held nor prevent any action from being taken as a result of that conference.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.

- (a) The board of directors of each school district in this state shall adopt student attendance policies.
- (b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.
- (c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

A.C.A. § 6-48-101. Definitions.

As used in this chapter:

- (1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.
 - (ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.
- (B) An alternative learning environment is not a punitive environment but one that is conducive to learning.
- (C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and
- (2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

A.C.A. § 6-48-102. Alternative learning environment required - Reporting.

- (a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.
- (2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:
 - (A) Establishes and operates an alternative learning environment;
 - (B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;
 - (C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or
 - (D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).
- (b) Annually, a school district shall submit to the division:

- (1) Information on race and gender of the students educated in the alternative learning environment;
- (2) Any other information regarding students educated in alternative learning environments that the division requires by rule; and
- (3) An assurance statement that the school district is in compliance with this chapter.

A.C.A. § 6-48-103. Assessment and intervention services.

- (a) An alternative learning environment shall:
 - (1) Assess a student either before or upon entry into the alternative learning environment; and
 - (2) Provide intervention services designed to address a student's specific educational needs.
- (b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.
 - (2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.

- (a) The Division of Elementary and Secondary Education shall promulgate rules to implement this chapter, including without limitation rules that establish:
 - (1)(A) The criteria for distributing state funding for alternative learning environment programs.
 - (B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.
 - (C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the division may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:
 - (i) Leaves the school district to transfer to another alternative learning environment; or
 - (ii) Is placed in a residential treatment program;
 - (2)(A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:
 - (i) In-service training in classroom management; and
 - (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.
 - (B) The division shall award professional development credit for the training under this subdivision (a)(2); and
- (3) Measures of effectiveness for alternative learning environments that measure:
 - (A) For the students educated in the alternative learning environment the effect on the students':
 - (i) School performance;
 - (ii) Need for intervention; and
 - (iii) School attendance and dropout rate; and
 - (B) Any other characteristic of alternative learning environments deemed necessary by the division.
- (b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:
 - (A) Established and operated in compliance with this chapter; and

(B) Effective under the measurements established by the division under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.

(c) The division shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15, the division shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

(1) The information reported to it under § 6-48-102; and

(2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

A.C.A. § 6-17-112. Corporal punishment - Immunity from liability - Definition.

(a)(1) Except as provided under subdivision (a)(2) of this section, teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.

(2) A teacher or administrator in a school district that authorizes use of corporal punishment in the school district's written student disciplinary policy is not immune from civil liability under subdivision (a)(1) of this section if the teacher or administrator uses corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

A.C.A. § 6-18-503. Written student discipline policies required.

(b)(1) A school district that authorizes use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or school administrator employed by the school district.

(2) As used in this subchapter, "teacher or school administrator" means:

(A) A person employed by a school district and required to hold a valid Arkansas standard teaching license, an ancillary license, a provisional license, a technical permit, or an administrator's license issued by the State Board of Education; and

(B) A nonlicensed classroom teacher or administrator employed in a position under a waiver from licensure.

(3) A school district that authorizes use of corporal punishment under subdivision (b)(1) of this section shall not:

(A) Use corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic; or

(B) Include in its written student discipline policy a provision to allow the use of corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

(c)(1) A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and at school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female.

(2) Subdivision (c)(1) of this section shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.

(3) A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of subdivision (c)(1) of this section.

(4) Subdivision (c)(1) of this section shall not be enforced in a manner that discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.

(d) Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies required by § 6-18-502 and shall be consistent with the rules established by the department.

(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the department within thirty (30) days after the adoption of such amendment or revision.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.11. A school district that authorizes the use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.

4.11.1. "Teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

4.11.2. Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.

Use of student and locker searches

LAWS

A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.

(b) It shall be unlawful for any student or any other person using school-owned property to conceal any gun, drug, or any other contraband in any desk, locker, or other school-owned property in this state.

(c)(1) Any school official employed in a supervisory capacity over students or other persons on school premises, upon receipt of information that guns, drugs, or other contraband are concealed in school-owned property, shall have the authority to investigate and search any school-owned property for any

drugs, guns, or other contraband that may be concealed in the school-owned property, without the necessity of obtaining a search warrant from local authorities.

(2) In the event that contraband is discovered, it shall be seized and held by the supervisor of the school premises until appropriate action, as described in subsection (d) of this section, is taken.

(d)(1) Whenever a school official discovers any illegal drugs or other contraband in any school-owned property assigned to the use of an identifiable student or any other identifiable person, appropriate action for discipline, expulsion, discharge, or prosecution shall be within the discretion of the supervisor of the premises.

(2)(A) In the event that prosecution by local authorities is pursued, the supervisor shall release the contraband to the local prosecuting authorities to be used as evidence in court.

(B) Any evidence obtained by use of the procedure as defined in this section shall be legally admissible in any court in this state.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
- (b) Such rules shall include without limitation the following requirements:
- (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2)(A) The school district's committee on personnel policies shall review annually:
 - (i) The school district's student discipline policies; and
 - (ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
 - (3) Student discipline policies shall include without limitation the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
 - (D) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
- (1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;
 - (2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions;
 - (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

- (6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and
- (7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-605. Suspension or expulsion of members.

It shall be the duty of school directors and boards of education, school inspectors, and other corporate authority managing and controlling any of the public schools of the state to suspend or expel from the schools under their control any pupil who shall:

- (1) Be or remain a member, promise to join, become a member, or solicit other persons to join, promise to join, or pledge to become a member of any such public school fraternity, sorority, or secret society or organization;
- (2) Wear or display any insignia of such fraternity, sorority, or secret society or organization while in and attending public schools.

A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.

(d)(1) Whenever a school official discovers any illegal drugs or other contraband in any school-owned property assigned to the use of an identifiable student or any other identifiable person, appropriate action for discipline, expulsion, discharge, or prosecution shall be within the discretion of the supervisor of the premises.

(2)(A) In the event that prosecution by local authorities is pursued, the supervisor shall release the contraband to the local prosecuting authorities to be used as evidence in court.

(B) Any evidence obtained by use of the procedure as defined in this section shall be legally admissible in any court in this state.

(e)(1)(A) Whenever a school official discovers any gun or other firearm in any school-owned property assigned to the use of an identifiable student, that student shall be expelled for a period of not less than one (1) year.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

(2) In the event that prosecution by local authorities is pursued, the gun or other firearm shall be released to the local prosecuting authorities to be used as evidence in court and shall be legally admissible in any court in this state.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.03 Student discipline policies shall include, but not be limited to, the following offenses:

4.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

4.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

4.03.3 Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

4.03.4 Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:

4.03.4.1 The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

4.03.4.2 The policy may exempt possession of such a device after normal school hours for extracurricular activities.

4.03.5 Willfully or intentionally damaging, destroying, or stealing school property by students.

4.04 The school discipline policies shall:

4.04.1 Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;

4.04.2 Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

4.04.4 Include prevention, intervention, and conflict resolution provisions; and

4.04.5 Set forth the role and authority of public school employees and volunteers.

Grounds for mandatory suspension or expulsion

LAWS

A.C.A. § 6-5-202. Prohibitions.

(a) A student, alumnus, or volunteer or employee of a fraternal organization of a school, college, university, or other educational institution in Arkansas shall not knowingly engage in hazing or encourage, aid, or assist any other student, alumnus, or volunteer or employee of a fraternal organization in hazing.

(b)(1) A person shall not knowingly permit, encourage, aid, or assist another person in committing the offense of hazing, or knowingly acquiesce in the commission of the offense of hazing, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence

and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) An act of omission or commission is hazing under this subsection.

(c) A violation of this section is a Class B misdemeanor.

(d) In addition to any penalty provided by this section, a student convicted of hazing shall be expelled from the school, college, university, or other educational institution that he or she is attending.

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

(i) The school district's student discipline policies; and

(ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

- (6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and
- (7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-507. Suspension - Expulsion - Definitions.

- (a) As used in this section:
 - (1) "Course time" means the number of hours of instruction devoted to a single subject during the school week;
 - (2) "Expulsion" means dismissal from school for a period of time that exceeds ten (10) days;
 - (3) "Nontraditional scheduling" means block or other alternative scheduling as defined by the Division of Elementary and Secondary Education; and
 - (4) "Suspension" means dismissal from school for a period of time that does not exceed ten (10) days.
- (b)(1) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.
 - (2) The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:
 - (A) Poses a physical risk to himself or herself or to others; or
 - (B) Causes a serious disruption that cannot be addressed through other means.
- (c)(1)(A) The board of directors may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee.
 - (B) However, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.
- (2) If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.
- (d)(1) A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to appeal to the board of directors and to requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.

(2)(A) After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.

(B) At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.

(3) A school district board of directors meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.

(e)(1) [Repealed.]

(2)(A) All school districts shall adopt a written policy regarding expulsion of a student for possessing a firearm or other prohibited weapon on school property that shall require parents, guardians, or other persons in loco parentis of a student expelled under this subsection to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.

(B) The statement shall be signed by the parents, guardians, or other persons in loco parentis before readmitting a student or enrolling a student in any public school immediately after the expiration of an expulsion period pursuant to this subsection.

(3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

(B) The principal of each school shall report within a week to the division the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(C) The expulsion shall be noted on the student's permanent school record.

(D) Nothing in this subdivision (e)(3) shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis as set out in this subsection.

(4) The division shall maintain information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(f)(1) Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.

(2) Each parent or legal guardian shall provide the school:

(A) (i) A primary call number.

(ii) If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;

(B) An email address if the parent or legal guardian does not have a telephone; or

(C) A current mailing address if the parent or legal guardian does not have a telephone or email address.

(3) The contact required in this subsection is sufficient if made by:

(A) Direct contact with the parent or legal guardian at the primary call number or in person;

(B) Leaving a voice mail at the primary call number;

(C) Sending a text message to the primary call number;

(D) Email if the school is unable to make contact through the primary call number; or

(E) Regular first-class mail if the school is unable to make contact through the primary call number or email.

(4) The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.

(g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of-school suspension.

(h) A public school district and open-enrollment public charter school shall comply with the requirements under § 6-16-1406(g) with respect to courses and services provided to an expelled public school student.

A.C.A. § 6-18-605. Suspension or expulsion of members.

It shall be the duty of school directors and boards of education, school inspectors, and other corporate authority managing and controlling any of the public schools of the state to suspend or expel from the schools under their control any pupil who shall:

(1) Be or remain a member, promise to join, become a member, or solicit other persons to join, promise to join, or pledge to become a member of any such public school fraternity, sorority, or secret society or organization;

(2) Wear or display any insignia of such fraternity, sorority, or secret society or organization while in and attending public schools.

REGULATIONS

No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

(i) The school district's student discipline policies; and

(ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

(3) Student discipline policies shall include without limitation the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and

(D) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

(4) Include prevention, intervention, and conflict resolution provisions;

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;

(6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

(7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-507. Suspension - Expulsion - Definitions.

(a) As used in this section:

(1) "Course time" means the number of hours of instruction devoted to a single subject during the school week;

(2) "Expulsion" means dismissal from school for a period of time that exceeds ten (10) days;

(3) "Nontraditional scheduling" means block or other alternative scheduling as defined by the Division of Elementary and Secondary Education; and

(4) "Suspension" means dismissal from school for a period of time that does not exceed ten (10) days.

(b)(1) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.

(2) The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:

(A) Poses a physical risk to himself or herself or to others; or

(B) Causes a serious disruption that cannot be addressed through other means.

(c)(1)(A) The board of directors may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee.

(B) However, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.

(2) If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.

(d)(1) A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to appeal to the board of directors and to requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.

(2)(A) After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.

(B) At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.

(3) A school district board of directors meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.

(e)(1) [Repealed.]

(2)(A) All school districts shall adopt a written policy regarding expulsion of a student for possessing a firearm or other prohibited weapon on school property that shall require parents, guardians, or other persons in loco parentis of a student expelled under this subsection to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.

(B) The statement shall be signed by the parents, guardians, or other persons in loco parentis before readmitting a student or enrolling a student in any public school immediately after the expiration of an expulsion period pursuant to this subsection.

(3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

(B) The principal of each school shall report within a week to the division the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(C) The expulsion shall be noted on the student's permanent school record.

(D) Nothing in this subdivision (e)(3) shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis as set out in this subsection.

- (4) The division shall maintain information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.
- (f)(1) Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.
- (2) Each parent or legal guardian shall provide the school:
- (A)(i) A primary call number.
 - (ii) If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;
 - (B) An email address if the parent or legal guardian does not have a telephone; or
 - (C) A current mailing address if the parent or legal guardian does not have a telephone or email address.
- (3) The contact required in this subsection is sufficient if made by:
- (A) Direct contact with the parent or legal guardian at the primary call number or in person;
 - (B) Leaving a voice mail at the primary call number;
 - (C) Sending a text message to the primary call number;
 - (D) Email if the school is unable to make contact through the primary call number; or
 - (E) Regular first-class mail if the school is unable to make contact through the primary call number or email.
- (4) The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.
- (g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of-school suspension.
- (h) A public school district and open-enrollment public charter school shall comply with the requirements under § 6-16-1406(g) with respect to courses and services provided to an expelled public school student.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
- (b) Such rules shall include without limitation the following requirements:
- (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2)(A) The school district's committee on personnel policies shall review annually:
 - (i) The school district's student discipline policies; and
 - (ii) State and district discipline data.
 - (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and

- (3) Student discipline policies shall include without limitation the following offenses:
- (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
 - (D) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
- (1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.
 - (B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;
 - (2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
 - (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions;
 - (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;
 - (6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and
 - (7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-507. Suspension - Expulsion - Definitions.

- (a) As used in this section:

- (1) "Course time" means the number of hours of instruction devoted to a single subject during the school week;
 - (2) "Expulsion" means dismissal from school for a period of time that exceeds ten (10) days;
 - (3) "Nontraditional scheduling" means block or other alternative scheduling as defined by the Division of Elementary and Secondary Education; and
 - (4) "Suspension" means dismissal from school for a period of time that does not exceed ten (10) days.
- (b)(1) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.
- (2) The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:
 - (A) Poses a physical risk to himself or herself or to others; or
 - (B) Causes a serious disruption that cannot be addressed through other means.
- (c)(1)(A) The board of directors may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee.
- (B) However, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.
- (2) If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.
- (d)(1) A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to appeal to the board of directors and to requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.
- (2)(A) After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.
 - (B) At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.
 - (3) A school district board of directors meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.
- (e)(1) [Repealed.]
- (2)(A) All school districts shall adopt a written policy regarding expulsion of a student for possessing a firearm or other prohibited weapon on school property that shall require parents, guardians, or other persons in loco parentis of a student expelled under this subsection to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.
 - (B) The statement shall be signed by the parents, guardians, or other persons in loco parentis before readmitting a student or enrolling a student in any public school immediately after the expiration of an expulsion period pursuant to this subsection.
 - (3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

(B) The principal of each school shall report within a week to the division the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(C) The expulsion shall be noted on the student's permanent school record.

(D) Nothing in this subdivision (e)(3) shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis as set out in this subsection.

(4) The division shall maintain information regarding students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(f)(1) Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.

(2) Each parent or legal guardian shall provide the school:

(A)(i) A primary call number.

(ii) If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;

(B) An email address if the parent or legal guardian does not have a telephone; or

(C) A current mailing address if the parent or legal guardian does not have a telephone or email address.

(3) The contact required in this subsection is sufficient if made by:

(A) Direct contact with the parent or legal guardian at the primary call number or in person;

(B) Leaving a voice mail at the primary call number;

(C) Sending a text message to the primary call number;

(D) Email if the school is unable to make contact through the primary call number; or

(E) Regular first-class mail if the school is unable to make contact through the primary call number or email.

(4) The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.

(g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of-school suspension.

(h) A public school district and open-enrollment public charter school shall comply with the requirements under § 6-16-1406(g) with respect to courses and services provided to an expelled public school student.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.01 Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies.

4.01.1 School districts should strive to ensure that those involved with the development of school district student discipline policies come from diverse racial, gender, and socioeconomic backgrounds and that the group consist of a sufficient number of individuals to provide broad representation within the district.

4.01.2 School districts may elect to have separate policies for different organizational levels and may have policy development teams for each organizational level or use one team for all organizational levels.

4.04 The school discipline policies shall:

4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

In-school suspension

LAWS

A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.

(a) The board of directors of each school district in this state shall adopt student attendance policies.

(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.

(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

A.C.A. § 6-18-510. Enrollment during expulsion - School policy.

The board of directors of any school district may adopt a policy that any person who has been expelled as a student from any other school district may not enroll as a student until the time of the person's expulsion has expired, provided that the receiving school district board of directors affords the student the opportunity for a hearing at the time the student is seeking enrollment.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

No relevant laws found.

REGULATIONS

20.01. General.

1. The time-out seclusion room is an extension of such techniques as turning a chair away from a group or placing a student in a corner or in the hallway.

2. Time-out is only effective if the classroom environment from which the student is removed is more reinforcing than the isolation area in which he is placed.

20.02. Definition.

1. Time-out As used in these regulations, time-out is defined as the removal of the opportunity to engage in reinforced behavior.

20.03. Restrictions on the use of a time-out seclusion room.

1. Time-out seclusion should be used only for behaviors that are destructive to property, aggressive toward others or severely disruptive to the class environment. General noncompliance, self-stimulation, academic refusal, etc., can be responded to with less stringent and restrictive techniques.

2. The time-out seclusion room should be used only as a last resort if and when less restrictive means of controlling behavior have proven ineffective.

3. The necessity of using physical force to place a student in a timeout seclusion room is inappropriate beyond that reasonably managed by the classroom teacher.

3.1 Involuntary time-out must not be used with such students and, in general, time-out is not an appropriate intervention for classroom use with any students older than 12 unless they have made a contractual agreement for its use.

3.2 It is important that teachers realistically evaluate their ability to physically remove a student to the time-out room.

3.3 If there is a reasonable doubt concerning the capability of the teacher to physically remove the resistant student, the teacher should not begin to attempt the time-out procedure. In such a case, an alternative strategy should be implemented.

4. Time-out seclusion rooms must meet structural guidelines and provide for continuous monitoring, visually and auditorily, of the student's behavior by an adult. (Refer to § 20.04.9 of this part for structural guidelines.)

20.04. Guidelines for appropriate use of a time-out seclusion room.

1. The teacher or behavioral specialist should have documentation that milder forms of time-out or other reduction techniques have proven ineffective in suppressing the inappropriate behavior.

2. The use of seclusion time-out and the behaviors which will result in its use must be explicitly stated in the student's IEP. Parent consent for the use of a time-out seclusion procedure should be documented.

3. Time-out must be paired with a behavioral plan to provide positive reinforcement for appropriate behaviors. This must also be included in the student's IEP.

4. Written procedures must be developed and followed for each student whose IEP includes the use of time-out.

5. The following guidelines should be adhered to for effective use of the timeout seclusion room.

5.1. Avoid lengthy verbal explanations. Behaviors resulting in time-out should be clearly explained prior to implementing the time-out program. Explanations provided during use of time-out should be brief, but should adequately inform the student of his/her misbehavior, such as, " Because you _____, you must go to time-out for _____ minutes." All other verbal interaction should be avoided.

5.2. To maximize opportunities to exercise self-control, students should be given the opportunity to take their own time-out after receiving instructions from the teacher. However, if students refuse to take their own time-out, or if they fail to respond to the teacher's instructions within a reasonable time interval (5 to 10 seconds), the teacher should physically remove them to the time-out area. (Refer to § 20.03.3 of these regulations regarding physically removing the child to the time-out area.)

5.3. For high intensity behavior (e.g., kicking, screaming), the student should immediately be escorted to the time-out room.

6. Time Spent In Time-Out Seclusion Room

6.1. Length of time spent in the time-out seclusion room must be documented and kept within the specified time limits -

- A. Preschool - no more than 5 minutes for each exclusion.
- B. Lower elementary - no more than 15 minutes for each exclusion.
- C. Middle/upper elementary - no more than 20 minutes for each exclusion.

6.2. At the end of the prescribed time, the student should be offered the opportunity to rejoin the class. If the student chooses to stay in time-out, the door must be left open at this time. When a student consistently chooses to stay in the time-out seclusion room beyond the prescribed time limit, the use of this procedure must be reviewed. The time-out room may be providing more reinforcement than the environment from which the student was removed.

6.3. Should there be a need for a time-out period to extend past the prescribed time limits, the appropriateness of continuing the time-out procedure should be evaluated immediately by knowledgeable professionals (i.e., principal, counselor, special education staff).

6.4. Careful consideration must be taken in extending the prescribed length of the time-out seclusion. The effectiveness of the time-out procedure is the result of its consistent use, rather than the length of stay in the timeout seclusion room.

7. Records Must Be Kept Of Each Occasion When Time-Out Seclusion Is Used. The Records Should Include -

- 7.1. The student's name;
- 7.2. The behavior for which time-out is being used, as specified in the IEP; and
- 7.3. The time of day the student was placed in and released from time-out.

8. When the use of time-out seclusion is included in a student's IEP, it is recommended that the use of time-out to address specific student behaviors be reviewed by a knowledgeable professional(s) twice monthly.

8.1. The use of the time-out seclusion procedure shall be altered or discontinued as a behavioral management technique if data do not support its effectiveness.

8.2. The continued and/or frequent need for this type of behavioral intervention could indicate that behavioral objectives, management techniques or other factors affecting the learning environment are not appropriately matched with the student's needs and behaviors.

9. If A Time-Out Room Is To Be Employed, The Time-Out Room Should -

- 9.1. Be at least 4' X 4' and no larger than 6' X 6' in size;
- 9.2. Be properly lighted (preferably recessed lighting, with switches outside the room). Lighting should remain on at all times;
- 9.3. Be properly ventilated;
- 9.4. Be free of objects and fixtures;
- 9.5. Provide the means by which an adult can continuously monitor, visually and auditorily, the student's behavior;
- 9.6. The door should be such that it cannot be locked; and
- 9.7. Meet state and county fire and safety codes.

10. In addition, it is necessary that all personnel involved in designing and implementing behavioral management procedures, including the use of timeout seclusion, be adequately trained and supervised. It is imperative that these persons have attained levels of skill and competency so that their qualifications correspond to their responsibilities.

Alternative placements

LAWS

A.C.A. § 6-15-1005. Safe, equitable, and accountable public schools.

(b)(1) The school climate will promote student achievement.

(2)(A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.

(B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.

(3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.

(4) Every school and school district will have in place a policy on addressing disruptive students.

(5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.

(B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.

(c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.

A.C.A. § 6-16-1406. Digital learning courses.

(g) A public school district or open-enrollment public charter school that expels a student under § 6-18-507 shall offer to the expelled public school student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to credit the expelled public school student may have received if he or she was still enrolled in his or her assigned public school or open-enrollment public charter school immediately before he or she was expelled.

A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.

(a) The board of directors of each school district in this state shall adopt student attendance policies.

(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.

(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

A.C.A. § 6-48-101. Definitions.

As used in this chapter:

(1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.

(ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.

(B) An alternative learning environment is not a punitive environment but one that is conducive to learning.

(C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and

(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

A.C.A. § 6-48-102. Alternative learning environment required - Reporting.

(a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.

(2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:

(A) Establishes and operates an alternative learning environment;

(B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;

(C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or

(D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).

(b) Annually, a school district shall submit to the division:

(1) Information on race and gender of the students educated in the alternative learning environment;

(2) Any other information regarding students educated in alternative learning environments that the division requires by rule; and

(3) An assurance statement that the school district is in compliance with this chapter.

A.C.A. § 6-48-103. Assessment and intervention services.

(a) An alternative learning environment shall:

(1) Assess a student either before or upon entry into the alternative learning environment; and

(2) Provide intervention services designed to address a student's specific educational needs.

(b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.

(2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.

(a) The Division of Elementary and Secondary Education shall promulgate rules to implement this chapter, including without limitation rules that establish:

- (1)(A) The criteria for distributing state funding for alternative learning environment programs.
 - (B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.
 - (C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the division may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:
 - (i) Leaves the school district to transfer to another alternative learning environment; or
 - (ii) Is placed in a residential treatment program;
- (2)(A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:
 - (i) In-service training in classroom management; and
 - (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.

(B) The division shall award professional development credit for the training under this subdivision (a)(2); and
- (3) Measures of effectiveness for alternative learning environments that measure:
 - (A) For the students educated in the alternative learning environment the effect on the students':
 - (i) School performance;
 - (ii) Need for intervention; and
 - (iii) School attendance and dropout rate; and
 - (B) Any other characteristic of alternative learning environments deemed necessary by the division.
- (b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:
 - (A) Established and operated in compliance with this chapter; and
 - (B) Effective under the measurements established by the division under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.
- (c) The division shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.
- (d) Annually by September 15, the division shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:
 - (1) The information reported to it under § 6-48-102; and
 - (2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

A.C.A. § 5-73-119. Handguns - Possession by minor or possession on school property.

(a)(1) No person in this state under eighteen (18) years of age shall possess a handgun.

(2)(A) A violation of subdivision (a)(1) of this section is a Class A misdemeanor.

(B) A violation of subdivision (a)(1) of this section is a Class D felony if the person has previously:

(i) Been adjudicated delinquent for a violation of subdivision (a)(1) of this section;

(ii) Been adjudicated delinquent for any offense that would be a felony if committed by an adult; or

(iii) Plead guilty or nolo contendere to or been found guilty of a felony in circuit court while under eighteen (18) years of age.

(b)(1) No person in this state shall possess a firearm:

(A) Upon the developed property of a public or private school, K-12;

(B) In or upon any school bus; or

(C) At a designated bus stop as identified on the route list published by a school district each year.

(2)(A) A violation of subdivision (b)(1) of this section is a Class D felony.

(B) No sentence imposed for a violation of subdivision (b)(1) of this section shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.

(c)(1) Except as provided in § 5-73-322, a person in this state shall not possess a handgun upon the property of any private institution of higher education or a publicly supported institution of higher education in this state on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun as a weapon against a person.

(2) A violation of subdivision (c)(1) of this section is a Class D felony.

(d) "Handgun" means a firearm capable of firing rimfire ammunition or centerfire ammunition and designed or constructed to be fired with one (1) hand.

(e) It is permissible to carry a handgun under this section if at the time of the act of possessing a handgun or firearm:

(1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning;

(2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;

(3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;

(4) The person is a registered commissioned security guard acting in the course and scope of his or her duties;

- (5) The person is hunting game with a handgun or firearm that may be hunted with a handgun or firearm under the rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun or firearm;
- (6)(A) The person is a certified law enforcement officer, either on-duty or off-duty.
- (B) If the person is an off-duty law enforcement officer, he or she may be required by a public school or publicly supported institution of higher education to be in physical possession of a valid identification identifying the person as a law enforcement officer;
- (7) The person is on a journey beyond the county in which the person lives, unless the person is eighteen (18) years of age or less;
- (8) The person is participating in a certified hunting safety course sponsored by the commission or a firearm safety course recognized and approved by the commission or by a state or national nonprofit organization qualified and experienced in firearm safety;
- (9) The person is participating in a school-approved educational course or sporting activity involving the use of firearms;
- (10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis or is traveling to or from a lawful marksmanship competition or practice or other lawful recreational shooting with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis;
- (11) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun on the developed property of:
- (A) A kindergarten through grade twelve (K-12) private school operated by a church or other place of worship that:
- (i) Is located on the developed property of the kindergarten through grade twelve (K-12) private school;
- (ii) Allows the person to carry a concealed handgun into the church or other place of worship under § 5-73-306; and
- (iii) Allows the person to possess a concealed handgun on the developed property of the kindergarten through grade twelve (K-12) private school; or
- (B) A kindergarten through grade twelve (K-12) private school or a prekindergarten private school that through its governing board or director has set forth the rules and circumstances under which the licensee may carry a concealed handgun into a building or event of the kindergarten through grade twelve (K-12) private school or the prekindergarten private school; or
- (12)(A) The person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in his or her motor vehicle or has left the concealed handgun in his or her locked and unattended motor vehicle in a publicly owned and maintained parking lot.
- (B)(i) As used in this subdivision (e)(12), "parking lot" means a designated area or structure or part of a structure intended for the parking of motor vehicles or a designated drop-off zone for children at a school.
- (ii) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the Division of Correction or Division of Community Correction.

A.C.A. § 6-17-113. Duty to report and investigate student criminal acts.

- (a) As used in this section:

(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;

(2) "Deadly weapon" means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency. The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days. The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The superintendent or his designee shall notify the local school board of directors of any report made to law enforcement under this section.

(c)(1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.

(3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal. The report shall state:

(A) Whether the investigation into the reported incident is ongoing;

(B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and

(C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules.

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(c) The school discipline policies shall:

(2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

A.C.A. § 6-18-507. Suspension - Expulsion - Definitions.

(e)(3)(A) The school administrators and the local school district board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

(B) The principal of each school shall report within a week to the department the name, current address, and Social Security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

A.C.A. § 6-21-608. Concealment of guns or drugs - Definitions.

(e)(1)(A) Whenever a school official discovers any gun or other firearm in any school-owned property assigned to the use of an identifiable student, that student shall be expelled for a period of not less than one (1) year.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

(2) In the event that prosecution by local authorities is pursued, the gun or other firearm shall be released to the local prosecuting authorities to be used as evidence in court and shall be legally admissible in any court in this state.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.03 Student discipline policies shall include, but not be limited to, the following offenses:

4.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

4.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

4.03.3 Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

4.03.4 Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:

4.03.4.1 The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

4.03.4.2 The policy may exempt possession of such a device after normal school hours for extracurricular activities.

4.03.5 Willfully or intentionally damaging, destroying, or stealing school property by students.

Other weapons

LAWS

A.C.A. § 6-18-512. Seizure of hand-held laser pointers.

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

A.C.A. § 6-48-101. Definitions.

As used in this chapter:

(1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.

(ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.

(B) An alternative learning environment is not a punitive environment but one that is conducive to learning.

(C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and

(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

A.C.A. § 6-48-102. Alternative learning environment required - Reporting.

(a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.

(2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:

(A) Establishes and operates an alternative learning environment;

(B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;

(C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or

(D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).

(b) Annually, a school district shall submit to the division:

- (1) Information on race and gender of the students educated in the alternative learning environment;
- (2) Any other information regarding students educated in alternative learning environments that the division requires by rule; and
- (3) An assurance statement that the school district is in compliance with this chapter.

A.C.A. § 6-48-103. Assessment and intervention services.

- (a) An alternative learning environment shall:
 - (1) Assess a student either before or upon entry into the alternative learning environment; and
 - (2) Provide intervention services designed to address a student's specific educational needs.
- (b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.
 - (2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.

- (a) The Division of Elementary and Secondary Education shall promulgate rules to implement this chapter, including without limitation rules that establish:
 - (1)(A) The criteria for distributing state funding for alternative learning environment programs.
 - (B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.
 - (C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the division may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:
 - (i) Leaves the school district to transfer to another alternative learning environment; or
 - (ii) Is placed in a residential treatment program;
 - (2)(A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:
 - (i) In-service training in classroom management; and
 - (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.
 - (B) The division shall award professional development credit for the training under this subdivision (a)(2); and
- (3) Measures of effectiveness for alternative learning environments that measure:
 - (A) For the students educated in the alternative learning environment the effect on the students':
 - (i) School performance;
 - (ii) Need for intervention; and
 - (iii) School attendance and dropout rate; and
 - (B) Any other characteristic of alternative learning environments deemed necessary by the division.
- (b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:
 - (A) Established and operated in compliance with this chapter; and

(B) Effective under the measurements established by the division under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.

(c) The division shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15, the division shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

(1) The information reported to it under § 6-48-102; and

(2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

A.C.A. § 6-18-209. Adoption of student attendance policies - Effect of unexcused absences.

(a) The board of directors of each school district in this state shall adopt student attendance policies.

(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.

(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

A.C.A. § 6-18-220. Additional absences granted for participation in FFA, FHA, and 4-H programs - Equal treatment.

(a) The General Assembly finds and declares that:

(1) The FFA, FHA, and 4-H programs in the state involve an education and learning process that is not otherwise available in the regular curriculum of secondary education in Arkansas;

(2) The principles and practices learned by school students in the FFA, FHA, and 4-H programs are highly beneficial to students;

(3) Participation in such programs should be encouraged; and

(4) One method of encouraging participation in such programs is to grant additional excused absences to students who participate in officially sanctioned activities of those organizations.

(b) Therefore, it is the purpose and intent of this section to assure that class absences of students who are participating in sanctioned FFA, FHA, and 4-H activities are excused to such extent as may be determined by the boards of directors of the respective districts, with the participants in the three (3) programs being treated equally with respect to such absences.

(c) Any school district that grants additional excused absences of FFA member students who attend officially sanctioned FFA activities shall afford equal treatment to FHA and 4-H member students who attend the same or similar officially sanctioned activities.

A.C.A. § 6-18-221. Cooperation of law enforcement agencies.

(a) Any public school district may enter into a cooperative agreement with local law enforcement officials to implement within the district an "Operation Stay in School Program".

(b) Upon the request of the board of directors of the school district, the law enforcement agency shall stipulate, with the administration of the school district, specific days and hours when law enforcement officers will attempt to locate school-age students in the community who are off school premises during school hours without valid documentation excusing their absence.

(c) Any certified law enforcement officer may stop and detain any unsupervised school-age student located off school premises during school hours and request the production of documentation excusing the student's absence from school.

(d) Upon the student's failure to produce sufficient documentation, the law enforcement officer may take the student into custody and return the student to his or her school, transport the student to his or her parent, or transport the student to the truancy reception center, which shall not be a jail, juvenile detention center, or police department, and which has been designated by the school district.

(e)(1) Any school district adopting this program shall include in its attendance policy a notice to parents and students that it has entered into a cooperative agreement with law enforcement officials to implement an Operation Stay in School Program, and unsupervised students found off school premises during school hours shall be subject to questioning by a law enforcement officer under the program.

(2) Any school district adopting this program shall include provisions for furnishing valid documentation for a student in work-study programs or other authorized absences from school premises in order to assist law enforcement officers in determining the validity of documentation excusing the student's absence from school during school hours.

A.C.A. § 6-18-222. Penalty for unexcused absences - Revocation of driving privilege.

(a)(1)(A)(i) The board of directors of each school district in this state shall adopt a student attendance policy, as provided for in § 6-18-209, which shall include a certain number of unexcused absences that may be used as a basis for denial of course credit, promotion, or graduation.

(ii) However, unexcused absences shall not be a basis for expulsion or dismissal of a student.

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

(2) The State Board of Career Education shall adopt a student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in an adult education program. The policy shall require a minimum attendance of ten (10) hours per week to remain in the program.

(3) A copy of the school district's student attendance policy or the State Board of Career Education's student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in adult education shall be provided to the parent, guardian, or person in loco parentis of each student enrolled in an adult education program at the beginning of the school year or upon enrollment, whichever event first occurs.

(4)(A)(i) A student's parent, guardian, or person in loco parentis and the community truancy board, if the community truancy board has been created, shall be notified when the student has accumulated unexcused absences equal to one-half (1/2) the total number of absences permitted per semester under the school district's or the State Board of Career Education's student attendance policy.

(ii) Notice shall be by telephonic contact with the student's parent, guardian, or person in loco parentis by the end of the school day in which the absence occurred or by regular mail with a return address on the envelope sent no later than the following school day.

(iii) Notice to the community truancy board, if the community truancy board has been created, shall be by letter to the chair of the community truancy board.

(B) If a community truancy board has been created, the community truancy board shall schedule a conference with the parent, guardian, or person in loco parentis to establish a plan to take steps to eliminate or reduce the student's absences.

(C) If the community truancy board has scheduled a conference and the student's parent, guardian, or person in loco parentis does not attend the conference, the conference may be conducted with the student and a school official. However, the parent, guardian, or person in loco parentis shall be notified of the steps to be taken to eliminate or reduce the student's absences.

(D)(i) Before a student accumulates the maximum number of unexcused absences allowed in a school district's student attendance policy, the student or the student's parent, guardian, or person in loco parentis may petition the school administration or school district administration for special arrangements to address the student's unexcused absences.

(ii) If special arrangements are granted by the school administration or the school district administration, the arrangements will be formalized into a written agreement to include the conditions of the agreement and the consequences for failing to fulfill the requirements of the agreement.

(iii) The agreement shall be signed by the:

- (a) Designee of the school administration or of the school district administration;
- (b) Student's parent, guardian, or person in loco parentis; and
- (c) Student.

(5)(A) When a student exceeds the number of unexcused absences provided for in the district's or the State Board of Career Education's student attendance policy, or when a student has violated the conditions of an agreement granting special arrangements under subdivision (a)(4)(D) of this section, the school district or the adult education program shall notify the prosecuting authority and the community truancy board, if a community truancy board has been created, and the student's parent, guardian, or person in loco parentis shall be subject to a civil penalty through a family in need of services action in circuit court, as authorized under subdivision (a)(6)(A) of this section, but not to exceed five hundred dollars (\$500) plus costs of court and any reasonable fees assessed by the court.

(B) The penalty shall be forwarded by the court to the school or the adult education program attended by the student.

(6)(A)(i) Upon notification by the school district or the adult education program to the prosecuting authority, the prosecuting authority shall file in circuit court a family in need of services petition pursuant to § 9-27-310 or enter into a diversion agreement with the student pursuant to § 9-27-323.

(ii) For any action filed in circuit court to impose the civil penalty set forth in subdivision (a)(5) of this section, the prosecuting authority shall be exempt from all filing fees and shall take whatever action is necessary to collect the penalty provided for in subdivision (a)(5) of this section.

(B) Municipal attorneys may practice in circuit court for the limited purpose of filing petitions or entering into diversion agreements as authorized by this subdivision (a)(6)(B) if agreed upon by all of the parties pursuant to subdivision (a)(6)(A) of this section.

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

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

(ii) When practicable and appropriate, the court may utilize mandatory attendance at the programs as well as community service requirements in lieu of monetary penalties.

(8) As used in this section, "prosecuting authority" means:

(A) The elected district prosecuting attorney or his or her appointed deputy for schools located in unincorporated areas of the county or within cities not having a district court; and

(B) The prosecuting attorney of the city for schools located within the city limits of cities having or a district court in which a city prosecutor represents the city for violations of city ordinances or traffic violations.

(9) In any instance in which it is found that the school district, the adult education program, or the prosecuting authority is not complying with the provisions of this section, the State Board of Education may petition the circuit court to issue a writ of mandamus.

(b)(1)(A) Each public, private, or parochial school shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school.

(B) Each adult education program shall notify the department whenever a student sixteen (16) or seventeen (17) years of age has left the program without receiving a high school equivalency certificate.

(2)(A) Upon receipt of notification, the department shall notify the licensee by certified mail, return receipt requested, that his or her motor vehicle operator's license will be suspended unless a hearing is requested in writing within thirty (30) days from the date of notice.

(B) The licensee shall be entitled to retain or regain his or her license by providing the department with adequate evidence that:

(i) The licensee is eighteen (18) years of age;

(ii) The licensee is attending school or an adult education program; or

(iii) The licensee has obtained a high school diploma or its equivalent.

(C)(i) In cases in which demonstrable financial hardship would result from the suspension of the learner's permit or driver's license, the department may grant exceptions only to the extent necessary to ameliorate the hardship.

(ii) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

(3) The department shall have the power to promulgate rules to carry out the intent of this section and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules adopted under this section.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(b) Such rules shall include without limitation the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2)(A) The school district's committee on personnel policies shall review annually:

- (i) The school district's student discipline policies; and
 - (ii) State and district discipline data.
- (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
- (3) Student discipline policies shall include without limitation the following offenses:
- (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
 - (D) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
- (1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.
 - (B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;
 - (2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
 - (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions;
 - (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;
 - (6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and
 - (7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-21-609. Prohibition against smoking, the use of tobacco or tobacco products, or the use of e-cigarettes - Definition.

(a) As used in this section, “e-cigarette” means an electronic oral device that provides a vapor of nicotine or another substance that, when used or inhaled simulates smoking, including without limitation a device that:

- (1) Is composed of a heating element, battery, or electronic circuit, or a combination of heating element, battery, and electronic circuit;
- (2) Works in combination with a liquid nicotine delivery device composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes; and
- (3) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other name or descriptor.

(b) Smoking tobacco, the use of tobacco or tobacco products, or the use of e-cigarettes is prohibited:

- (1) In or on real property owned or leased by a public school district, including a public charter school; or
- (2) In or on personal property, including without limitation school buses, owned or leased by a public school district, including a public charter school.

(c) A copy of this statute shall be posted in a conspicuous location at every entrance to each building owned or leased by a public school district and every school bus used to transport public school students.

(d) A person who violates this section commits a violation punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100).

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

A.C.A. § 5-71-217. Cyberbullying.

(a) As used in this section:

- (1) “Communication” means the electronic communication of person without change in the form or content of the information as sent and received; and
- (2) “Electronic means” means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or an online messaging service. ; And
- (3) “School employee” means a person who is employed full time or part time at a school that serves students in any of the grades kindergarten through grade twelve (K-12), including without limitation a:
 - (A) Public school operated by a school district;
 - (B) Public school operated by a state agency or institution of higher education;
 - (C) Public charter school; or
 - (D) Private school.

(b) A person commits the offense of cyberbullying if:

(1) He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, or harass, another person; and

(2) The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person.

(c) The offense of cyberbullying may be prosecuted in the county where SB123 8 01-22-2015 16:20:02 BPG066 the defendant was located when he or she transmitted, sent, or posted a communication by electronic means, in the county where the communication by electronic means was received by the person, or in the county where the person targeted by the electronic communications resides.

(d)(1) Cyberbullying is a Class B misdemeanor.

(2)(A) Cyberbullying of a school employee is a Class A misdemeanor if the victim is a school employee.

(B) As used in this subdivision

A.C.A. § 6-5-201. Definition.

(a) As used in this subchapter, "hazing" means:

(1) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others, upon another student to frighten or scare him or her;

(3) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or

(4) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term "hazing" as defined in this section:

(1) Does not include customary athletic events or similar contests or competitions; and

(2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

A.C.A. § 6-5-202. Prohibitions.

(a) As used in this subchapter, "hazing" means:

(1) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others, upon another student to frighten or scare him or her;

(3) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or

(4) A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term "hazing" as defined in this section:

(1) Does not include customary athletic events or similar contests or competitions; and

(2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

A.C.A. § 6-17-711. Bullying prevention - Professional development.

(a) The Division of Elementary and Secondary Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

(1) Bullying prevention; and

(2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and of licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the division shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.

(2) The guidance document required under subdivision (c)(1) of this section shall include without limitation:

(A) A public school district's obligations under § 6-18-514;

(B) Best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and

(C) A clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

(3) The guidance document under subdivision (c)(1) of this section shall be provided to licensed public school personnel as part of the professional development required under subsection (a) of this section.

A.C.A. § 6-18-514. Antibullying policies - Definitions.

(a) The General Assembly finds that every public school student in this state has the right to receive his or her public education in a public school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student.

(b) As used in this section:

(1) "Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

(2)(A) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

(i) Physical harm to a public school employee or student or damage to the public school employee's or student's property;

(ii) Substantial interference with a student's education or with a public school employee's role in education;

(iii) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or

(iv) Substantial disruption of the orderly operation of the public school or educational environment.

(B) "Bullying" includes cyberbullying as defined in this section;

(3) "Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;

(4) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

(5) "Substantial disruption" means without limitation that any one (1) or more of the following occur as a result of the bullying:

(A) Necessary cessation of instruction or educational activities;

(B) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

(C) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or

(D) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

(c) Bullying of a public school student or a public school employee is prohibited.

(d) If an alleged incident of bullying occurs during school hours, a public school principal or his or her designee who receives a credible report or complaint of bullying shall:

(1) As soon as reasonably practicable:

(A) Report to a parent or legal guardian of a student believed to be the victim of an incident of bullying that his or her child is the victim in a credible report of complaint or bullying; and

(B) Prepare a written report of the alleged incident of bullying;

(2)(A) Promptly investigate the credible report or complaint.

(B)(i) The investigation conducted under subdivision (d)(2)(A) of this section shall be completed as soon as possible but not later than five (5) school days from the date of the written report of the alleged incident of bullying as required under subdivision (d)(1)(B) of this section.

(ii) Following the completion of the investigation into the alleged incident of bullying conducted under subdivision (d)(2)(A) of this section, an individual licensed as a public school district building-level administrator or his or her designee may without limitation:

(a) Provide intervention services;

(b) Establish training programs to reduce bullying;

(c) Impose discipline on any of the parties involved in the incident of bullying;

(d) Recommend counseling for any of the parties involved in the incident of bullying; or

(e) Take or recommend other appropriate action;

(3)(A) Notify the parent or legal guardian of the student who is determined to have been the perpetrator of the incident of bullying:

(i) Upon completion of the investigation under subdivision (d)(2)(A) of this section; and

(ii) Regarding the consequences of continued incidents of bullying.

(B) A parent or legal guardian of a student who is a party to an investigation of an incident of bullying conducted under subdivision (d)(2)(A) of this section is entitled within five (5) school days after the completion of the investigation, and in accordance with federal and state law, to receive information about the investigation, including without limitation:

(i) That a credible report or complaint of bullying exists;

(ii) Whether the credible report or complaint of bullying was found to be true based on the investigation;

(iii) Whether action was taken upon the conclusion of the investigation of the alleged incident of bullying; and

(iv) Information regarding the reporting of another incident of bullying;

(4)(A) Make a written record of the investigation and any action taken as a result of the investigation.

(B) The written record of the investigation shall include a detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying; and

(5) Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

(e) One (1) time each school year, the superintendent of a public school district shall report to the public school district board of directors at a public hearing data regarding discipline in the public school district,

including without limitation the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

(f)(1) Each public school district board of directors shall adopt policies to prevent bullying.

(2) The policies shall:

(A)(i) Clearly define conduct that constitutes bullying.

(ii) The definition under subdivision (f)(2)(A)(i) of this section shall include without limitation the definition contained in subsection (b) of this section;

(B) Prohibit:

(i) Bullying while in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events; or

(ii)(a) Cyberbullying that results in the substantial disruption of the orderly operation of the school or educational environment.

(b) This section applies to cyberbullying whether or not the cyberbullying originated on school property or with school equipment if the cyberbullying is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose;

(C) State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;

(D) Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of an incident of bullying as defined by the public school district shall report the incident to the principal as soon as possible;

(E) Require that any person who files a credible report or makes a complaint of bullying shall not be subject to retaliation or reprisal in any form;

(F) Require that notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district;

(G)(i) Require that copies of the notice of what constitutes bullying, the prohibition of bullying, and the consequences of engaging in bullying be provided to parents and legal guardians, students, school volunteers, and employees of the public school annually.

(ii) Each policy shall require that a full copy of the policy be made available upon request;

(H) Describe the procedures for reporting an incident of bullying and the steps school employees may take in order to address a report of an alleged incident of bullying as described in this section; and

(I) Include information on how to make an anonymous report to the school safety and crisis line under § 6-18-111.

(3) A notice of the public school district's policies shall appear in any:

(A) Publication of the public school district that sets forth the comprehensive rules, procedures, and standards of conduct for public schools within the public school district; and

(B) Student handbook.

(4) The public school district shall, to the extent required, annually conduct a reevaluation, reassessment, and review of its policies regarding the prohibition of bullying and make any necessary revisions and additions.

(g) A public school district shall provide training on compliance with the anti-bullying policies to all public school district employees responsible for reporting or investigating bullying under this section.

(h) A public school employee who has reported violations under the public school district's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident of bullying.

(i) The public school district board of directors may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by the public school district's policies.

(j) The public school district shall provide the Division of Elementary and Secondary Education with the website address at which a copy of the policies adopted in compliance with this section may be found.

(k) This section is not intended to:

(1) Restrict a public school district from adopting and implementing policies against bullying and school violence or policies to promote civility and student dignity that are more inclusive than the policies prohibiting bullying required under this section;

(2) Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly;

(3) Affect the provisions of any collective bargaining agreement or individual contract of employment in effect on the effective date of this act; or

(4) Alter or reduce the rights of a student with a disability with regard to disciplinary action or to general or special educational services and support.

(l)(1) Nonpublic schools are encouraged to comply with the provisions of this section.

(2) In the case of a faith-based nonpublic school, this section shall not be interpreted to prohibit or abridge the legitimate statement, expression, or free exercise of the beliefs or tenets of any faith by the religious organization operating the school or by the school's faculty, staff, or student body.

(m) "Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:

(1) Harass, intimidate, humiliate, ridicule, defame, or threaten a student, public school employee, or person with whom the other student or public school employee is associated; or

(2) Incite violence to a student, public school employee, or person with whom the other student or public school employee is associated.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.18 The board of directors of every school district shall adopt policies to prevent bullying and file such policies with the Department of Education. Such policies may be a part of the school district's student discipline policies. The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the State Board of Education determines that the policies need improvement.

Other special infractions or conditions

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

- (b) Such rules shall include without limitation the following requirements:
- (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2)(A) The school district's committee on personnel policies shall review annually:
 - (i) The school district's student discipline policies; and
 - (ii) State and district discipline data.

(B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
 - (3) Student discipline policies shall include without limitation the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
 - (D) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
- (1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.

(B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;
 - (2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions;
 - (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;
 - (6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and
 - (7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

A.C.A. § 6-18-512. Seizure of hand-held laser pointers.

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

A.C.A. § 6-18-515. Use of personal electronic devices.

(a) As used in this section, "personal electronic device" means without limitation a:

- (1) Cellular telephone;
- (2) Paging device;
- (3) Beeper;
- (4) Mobile telephone that offers advanced computing and Internet accessibility;
- (5) Digital media player;
- (6) Portable game console;
- (7) Tablet, notebook, or laptop computer;
- (8) Digital camera; and
- (9) Digital video or audio recorder.

(b) A school district may establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device:

- (1) On school property;
- (2) At an after-school activity; or
- (3) At a school-related function.

(c) The policy may, without limitation:

- (1) Allow or restrict the possession and use of a personal electronic device;
- (2) Allow the use of a personal electronic device in school for instructional purposes at the discretion of a teacher or administrator;
- (3) Limit the times or locations in which a personal electronic device may be used to make telephone calls, send text messages or emails, or engage in other forms of communication;
- (4) Allow or prohibit the use of any photographic, audio, or video recording capabilities of a personal electronic device while in school;
- (5) Exempt the possession or use of a personal electronic device by a student who is required to use such a device for health or another compelling reason;
- (6) Exempt the possession or use of a personal electronic device after normal school hours for extracurricular activities; and
- (7) Include other relevant provisions deemed appropriate and necessary by the school district.

A.C.A. § 6-18-603. Unlawful organizations.

Any public school fraternity, sorority, or secret society or organization as defined in this subchapter is declared to be inimical to public free schools and therefore unlawful.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

A.C.A. § 6-5-901. Legislative Intent - Findings.

(a) It is the intent of the General Assembly to expand the availability of positive youth development programs that incorporate the standards and recommendations of the Governor's Task Force on Best Practices for After-School and Summer Programs, including without limitation:

- (1) School-based and school-linked afterschool and summer programs;
- (2) 21st Century Community Learning Centers;
- (3) Boys and Girls Clubs of America;
- (4) YMCAs;
- (5) 4-H clubs; and
- (6) School-age care programs.

(b) The General Assembly finds that:

(1) Positive youth development programs:

(A) Support working families by ensuring their children and youth are safe and productive during out-of-school time;

(B) Build strong communities by involving students, parents, business leaders, and adult volunteers in the lives of young people in positive and productive activities, including tutoring, games, and activities designed to improve math and literacy skills;

(C) May include community-based service and other experiences that offer rich and varied academic support and build workforce skills critical to employment and future economic success; and

(D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and

(2) Students participating in positive youth development programs:

(A) Have higher daily school attendance;

(B) Report higher aspirations toward finishing school and going to college;

(C) Have fewer discipline problems;

(D) Show significant gains in standardized test scores;

(E) Are more likely to have a positive view of themselves and their hope for the future;

(F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and

(G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.

A.C.A. § 6-5-902. Definitions.

As used in this subchapter:

- (1) "Grant" means a Positive Youth Development Grant;

(2) "Positive youth development program" means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen (19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and

(3) "Program" means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education of the Department of Human Services.

A.C.A. § 6-5-903. Establishment - Participation.

(a)(1) The Division of Elementary and Secondary Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five (5) through nineteen (19) years of age once funding is available.

(2) The Division of Elementary and Secondary Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:

(1) Public school districts; and

(2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

A.C.A. § 6-5-904. Applications process - Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.

(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a positive youth development grant shall:

(1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;

(2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, and faith-based and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and

(3)(A) Provide matching funds in the ratio of twenty to eighty (20:80), unless the applicant is granted a waiver by the division.

(B) The division may waive the required matching funds if:

(i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school identified as targeted or comprehensive by the Department of Education; and

(ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(C) The matching funds may consist of cash or appropriate in-kind services.

(c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;

- (2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;
 - (3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and
 - (4) Increase comprehensive positive youth development programs during the school year and summer.
- (d)(1) If the number of qualified applicants exceed the amount of available funding, the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.
- (2) If there is a funding shortage, priority consideration shall be given to programs in communities where:
 - (A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and
 - (B) A public school district has been identified to receive Level 5 - Intensive support from the department.
- (e)(1) Grants shall be three-year awards to be distributed annually, as determined by the division.
- (2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.
 - (3) Grants are subject to the availability of funds each fiscal year.
- (f) Grant funds may be used for:
- (1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;
 - (2) Services that include children and youth where English is a second language;
 - (3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and
 - (4) A variety of activities including without limitation:
 - (A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;
 - (B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;
 - (C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;
 - (D) Activities that address cultural diversity and inclusion;
 - (E) Service learning or community service experiences;
 - (F) Workforce development activities that link academic curriculum to actual work experiences;
 - (G) Leadership development, mentoring, and other services to disconnected youth;
 - (H) Enrichment activities not otherwise provided during the school day; and
 - (I) Family and community engagement.

A.C.A. § 6-5-905. Criteria for need-based funding.

- (a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:
- (1) A positive youth development program available in the community where the child resides; and
 - (2) Available space for the child to attend the program.

(b) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of this section.

(c) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.

(d) The State Board of Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall adopt the appropriate criteria for identifying children and youth five through nineteen (5-19) years of age with the greatest need to participate in programs funded by the grant.

A.C.A. § 6-5-906. Evaluation.

(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the impacts of the Positive Youth Development Grant Program.

(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

(2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.

(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award procedure rules adopted by the division.

(2) Outcome measures shall include without limitation:

(A) Student achievement and academic skills;

(B) School engagement;

(C) Social, emotional, and behavioral development;

(D) Health and wellness; and

(E) Reduced contact with the judicial system.

(d) A minimum of one (1) time each year, the division shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Education, and the Senate Committee on Education.

A.C.A. § 6-17-711. Bullying prevention - Professional development.

(a) The Division of Elementary and Secondary Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

(1) Bullying prevention; and

(2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and of licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the division shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.

(2) The guidance document required under subdivision (c)(1) of this section shall include without limitation:

- (A) A public school district's obligations under § 6-18-514;
- (B) Best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and
- (C) A clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

(3) The guidance document under subdivision (c)(1) of this section shall be provided to licensed public school personnel as part of the professional development required under subsection (a) of this section.

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.

(c) The school discipline policies shall:

- (4) Include prevention, intervention, and conflict resolution provisions;

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

A.C.A. § 6-5-901. Legislative Intent - Findings.

(a) It is the intent of the General Assembly to expand the availability of positive youth development programs that incorporate the standards and recommendations of the Governor's Task Force on Best Practices for After-School and Summer Programs, including without limitation:

- (1) School-based and school-linked afterschool and summer programs;
- (2) 21st Century Community Learning Centers;
- (3) Boys and Girls Clubs of America;
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(b) The General Assembly finds that:

(1) Positive youth development programs:

(A) Support working families by ensuring their children and youth are safe and productive during out-of-school time;

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(C) May include community-based service and other experiences that offer rich and varied academic support and build workforce skills critical to employment and future economic success; and

(D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and

(2) Students participating in positive youth development programs:

- (A) Have higher daily school attendance;
- (B) Report higher aspirations toward finishing school and going to college;
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- (D) Show significant gains in standardized test scores;
- (E) Are more likely to have a positive view of themselves and their hope for the future;
- (F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and
- (G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.

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- (1) "Grant" means a Positive Youth Development Grant;
- (2) "Positive youth development program" means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen (19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and
- (3) "Program" means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education of the Department of Human Services.

A.C.A. § 6-5-903. Establishment - Participation.

(a)(1) The Division of Elementary and Secondary Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five (5) through nineteen (19) years of age once funding is available.

(2) The Division of Elementary and Secondary Education , with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:

- (1) Public school districts; and
- (2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

A.C.A. § 6-5-904. Applications process - Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.

(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a positive youth development grant shall:

- (1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;
- (2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, and faith-based and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and

- (3)(A) Provide matching funds in the ratio of twenty to eighty (20:80), unless the applicant is granted a waiver by the division.
- (B) The division may waive the required matching funds if:
- (i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school identified as targeted or comprehensive by the Department of Education; and
 - (ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.
- (C) The matching funds may consist of cash or appropriate in-kind services.
- (c) Preference shall be given to applications that:
- (1) Are developed collaboratively by public and nonpublic schools and private community based programs;
 - (2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;
 - (3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and
 - (4) Increase comprehensive positive youth development programs during the school year and summer.
- (d)(1) If the number of qualified applicants exceed the amount of available funding, the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.
- (2) If there is a funding shortage, priority consideration shall be given to programs in communities where:
- (A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and
 - (B) A public school district has been identified to receive Level 5 - Intensive support from the department.
- (e)(1) Grants shall be three-year awards to be distributed annually, as determined by the division.
- (2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.
 - (3) Grants are subject to the availability of funds each fiscal year.
- (f) Grant funds may be used for:
- (1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;
 - (2) Services that include children and youth where English is a second language;
 - (3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and
 - (4) A variety of activities including without limitation:
 - (A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;
 - (B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;
 - (C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;
 - (D) Activities that address cultural diversity and inclusion;
 - (E) Service learning or community service experiences;

- (F) Workforce development activities that link academic curriculum to actual work experiences;
- (G) Leadership development, mentoring, and other services to disconnected youth;
- (H) Enrichment activities not otherwise provided during the school day; and
- (I) Family and community engagement.

A.C.A. § 6-5-905. Criteria for need-based funding.

(a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:

- (1) A positive youth development program available in the community where the child resides; and
- (2) Available space for the child to attend the program.

(b) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of this section.

(c) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.

(d) The State Board of Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall adopt the appropriate criteria for identifying children and youth five through nineteen (5-19) years of age with the greatest need to participate in programs funded by the grant.

A.C.A. § 6-5-906. Evaluation.

(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the impacts of the Positive Youth Development Grant Program.

(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

- (2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.

(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award procedure rules adopted by the division.

- (2) Outcome measures shall include without limitation:

- (A) Student achievement and academic skills;
- (B) School engagement;
- (C) Social, emotional, and behavioral development;
- (D) Health and wellness; and
- (E) Reduced contact with the judicial system.

(d) A minimum of one (1) time each year, the division shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Education, and the Senate Committee on Education.

A.C.A. § 6-18-2001. Title.

This subchapter shall be known and may be cited as the "School Counseling Improvement Act of 2019".

A.C.A. § 6-18-2002. Definitions.

As used in this subchapter:

- (1) "Administrative activities" means activities that are not directly related to the comprehensive school counseling plan and are absent of any direct student services or interaction;
- (2) "Direct services" means services that are provided through face-to-face contact with students, including without limitation:
 - (A) Regular classroom guidance limited to forty-minute class sessions, not to exceed three (3) class sessions per day and not to exceed ten (10) class sessions per week;
 - (B) Individual and group counseling;
 - (C) Responsive services on behalf of students whose immediate personal concerns and problems put the student's academic, career, or social and emotional development at risk, including the administration of a risk-assessment; and
 - (D) Interventions for students that are:
 - (i) At risk of dropping out of school; or
 - (ii) Exhibiting dangerous behaviors, such as drug use, self-harm, or gang activity; and
- (3) "Indirect services" means consultations between a student, a parent or legal guardian, school staff, and community agencies concerning a student's academic, career, and social and emotional needs.

A.C.A. § 6-18-2003. Comprehensive school counseling program and plan framework.

(a) Each public school district shall:

- (1) Develop and implement a comprehensive school counseling program that ensures student services are coordinated in a manner that provides comprehensive support to all students; and
- (2) Have a written plan for a comprehensive school counseling program that:
 - (A) Is implemented by an Arkansas-certified school counselor, a counselor serving under an additional licensure plan, or a school employee acting as a school counselor under a waiver granted under § 6-15-103(c);
 - (B) Utilizes state and nationally recognized counselor frameworks;
 - (C) Is reviewed annually and updated as needed by the school counselor in collaboration with the building administrator and other stakeholders;
 - (D) Is systemically aligned to kindergarten through grade twelve (K-12) within the public school district; and
 - (E) Contains the following four (4) components of a comprehensive school counseling program:
 - (i) Foundation, which includes without limitation:
 - (a) Vision statements;
 - (b) Mission statements; and
 - (c) Program goals;
 - (ii) Management, which utilizes assessments and other data to develop, implement, and evaluate a comprehensive school counseling program;
 - (iii) Delivery, which focuses on direct and indirect services through the implementation of a comprehensive school counseling program; and
 - (iv) Accountability, which ensures regular analysis of the comprehensive school counseling program that is provided.

(b) The comprehensive school counseling program required under subsection (a) of this section shall:

- (1) Guide students in academic pursuits, career planning, and social and emotional learning;
- (2) Follow the comprehensive school counseling program guidance provided by the Department of Education;
- (3) Include goals that are developed annually based on the vision and mission statements that are shared by stakeholders to ensure equitable access to opportunities for all students; and
- (4) Identify student needs through a multilevel school data review that includes without limitation:
 - (A) Data analysis;
 - (B) Use-of-time data review;
 - (C) Program results data; and
 - (D) Communication and contact with administrators, parents, students, and stakeholders.

A.C.A. § 6-18-2004. Comprehensive student services.

- (a) Sufficient time at each public school shall be allotted for the school counselor to carry out the duties stated in the comprehensive school counseling plan required under § 6-18-2003.
- (b)(1) A school counselor shall spend at least ninety percent (90%) of his or her working time during student contact days providing direct and indirect services to students.
 - (2) Direct and indirect services may be provided in collaboration with other school personnel and include without limitation:
 - (A) Intervening with students who are at risk of dropping out of school to determine if there is a way to keep at-risk students in school;
 - (B) Following-up with high school graduates;
 - (C) Providing orientation programs for new students and transferring students at each level of education;
 - (D) Providing academic advisement services, including without limitation:
 - (i) Developing an individual planning system to guide a student to access and monitor the student's own educational, career, and social and emotional progress;
 - (ii) Guiding a student along the pathways to graduation;
 - (iii) Guiding a student in goal-setting experiences and course selection aligned with the student's post-secondary goals;
 - (iv) Addressing accelerated learning opportunities;
 - (v) Addressing academic deficits and the accessibility of resources;
 - (vi) Providing student assessment reviews, interest inventories, or academic results needed to develop, review, and revise a student's plan of study; and
 - (vii) Providing support for students who show potential so they are more likely to engage in rigorous coursework and take advantage of post-secondary opportunities;
 - (E) Providing a career planning process that includes without limitation:
 - (i) Guidance in understanding the relationship between classroom performance and success in school and beyond;
 - (ii) The provision of resources to identify career interests and aptitudes to assist a student in age-appropriate college and career planning;
 - (iii) Guidance in understanding the advantages of completing career certifications and internships;
 - (iv) Interpretation of augmented, criterion-referenced, or norm-referenced assessments for students and parents;

- (v) The provision of information to a parent or legal guardian, such as through workshops on preparing for college, financial aid, and career opportunities; and
 - (vi) Encouragement to a parent or legal guardian to support partnerships in his or her student's learning and career planning processes;
- (F) Providing social and emotional skills designed to support students, including without limitation programs:
- (i) To promote cultural and social awareness, positive communication and relationship skills, collaboration with others, and responsible decision making;
 - (ii) To improve culture and climate in the school so that all students can feel that they are in a safe and supportive environment;
 - (iii) To develop conflict-resolution skills;
 - (iv) To prevent bullying that include without limitation:
 - (a) Training programs for school employees regarding how to recognize bullying behaviors;
 - (b) Protocols for responding to bullying that is occurring in the school;
 - (c) Strategies that support a student who is being bullied; and
 - (d) Strategies that help a bystander speak out against bullying; and
 - (v) To address age-appropriate suicide awareness and prevention through:
 - (a) Strategies that help identify a student who is at risk for suicide;
 - (b) Strategies and protocols that help a student who is at risk for suicide; and
 - (c) Protocols for responding to a suicide death; and
- (G) Serving as a contributing member of decision-making teams, which include without limitation:
- (i) Teams that are convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;
 - (ii) Response-to-intervention teams;
 - (iii) English language learner programs;
 - (iv) Parental involvement or family engagement programs;
 - (v) Positive behavioral intervention support programs; and
 - (vi) Advanced placement and gifted and talented programs.
- (c)(1) Administrative activities performed by a school counselor shall not exceed more than ten percent (10%) of the school counselor's time spent working during student contact days.
- (2) Administrative activities provided by a school counselor in collaboration with other school personnel include without limitation:
- (A) Coordinating state assessments, cognitive achievement assessments, advanced placement programs, and language acquisition testing programs;
 - (B) Developing master schedules;
 - (C) Coordinating of:
 - (i) Teams convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;
 - (ii) Response-to-intervention teams;
 - (iii) English language learner programs;
 - (iv) Parental involvement or family engagement programs;
 - (v) Positive behavioral intervention support programs;

- (vi) Data entry; and
- (vii) Advanced placement and gifted and talented programs; and
- (D) Monitoring students in common areas such as the cafeteria, hallway, playground, and bus lines.

A.C.A. § 6-18-2005. Monitoring and support.

- (a) Each public school district is responsible for posting its annual comprehensive school counseling plan on the district website under state required information.
- (b)(1) Beginning with the 2020-2021 school year, the Department of Education shall monitor each public school district to ensure implementation and compliance with this subchapter.
 - (2) Failure by a public school district to comply with this subchapter is a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.
- (c) The department shall:
 - (1) Employ at least one (1) individual who is certified as a school counselor;
 - (2) Provide a multilevel system of support to public school districts to assist in complying with the requirements of this subchapter; and
 - (3) Provide guidance and technical assistance to public school districts in order to support equitable access to public school counseling services.

A.C.A. § 6-48-101. Definitions.

As used in this chapter:

- (1)(A)(i) "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation.
 - (ii) The Division of Elementary and Secondary Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.
- (B) An alternative learning environment is not a punitive environment but one that is conducive to learning.
- (C) An alternative learning environment is not a separate school for the purposes of this title even if the Division of Elementary and Secondary Education assigns the alternative learning environment a separate local education agency number; and
- (2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

A.C.A. § 6-48-102. Alternative learning environment required - Reporting.

- (a)(1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Division of Elementary and Secondary Education.
- (2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:
 - (A) Establishes and operates an alternative learning environment;
 - (B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment;
 - (C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.; or

(D) Partners with a state-supported institution of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).

(b) Annually, a school district shall submit to the division:

- (1) Information on race and gender of the students educated in the alternative learning environment;
- (2) Any other information regarding students educated in alternative learning environments that the division requires by rule; and
- (3) An assurance statement that the school district is in compliance with this chapter.

A.C.A. § 6-48-103. Assessment and intervention services.

(a) An alternative learning environment shall:

- (1) Assess a student either before or upon entry into the alternative learning environment; and
- (2) Provide intervention services designed to address a student's specific educational needs.

(b)(1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.

- (2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

A.C.A. § 6-48-104. Division of Elementary and Secondary Education responsibilities.

(a) The Division of Elementary and Secondary Education shall promulgate rules to implement this chapter, including without limitation rules that establish:

(1)(A) The criteria for distributing state funding for alternative learning environment programs.

(B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.

(C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the division may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:

- (i) Leaves the school district to transfer to another alternative learning environment; or
- (ii) Is placed in a residential treatment program;

(2)(A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:

- (i) In-service training in classroom management; and
- (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.

(B) The division shall award professional development credit for the training under this subdivision (a)(2); and

(3) Measures of effectiveness for alternative learning environments that measure:

(A) For the students educated in the alternative learning environment the effect on the students':

- (i) School performance;
- (ii) Need for intervention; and
- (iii) School attendance and dropout rate; and

(B) Any other characteristic of alternative learning environments deemed necessary by the division.

(b)(1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:

- (A) Established and operated in compliance with this chapter; and
- (B) Effective under the measurements established by the division under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.

(c) The division shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15, the division shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

- (1) The information reported to it under § 6-48-102; and
- (2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.04 The school discipline policies shall:

- 4.04.4 Include prevention, intervention, and conflict resolution provisions; and...

005.15.12-008. ADE 096: Rules governing public school student services.

4.02 Each school district plan shall reflect the use of alternative methods of classroom management. Such methods may include, without limitation:

- 4.02.1 Behavioral contracting;
- 4.02.2 Dispute resolution;
- 4.02.3 Classroom meetings;
- 4.02.4 Logistical consequences;
- 4.02.5 Assertive discipline;
- 4.02.6 Behavior modification; and
- 4.02.7 Career and academic counseling.

Professional development

LAWS

A.C.A. § 6-13-629. Training and instruction - Reimbursement.

(a)(1)(A) A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year...

- (3)(A) The training and instruction required under this section shall include:
 - (i) Topics relevant to school laws and school operations;

(ii) The powers, duties, and responsibilities of the members of the board of directors, including without limitation:

(a) Legal requirements, including without limitation:

(1) The items listed or required by the Legislative Joint Auditing Committee under § 6-1-101; and

(2) Other financial laws, rules, or federal regulations designated by the Division of Elementary and Secondary Education;

(b) Role differentiation;

(c) Financial management, including without limitation how to read and interpret an audit report; and

(d) Improving student achievement; and

(iii)(a) Information regarding school safety and student discipline.

A.C.A. § 6-15-1303. Safe Schools Initiative Act.

(c)(2)(C) The Safe Schools Initiative training also may include without limitation the training and education needed to assist a public school in:

(ii) Delivering education to students and faculty on public safety and legal topics such as drugs and alcohol abuse, sexual assault, bullying and cyber-bullying, gangs, preventing the possession of weapons by minors, and responding to the threat of weapons at school;

A.C.A. § 6-17-711. Bullying prevention - Professional development.

(a) The Division of Elementary and Secondary Education shall require two (2) hours of professional development in the following areas for licensed public school personnel according to the professional development schedule under § 6-17-709:

(1) Bullying prevention; and

(2) Recognition of the relationship between incidents of bullying and the risk of suicide.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and of licensure requirements for licensed personnel.

(c)(1) In addition to the professional development requirement under subsection (a) of this section, the division shall develop a guidance document for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.

(2) The guidance document required under subdivision (c)(1) of this section shall include without limitation:

(A) A public school district's obligations under § 6-18-514;

(B) Best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and

(C) A clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

(3) The guidance document under subdivision (c)(1) of this section shall be provided to licensed public school personnel as part of the professional development required under subsection (a) of this section.

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.07 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

A.C.A. § 6-17-113. Duty to report and investigate student criminal acts.

(a) As used in this section:

(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;

(2) "Deadly weapon" means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency. The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days. The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The superintendent or his designee shall notify the local school board of directors of any report made to law enforcement under this section.

(c)(1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.

(3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal. The report shall state:

(A) Whether the investigation into the reported incident is ongoing;

(B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and

(C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.17 The principal of each school shall report within a week to the Department of Education the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

4.17.1 The expulsion shall be noted on the student's permanent school record.

4.17.2 Nothing in Section 4.17 of these rules shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis.

4.17.3 The Department of Education shall establish and maintain a registry of students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence. The names, addresses, and social security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state, so long as the provision of such information does not otherwise violate state or federal law.

Parental notification

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(a) The Division of Elementary and Secondary Education shall establish guidelines for the development of school district student discipline policies.

(c) The school discipline policies shall:

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;

A.C.A. § 6-18-513. Parental notification.

(a) A school or school district shall comply with subsection (b) of this section if the school or school district with respect to a student under the age of eighteen (18):

(1) Makes a report to any law enforcement agency concerning student misconduct;

(2) Grants law enforcement personnel other than a school resource officer acting in the normal course and scope of his or her assigned duties access to a student; or

(3) Knows that a student has been taken into custody by law enforcement personnel during the school day or while under school supervision.

(b)(1) The principal or, in the principal's absence, the principal's designee shall make a reasonable, good faith effort to notify the student's parent, legal guardian, or other person having lawful control of the

student by court order or person acting in loco parentis listed on student enrollment forms of the occurrence of any of the events in subsection (a) of this section.

(2) The principal or the principal's designee shall notify the student's parent, legal guardian, or other person having lawful control of the student under an order of court or person acting in loco parentis that the student has been reported to, interviewed by, or taken into custody by law enforcement personnel.

(3) If the principal or the principal's designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call either the principal or the principal's designee and leave both a day and an after-hours telephone number.

(c) Notification required by subsection (b) of this section is not required if school personnel make a report or file a complaint based on suspected child maltreatment as required under § 12-18-401 et seq. or if a law enforcement officer, investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or Department of Human Services investigator or personnel member interviews a student during the course of an investigation of suspected child maltreatment.

(d)(1) The principal or the principal's designee shall not provide notification under subsection (b) of this section if a request is made to interview a student during the course of an investigation of suspected child maltreatment and a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender.

(2) The investigator shall provide the school with documentation that notification to the parent, guardian, custodian, or person standing in loco parentis is prohibited.

(e) Subsection (d) of this section shall only apply to interview requests made by:

(1) A law enforcement officer;

(2) An investigator of the Crimes Against Children Division of the Department of Arkansas State Police; or

(3) An investigator or employee of the Department of Human Services.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.04 The school discipline policies shall:

4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

4.06 Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

Reporting and referrals between schools and law enforcement

LAWS

A.C.A. § 6-17-113. Duty to report and investigate student criminal acts.

(a) As used in this section:

(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;

(2) "Deadly weapon" means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency. The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days. The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The superintendent or his designee shall notify the local school board of directors of any report made to law enforcement under this section.

(c)(1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.

(3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal. The report shall state:

(A) Whether the investigation into the reported incident is ongoing;

(B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and

(C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules.

A.C.A. § 6-18-110. Reports by mandated reporters - Failure to notify by mandated reported - Making a false report.

(a) Each of the following persons shall notify law enforcement if he or she has a good faith belief that there is a serious and imminent threat to the public based on a threat made by an individual regarding violence in or targeted at a school that has been communicated to the person in the course of his or her professional duties:

- (22) A public or private school counselor;
 - (23) A school official;
 - (24) A social worker;
 - (26) A teacher;
- (b) A person listed as a mandated reporter under subsection (a) of this section shall:
- (1) Make every attempt to immediately notify law enforcement of the serious and imminent threat to the public; and
 - (2) Notify law enforcement within twenty-four (24) hours of learning of the serious and imminent threat to the public.

A.C.A. § 6-18-111. School safety and crisis line.

(a)(1) The University of Arkansas for Medical Sciences Psychiatric Research Institute shall establish and operate a pilot program that creates a school safety and crisis line to be known as “ARSafeSchools” that can be accessed by the following means, including without limitation:

- (A) Telephone;
- (B) Text message; and
- (C) Smartphone application.

(2) Participation in the pilot program established under subdivision (a)(1) of this section shall be voluntary for public schools in this state.

(b) The school safety and crisis line under this section shall:

(1) Provide a means for a student to anonymously report:

- (A) Unsafe, violent, or criminal activities or the threat of unsafe, violent, or criminal activities at, near, or concerning a public school;
- (B) Incidents of bullying, harassment, or hazing, including without limitation conduct described in § 6-18-514;
- (C) Incidents of physical or sexual abuse committed against a student by:
 - (i) Another student;
 - (ii) A school employee;
 - (iii) A school volunteer; or
 - (iv) Any other person if the physical or sexual abuse occurred at a public school or a school-sponsored event;
- (D) Thoughts of suicide experienced by the student or by another individual whom the student knows;
- (E) Feelings experienced by the student of:
 - (i) Stress;
 - (ii) Depression; or
 - (iii) Anxiety;
- (F) Issues involving drug abuse or alcohol abuse, or both, regarding the student or another individual whom the student knows;
- (G) Issues with addiction faced by the student or another individual whom the student knows;
- (H) Domestic violence experienced by the student or by another individual whom the student knows;
- (I) Infliction of self-harm by the student or by another individual whom the student knows;
- (J) Feelings of grief or loss, or both; and

(K) Other behaviors, incidents, actions, or threats that the University of Arkansas for Medical Sciences Psychiatric Research Institute may determine are important for a student to report under this section;

(2) Provide crisis intervention, including without limitation suicide prevention services, to students experiencing emotional or psychiatric distress;

(3) Operate twenty-four (24) hours per day, seven (7) days per week; and

(4) Begin operation at a time and in phases determined by the University of Arkansas for Medical Sciences Psychiatric Research Institute to allow time for the establishment of the school safety and crisis line and the training of personnel to carry out the operations of the school safety and crisis line under this section.

(c)(1) Personnel operating the school safety and crisis line shall, when necessary or as required by law, promptly forward a report received under subsection (b) of this section to appropriate:

(A) School officials; or

(B) Law enforcement agencies.

A.C.A. § 6-18-221. Cooperation of law enforcement agencies.

(a) Any public school district may enter into a cooperative agreement with local law enforcement officials to implement within the district an "Operation Stay in School Program".

(b) Upon the request of the board of directors of the school district, the law enforcement agency shall stipulate, with the administration of the school district, specific days and hours when law enforcement officers will attempt to locate school-age students in the community who are off school premises during school hours without valid documentation excusing their absence.

(c) Any certified law enforcement officer may stop and detain any unsupervised school-age student located off school premises during school hours and request the production of documentation excusing the student's absence from school.

(d) Upon the student's failure to produce sufficient documentation, the law enforcement officer may take the student into custody and return the student to his or her school, transport the student to his or her parent, or transport the student to the truancy reception center, which shall not be a jail, juvenile detention center, or police department, and which has been designated by the school district.

(e)(1) Any school district adopting this program shall include in its attendance policy a notice to parents and students that it has entered into a cooperative agreement with law enforcement officials to implement an Operation Stay in School Program, and unsupervised students found off school premises during school hours shall be subject to questioning by a law enforcement officer under the program.

(2) Any school district adopting this program shall include provisions for furnishing valid documentation for a student in work-study programs or other authorized absences from school premises in order to assist law enforcement officers in determining the validity of documentation excusing the student's absence from school during school hours.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

A.C.A. § 6-18-901. Maintenance of permanent student records.

(a) The Division of Elementary and Secondary Education, at the direction of the State Board of Education and in cooperation with any other appropriate state agencies, shall develop and publish an itemized listing of all information to be maintained in a student's permanent record during enrollment in a school district in this state.

(b) The permanent student record shall include all information concerning educational programming including statewide student assessments required under the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

(c) Each school district shall maintain a permanent student record for each student.

(d)(1)(A) A copy of the permanent student record shall be provided to the receiving school district upon the transfer of a student to another district.

(B) The school district shall provide the copy of the student's permanent student record to the receiving school district within ten (10) school days after the date a request from the receiving school district is received.

(C) The school district shall not fail or refuse to provide a copy of the student's permanent student record to the receiving school district because the student owes money to the school district for school-related charges, including without limitation charges for:

- (i) Food services;
- (ii) Unreturned library books; or
- (iii) Fees.

(2) Upon request by the Division of Youth Services of the Department of Human Services, a copy of the education record, as defined by rules promulgated by the Division of Elementary and Secondary Education, shall be transmitted to the Division of Youth Services division within ten (10) school days.

(e) The permanent student record shall be maintained by each school district until the student receives a high school diploma or its equivalent or is beyond the age for compulsory attendance under § 6-18-201.

(f) Nothing in this section shall be construed to prevent the maintenance of a permanent student record by electronic database provided that a copy of the record can be produced for transmittal to another district upon the transfer of the student.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

A.C.A. § 6-18-503. Written student discipline policies required.

(a)(1)(A) Each school district in this state shall develop written student discipline policies in compliance with the rules established by the Division of Elementary and Secondary Education and shall file the policies with the division.

(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the department within thirty (30) days after the adoption of such amendment or revision.

A.C.A. § 6-18-504. Compliance with §§ 6-18-502 and 6-18-503.

(a) The Division of Elementary and Secondary Education shall monitor compliance with the requirements of §§ 6-18-502 and 6-18-503, and the State Board of Education shall adopt rules for the administration of the requirements thereof.

(b) Any school district failing to file with the division disciplinary policies that meet the requirements of this subchapter shall have all state aid funds withheld until such disciplinary policies are filed with the division.

(c) Nothing in § 6-18-502, § 6-18-503, or this section, or any student discipline policies promulgated under § 6-18-502, shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

A.C.A. § 6-18-516. Effective school discipline - Definition.

(a) As used in this section, "exclusionary disciplinary actions" means out-of-school suspension and expulsion.

(b)(1) Annually, the Division of Elementary and Secondary Education shall report at the school, school district, and state level the following data concerning exclusionary disciplinary actions, in-school suspensions, and corporal punishment:

- (A) Number per one hundred (100) students for the entire population;
- (B) Number per one hundred (100) students for any racial or ethnic subgroup required for accountability by the Every Student Succeeds Act, Pub. L. No. 114-95;
- (C) Number per one hundred (100) students for economically disadvantaged students; and
- (D) Number per one hundred (100) students for students with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

(2) The division shall report exclusionary disciplinary actions by both:

- (A) Combining out-of-school suspensions and expulsions; and
- (B) Separately listing out-of-school suspensions and expulsions.

(c) The division shall report the data required in subsection (b) of this section:

- (1) On the website of the division to the extent that publication is consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; and
- (2) In a manner that reflects historical trends and allows for the comparison of schools and school districts.

(d) The division shall:

- (1) Provide school districts with resources for the best practices in effective school discipline; and
- (2) Annually communicate to school districts:
 - (A) The availability of and how to access the data listed in subsection (b) of this section; and
 - (B) How to access the resources listed in subdivision (d)(1) of this section.

(e) The division, or researcher identified by the division, shall provide an annual report to the State Board of Education analyzing disciplinary infractions, disciplinary actions, and disciplinary disparities existing throughout the state.

REGULATIONS

005.15.11-003. Guidelines for the development, review and revision of school district student discipline and school safety policies.

Section 4.00 General Guidelines and Minimum Requirements.

4.13 Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies as required by law and shall be submitted to the Department of Education within thirty (30) days after the adoption of such amendment or revision.

4.14 The Department of Education shall monitor compliance with the requirements of these rules and of Ark. Code Ann. §§ 6-18-502 and 6-18-503. Any school district failing to file the disciplinary policies required by Ark. Code Ann. § 6-15-503 and Section 4.09 of these rules with the Department of Education shall have all state aid funds withheld until such disciplinary policy is filed with the Department of Education.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

A.C.A. § 6-11-209. Additional truancy officers - Definition.

- (a) As used in this section, "school district with a high dropout rate" means an Arkansas school district:
- (1) That has the most statistically significant rate of dropouts;
 - (2) From which students may enroll in a regional community alternative learning environment center; and
 - (3) That is contiguous to other school districts that meet the criteria under subdivisions (a)(1) and (2) of this section.
- (b) An education service cooperative may receive funding from a local law enforcement agency, a state agency, or a federal agency, or from private donations, to employ one (1) or more truancy officers for a school district with a high dropout rate.
- (c) An education service cooperative may employ under this section:
- (1) One (1) truancy officer for each school district with a high dropout rate in its service area that has a student population of one thousand (1,000) or fewer students; and
 - (2) Two (2) truancy officers for each school district with a high dropout rate in its service area that:
 - (A) Is a countywide school district; or
 - (B) Has a student population of more than one thousand (1,000) students.
- (d) A truancy officer hired under this section shall complete:
- (1) The training requirements for juvenile intake and probation officer certification through the Administrative Office of the Courts; and
 - (2) Twelve (12) hours of continuing education annually as approved by the judge for the juvenile division of the circuit court for the county the truancy officer serves.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

A.C.A. § 6-11-209. Additional truancy officers - Definition.

- (d) A truancy officer hired under this section shall complete:
- (1) The training requirements for juvenile intake and probation officer certification through the Administrative Office of the Courts; and
 - (2) Twelve (12) hours of continuing education annually as approved by the judge for the juvenile division of the circuit court for the county the truancy officer serves.

A.C.A. § 12-9-501. Legislative determination.

(a) The Criminal Justice Institute, an educational entity, was created for the purpose of providing management education and training, technical assistance, practical research and evaluation, a clearinghouse, and computer and forensic education and training for Arkansas law enforcement and national law enforcement.

(b) The initiatives developed by the Criminal Justice Institute are applicable on a national level, and this application for conceptualization and practice will be through the National Center for Rural Law Enforcement.

(c)(1) The General Assembly recognizes the importance of providing management, education, and training to law enforcement and, through the initiatives developed by the Criminal Justice Institute, the citizens of the State of Arkansas will be better served.

(2) These initiatives further the enhancement of the workforce through the developmental process of continuing education by which skills are upgraded and capabilities increased.

(3) This process will assist law enforcement ability to adapt to an ever-changing environment.

(d)(1) The General Assembly further recognizes that:

(A) Law enforcement plays a significant role in preventing and responding to acts of violence, terrorism, and natural disasters that occur on public school campuses; and

(B) Matters of public school campus safety require specialized education and training for law enforcement officers, school resource officers, and other school personnel who respond to incidents on school campuses:

(i) To develop and maintain strong partnerships between school personnel and law enforcement in preventing and responding to acts of violence, terrorism, and natural disaster that occur on public school campuses; and

(ii) For law enforcement officers to operate effectively in a school setting.

(2) Initiatives of the Criminal Justice Institute for specialized education and training on public school campus safety will enhance citizen cooperation and understanding of law enforcement in these areas and other issues of crime and violence against school children.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

A.C.A. § 6-10-128. School resource officers.

(a) A school district board of directors may accept from a local law enforcement agency with jurisdiction a school resource officer to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned to the school resource officer by the school or law enforcement agency.

(b) A school resource officer shall be a certified law enforcement officer and shall have statewide jurisdiction as described under § 16-81-118.

A.C.A. § 6-11-209. Additional truancy officers - Definition.

(b) An education service cooperative may receive funding from a local law enforcement agency, a state agency, or a federal agency, or from private donations, to employ one (1) or more truancy officers for a school district with a high dropout rate.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
- (b) Such rules shall include without limitation the following requirements:
- (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2)(A) The school district's committee on personnel policies shall review annually:
 - (i) The school district's student discipline policies; and
 - (ii) State and district discipline data.
 - (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
 - (3) Student discipline policies shall include without limitation the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
 - (D) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
- (1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.
 - (B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;
 - (2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
 - (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school district board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions;
 - (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter;
 - (6) Include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion; and

- (7) Establish procedures for responding to reports received through the school safety and crisis line under § 6-18-111.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline, behavioral intervention, and classroom management training and support.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

A.C.A. § 6-5-901. Legislative Intent - Findings.

- (a) It is the intent of the General Assembly to expand the availability of positive youth development programs that incorporate the standards and recommendations of the Governor's Task Force on Best Practices for After-School and Summer Programs, including without limitation:
- (1) School-based and school-linked afterschool and summer programs;
 - (2) 21st Century Community Learning Centers;
 - (3) Boys and Girls Clubs of America;
 - (4) YMCAs;
 - (5) 4-H clubs; and
 - (6) School-age care programs.
- (b) The General Assembly finds that:
- (1) Positive youth development programs:
 - (A) Support working families by ensuring their children and youth are safe and productive during out-of-school time;
 - (B) Build strong communities by involving students, parents, business leaders, and adult volunteers in the lives of young people in positive and productive activities, including tutoring, games, and activities designed to improve math and literacy skills;
 - (C) May include community-based service and other experiences that offer rich and varied academic support and build workforce skills critical to employment and future economic success; and

(D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and

(2) Students participating in positive youth development programs:

(A) Have higher daily school attendance;

(B) Report higher aspirations toward finishing school and going to college;

(C) Have fewer discipline problems;

(D) Show significant gains in standardized test scores;

(E) Are more likely to have a positive view of themselves and their hope for the future;

(F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and

(G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.

A.C.A. § 6-5-902. Definitions.

As used in this subchapter:

(1) "Grant" means a Positive Youth Development Grant;

(2) "Positive youth development program" means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen (19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and

(3) "Program" means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education of the Department of Human Services.

A.C.A. § 6-5-903. Establishment - Participation.

(a)(1) The Division of Elementary and Secondary Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five (5) through nineteen (19) years of age once funding is available.

(2) The Division of Elementary and Secondary Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:

(1) Public school districts; and

(2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

A.C.A. § 6-5-904. Applications process - Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.

(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a positive youth development grant shall:

(1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;

- (2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, and faith-based and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and
- (3)(A) Provide matching funds in the ratio of twenty to eighty (20:80), unless the applicant is granted a waiver by the division.
- (B) The division may waive the required matching funds if:
- (i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school identified as targeted or comprehensive by the Department of Education; and
 - (ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.
- (C) The matching funds may consist of cash or appropriate in-kind services.
- (c) Preference shall be given to applications that:
- (1) Are developed collaboratively by public and nonpublic schools and private community based programs;
 - (2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;
 - (3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and
 - (4) Increase comprehensive positive youth development programs during the school year and summer.
- (d)(1) If the number of qualified applicants exceed the amount of available funding, the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.
- (2) If there is a funding shortage, priority consideration shall be given to programs in communities where:
- (A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and
 - (B) A public school district has been identified to receive Level 5 - Intensive support from the department.
- (e)(1) Grants shall be three-year awards to be distributed annually, as determined by the division.
- (2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.
 - (3) Grants are subject to the availability of funds each fiscal year.
- (f) Grant funds may be used for:
- (1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;
 - (2) Services that include children and youth where English is a second language;
 - (3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and
 - (4) A variety of activities including without limitation:
 - (A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;

- (B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;
- (C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;
- (D) Activities that address cultural diversity and inclusion;
- (E) Service learning or community service experiences;
- (F) Workforce development activities that link academic curriculum to actual work experiences;
- (G) Leadership development, mentoring, and other services to disconnected youth;
- (H) Enrichment activities not otherwise provided during the school day; and
- (I) Family and community engagement.

A.C.A. § 6-5-905. Criteria for need-based funding.

(a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:

- (1) A positive youth development program available in the community where the child resides; and
- (2) Available space for the child to attend the program.

(b) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of this section.

(c) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.

(d) The State Board of Education, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall adopt the appropriate criteria for identifying children and youth five through nineteen (5-19) years of age with the greatest need to participate in programs funded by the grant.

A.C.A. § 6-5-906. Evaluation.

(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the impacts of the Positive Youth Development Grant Program.

(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

- (2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.

(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award procedure rules adopted by the division.

(2) Outcome measures shall include without limitation:

- (A) Student achievement and academic skills;
- (B) School engagement;
- (C) Social, emotional, and behavioral development;
- (D) Health and wellness; and
- (E) Reduced contact with the judicial system.

(d) A minimum of one (1) time each year, the division shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the

Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Education, and the Senate Committee on Education.

A.C.A. § 6-18-112. School safety and crisis line fund - Report.

- (a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "ARSafeSchools Fund".
- (b) The fund shall consist of:
 - (1) Moneys obtained from private grants or other sources that are designated to be credited to the fund; and
 - (2) Any other funds authorized or provided by law.
- (c) The fund shall be used by the University of Arkansas for Medical Sciences Psychiatric Research Institute solely to create and maintain the ARSafeSchools school safety and crisis line under § 6-18-111.
- (d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.
- (e) The University of Arkansas for Medical Sciences Psychiatric Research Institute is not required to implement provisions of this section if the ARSafeSchools school safety and crisis line under § 6-18-111 is not funded.

A.C.A. § 6-18-504. Compliance with §§ 6-18-502 and 6-18-503.

- (a) The Division of Elementary and Secondary Education shall monitor compliance with the requirements of §§ 6-18-502 and 6-18-503, and the State Board of Education shall adopt rules for the administration of the requirements thereof.
- (b) Any school district failing to file with the division disciplinary policies that meet the requirements of this subchapter shall have all state aid funds withheld until such disciplinary policies are filed with the division.
- (c) Nothing in § 6-18-502, § 6-18-503, or this section, or any student discipline policies promulgated under § 6-18-502, shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

A.C.A. § 6-17-112. Corporal punishment - Immunity from liability - Definition.

(a)(1) Except as provided under subdivision (a)(2) of this section, teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.

(2) A teacher or administrator in a school district that authorizes use of corporal punishment in the school district's written student disciplinary policy is not immune from civil liability under subdivision (a)(1) of this section if the teacher or administrator uses corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

A.C.A. § 6-17-1113. School Worker Defense Program.

(a)(1) The Division of Elementary and Secondary Education shall establish a School Worker Defense Program for the protection under subdivision (a)(2) of this section of:

- (A) Education service cooperatives;
- (B) Education service cooperative board members;
- (C) School districts;
- (D) Public charter schools;
- (E) School district board members;
- (F) School treasurers and bookkeepers;
- (G) School nurses;
- (H) School secretaries;
- (I) Substitute teachers;
- (J) Authorized volunteers;
- (K) Volunteers in a registered volunteers program;
- (L) School custodians;
- (M) Food service workers employed by public schools;
- (N) Bus drivers and mechanics employed by public schools;
- (O) Maintenance personnel employed by public schools;
- (P) Each employee of the following who is required to hold an educator license issued by the division:
 - (i) A public school district;
 - (ii) The Arkansas School for Mathematics, Sciences, and the Arts;
 - (iii) The Arkansas School for the Deaf; and
 - (iv) The Arkansas School for the Blind;

(Q) A public charter school teacher;

(R) Each teacher's aide and each student teacher:

(i) In a public school district;

(ii) In a public charter school;

(iii) In the Arkansas School for Mathematics, Sciences, and the Arts;

(iv) In the Arkansas School for the Deaf; and

(v) In the Arkansas School for the Blind; and

(S) Each member of the dormitory staff of:

(i) The Arkansas School for Mathematics, Sciences, and the Arts;

(ii) The Arkansas School for the Deaf; and

(iii) The Arkansas School for the Blind.

(2)(A) This section provides protection against civil liability, attorney's fees, and costs of defense for acts or omissions of each employee or volunteer in the performance of his or her duties as a volunteer or his or her official duties as a school employee, including without limitation civil liability for administering corporal punishment to students, in the amount of two hundred fifty thousand dollars (\$250,000) for incidents that occurred before July 1, 1999, and one hundred fifty thousand dollars (\$150,000) for each incident that occurs after June 30, 1999.

(B) An employee or volunteer who administers corporal punishment to a child who is intellectually disabled, nonambulatory, nonverbal, or autistic is not subject to the protection against civil liability, attorney's fees, and costs of defense under subdivision (a)(2)(A) of this section.

(b)(1) The program is further authorized to provide limited financial reimbursement not to exceed five thousand dollars (\$5,000) for attorney's fees and costs for the defense of criminal charges if the covered person is exonerated by a court of law or if all charges are subsequently withdrawn or dismissed unless:

(A) Withdrawal or dismissal of the criminal charges is conditioned upon termination of employment or surrender of a professional license; or

(B) The covered person enters a plea of guilty or nolo contendere to the criminal charges.

(2) The School Worker Defense Program Advisory Board may authorize reimbursement under this subsection in excess of five thousand dollars (\$5,000) in matters that the advisory board finds to require extraordinary attorney's fees and costs.

(c)(1) The cost of the program shall be paid annually out of funds in the Public School Fund that are designated for that specific purpose.

(2) Any school districts previously covered by or moneys expended pursuant to the self-insurance program of the division or the School Worker Defense Program shall be deemed a proper expenditure of state funds.

(d) The investigation of any incident or the defense of any protected person does not waive or forfeit any immunity or authorization to provide for hearing and settling claims extended to educational entities and their personnel by the laws of the State of Arkansas.

(e)(1) The defense fund and protection program authorized in this section shall be a part of and administered by the division.

(2) The division shall adopt appropriate rules necessary to carry out the purposes of this section.

(f) Any person entitled to payment under the program may appeal the decision of the division to the advisory board.

A.C.A. § 6-18-110. Reports by mandated reporters - Failure to notify by mandated reported - Making a false report.

(g) A person who notifies law enforcement, in good faith, of a serious and imminent threat of violence in or targeted at a school that has been communicated to him or her in the course of his or her professional duties is immune from civil or criminal liability.

A.C.A. § 6-18-111. School safety and crisis line.

(c)(1) Personnel operating the school safety and crisis line shall, when necessary or as required by law, promptly forward a report received under subsection (b) of this section to appropriate:

- (A) School officials; or
- (B) Law enforcement agencies.

(2) An individual who acts in good faith under this section while operating the school safety and crisis line shall not be liable for civil damages for an act or omission taken in good faith while operating the school safety and crisis line so long as the act or omission does not constitute gross negligence or willful misconduct.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

A.C.A. § 6-15-1005. Safe, equitable, and accountable public schools.

(b)(1) The school climate will promote student achievement.

(2) (A) Every school and school district will enforce school district policies to ensure the safety of every student during school hours at school-sponsored activities.

(B) These policies will include, at a minimum, policies on weapons, violence, tobacco, alcohol, other drugs, gangs, and sexual harassment.

(3) Every school and school district will enforce a code of behavior for students that respects the rights of others and maintains a safe and orderly environment.

(4) Every school and school district will have in place a policy on addressing disruptive students.

(5)(A) Every school and school district will offer appropriate alternative education programs organized to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life and those students whose behavior interferes with their own learning or the educational process of others.

(B) School districts may serve the needs of these students through regional or cooperative efforts with other school districts.

(c) Local schools will work with parents, families, and business and community members to incorporate responsibility, character, self-discipline, civic responsibility, and positive work habits into adult contacts with students and to promote student demonstration of these behaviors.

A.C.A. § 6-18-226. Community truancy boards - Members - Duties.

(a) The local school district boards of directors may create a community truancy board or may use other boards that exist or are created such as diversion boards. However, a diversion or other existing board must agree before it is used as a community truancy board.

- (b) Members of the community truancy board shall be selected from representatives of the community.
- (c) Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies.
- (b) Such rules shall include without limitation the following requirements:
 - (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2)(A) The school district's committee on personnel policies shall review annually:
 - (i) The school district's student discipline policies; and
 - (ii) State and district discipline data.
 - (B) The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review under subdivision (b)(2)(A) of this section; and
 - (3) Student discipline policies shall include without limitation the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school district board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property; and
 - (D) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
 - (1)(A) Prescribe minimum and maximum penalties, including without limitation students' suspension or expulsion from school, for violations of any of the offenses described in subdivision (b)(3) of this section and for violations of other practices prohibited by school discipline policies.
 - (B) However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;
 - (2)(A) Prescribe expulsion from school for a period of one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
 - (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Arkansas provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Alternative Education, Arkansas Department of Education (ADE)	Provides information and resources on alternative education, including links to laws and regulations, core indicators for quality alternative education programs, and quality self-assessment tools.	http://www.arkansased.gov/divisions/learning-services/alternative-learning-environment
Family and Community Engagement Toolkit, Arkansas Division of Elementary & Secondary Education	Provides guidance and information on fostering and developing community engagement within schools.	http://dese.ade.arkansas.gov/im-looking-for/administrators
School Safety, ADE	Provides links to resources addressing cyber safety, anti-bullying and violence prevention, and training for educators and law enforcement professionals.	http://www.arkansased.gov/divisions/communications/safety
<i>Documents</i>		
Advisory Guidelines for the Use of Student Restraints in Public School or Educational Settings (2014), ADE	Advisory guidelines for using restraint in an educational setting.	http://www.arkansased.gov/public/userfiles/Learning_Services/Restraints/ADE_Advisory_Guidelines_for_the_Use_of_Student_Restraint_in_Public_School_or_Educational_Settings_2014.pdf
Arkansas Campaign for Grade-Level Reading, Leading Attendance in Arkansas	Toolkit for school administrators to help improve student attendance and reduce chronic absence rates.	http://www.leadingattendance.orglr.net/#intro

Title	Description	Website address (if applicable)
DESE Bullying Prevention Guidance (September 2019), ADE	Guidance document developed by the Arkansas Division of Elementary and Secondary Education (DESE) as required by Act 1029 to support public school districts and public charter schools in addressing the issue of school bullying.	http://dese.ade.arkansas.gov/public/userfiles/Communications/School_Safety/AR_DESE_Bullying_Prevention_Guidance_rv.pdf
<i>Other Resources</i>		
Arkansas School Performance Report Cards, ADE	Education data dashboard with searchable district and school report cards presenting data on range of educational indicators including test performance, teacher qualification, retention, and discipline.	https://adesrc.arkansas.gov/
Bullying Prevention Roles Visual, ADE	Visual presents bullying prevention roles for schools, families and community members.	http://dese.ade.arkansas.gov/divisions/communications/safety/anti-bullying
School Attendance Tracking Tool (SATT)	Data tool for use in analyzing school attendance data to determine needs for additional support.	http://www.leadingattendance.ar-qlr.net/analyze-data/