



# **Arkansas Compilation of School Discipline Laws and Regulations**

Prepared: March 31, 2021

## ***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 March 2021. 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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## **Arkansas State Codes Cited**

### **Arkansas Revised Statutes**

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

#### **Title 6. Education**

##### **Subtitle 1. General Provisions**

##### **Chapter 5. Miscellaneous Provisions Relating to Elementary, Secondary, and Higher Education**

###### **Subchapter 2. Hazing**

A.C.A. § 6-5-201. Definition

A.C.A. § 6-5-202. Prohibitions

A.C.A. § 6-5-204. Construction

##### **Subtitle 2. Elementary and Secondary Education Generally**

##### **Chapter 10. General Provisions**

A.C.A. § 6-10-128. School resource officers

##### **Chapter 11. Education**

###### **Subchapter 2. Career Education and Workforce Development Board**

A.C.A. § 6-11-209. Additional truancy officers - Definition

##### **Chapter 13. School Districts**

###### **Subchapter 13. Site-Based Decision Making**

A.C.A. § 6-13-1306. School council powers and duties

##### **Chapter 15. Educational Standards and Quality Generally**

###### **Subchapter 10. Arkansas Public Education Act of 1997**

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

###### **Subchapter 13. Safe Schools Committee**

A.C.A. § 6-15-1303. Safe schools initiative act

## **Subchapter 14. School Performance Report Act**

A.C.A. § 6-15-1402. Purpose - Report - Confidentiality - Rules

## **Chapter 16. Curriculum**

### **Subchapter 10. Health Education**

A.C.A. § 6-16-1004. Dating violence awareness

### **Subchapter 14. Digital Learning Act of 2013ed**

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

## **Chapter 17. Personnel**

### **Subchapter 1. General Provisions**

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

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

### **Subchapter 7. Professional Development**

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

### **Subchapter 11. Insurance**

A.C.A. § 6-17-1113. School worker defense program

### **Subchapter 28. Teacher Excellence and Support System**

A.C.A. § 6-17-2809. System of administrator leadership support and evaluations

## **Chapter 18. Students**

### **Subchapter 1. General Provisions**

A.C.A. § 6-18-110. Reports by mandated reporters - Failure to notify by mandated reporter - Making a false report

A.C.A. § 6-18-111. School safety and crisis line

### **Subchapter 2. Attendance**

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

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 - Definition

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

### **Subchapter 5. Discipline**

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

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

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

A.C.A. § 6-18-504. Compliance with §§ 6-18-502 and 6-18-503

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

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

A.C.A. § 6-18-511. Removal by teacher

A.C.A. § 6-18-513. Parental notification

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

A.C.A. § 6-18-516. Effective school discipline - Definition

## **Subchapter 20. School Counseling Improvement Act of 2019**

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

## **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

## **Title 16. Practice, Procedure, And Courts**

### **Subtitle 6. Criminal Procedure Generally**

#### **Chapter 81. Citation and Arrest**

##### **Subchapter 1. General Provisions**

A.C.A. § 16-81-118. Citation and arrest by a school resource officer — Definition

## **Title 17. Professions, Occupations, and Businesses**

### **Subtitle 2. Nonmedical Professions**

#### **Chapter 40. Private Investigators and Private Security Agencies**

##### **Subchapter 2. Administration by the Division of Arkansas State Police**

A.C.A. § 17-40-208. Training of personnel.

## **Title 19. Public Finance**

### **Chapter 12. Tobacco Settlement Proceeds Act**

#### **Subchapter 1. Tobacco Settlement Proceeds Act**

A.C.A. § 19-12-113. Establishment and administration of prevention and cessation programs

## **Arkansas Regulations**

### **Arkansas Administrative Rules**

#### **Department of Education**

##### **Division of Learning Services**

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

#### **Arkansas Division of Elementary and Secondary Education**

##### **Current Rules**

[005.01.020.](#) Rules governing documents posted to school district and education service cooperative websites

[005.15.022.](#) ADE guidelines for development, review, and revision of school district student discipline and school safety policies

[005.19.007.](#) Rules governing standards for accreditation of Arkansas public schools and school districts

[005.22.017.](#) Rules governing professional development

[005.23.001.](#) Rules and regulations governing duty to report student criminal acts

##### **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



## ***Codes of Conduct***

### **Authority to Develop and Establish Codes of Conduct**

#### **LAWS**

##### **A.C.A. § 6-13-1306. School council powers and duties.**

The school council established under this subchapter may implement policies in the following areas:

- (2) Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal.

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

(b)(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.

##### **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. Rules 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. [...]

(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 - Definition.**

(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.

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

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

## REGULATIONS

### **005.15.022-1.00. Title.**

1.01 These rules shall be known as the Arkansas Division of Elementary and Secondary Education (Division) Rules Governing Student Discipline and School Safety.

### **005.15.022-3.00. Purpose.**

3.01 These rules are designed to assist local school districts with the development, review and revision of student discipline and school safety policies.

### **005.15.022-5.00. Student discipline.**

5.01 Each school district in this state shall develop written student discipline policies in compliance with these rules and shall file the policies with the Division by posting the policies on the school district's website no later than August 1 each year.

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

5.02.1 School districts should attempt 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.

### **005.19.007-Appendix. Rules governing standards for accreditation of Arkansas public schools and school districts.**

#### Standard 1-B Academic Policies

1-B.1 Each public school district shall engage parents, staff, and students in the adoption or review of the written discipline policies, including a code of student behavior, in accordance with the laws of the State of Arkansas and the rules of the Division. The public school district shall notify the parent(s) or guardian and students of the rules and procedures by which the school is governed and require a signed acknowledgement from the parent(s) or guardian that they have received the school's discipline policies.

## Scope

## LAWS

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

(b)(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.

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

(f)(2) The policies shall:

(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.

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

(a) As used in this section:

- (1) "School official" means any public school employee receiving compensation for services from any public school system in the State of Arkansas;
- (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.

(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.

**REGULATIONS**

**005.15.022-6.00. Anti-bullying.**

6.02 Each public school district board of directors shall adopt policies to prevent bullying. The policies shall:

6.02.2 Prohibit 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.

**Communication of Policy**

**LAWS**

**005.01.020-4.00. Policy, data, and informational documents to be accessible on website.**

4.01 By August 1 of each year, the following data and information are required to be posted to the school district's website:

4.01.2 The written discipline policies [...]

4.01.5 The written bullying policies adopted in accordance with Ark. Code Ann. § 6-18-514., unless the policies are contained in the student handbook.

**A.C.A. § 6-15-1402. Purpose - Report - Confidentiality - Rules.**

(2) The school performance report for elementary schools shall:

(B) Indicate separately whether:

(i) The school distributed the school's student discipline policy to parents.

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

(3) A copy of the school district's student attendance policy or the Career Education and Workforce Development Board'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.

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

(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.

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

(f)(2) The policies shall:

(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. [...]

(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. [...]

(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.

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

(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.

**REGULATIONS**

**005.15.022-5.00. Student discipline.**

5.01 Each school district in this state shall develop written student discipline policies in compliance with these rules and shall file the policies with the Division by posting the policies on the school district's website no later than August 1 each year.

**005.15.022-6.00. Anti-bullying.**

6.02 Each public school district board of directors shall adopt policies to prevent bullying. The policies shall:

6.02.7 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;

6.02.8 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;

6.02.9 Require that a full copy of the policy be made available upon request. [...]

6.03 A notice of the public school district's policies shall appear in any 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 the student handbook.

**005.19.007-Appendix. Rules governing standards for accreditation of Arkansas public schools and school districts.**

Standard 1-B Academic Policies

1-B.2 Annually by August 1, each public school district shall post its written discipline policies on the district website under State - Required Information.

## ***In-School Discipline***

### **Discipline Frameworks**

#### **LAWS**

##### **A.C.A. § 6-18-502. Rules 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 - Definition.**

(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.

**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**

### **005.15.022-5.00. Student discipline.**

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

5.11.1 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

5.11.2 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.

5.11.3 If a teacher removes a student from class in accordance with 5.11, the principal or his or her designee may:

5.11.3.1 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 policies, and state and federal law and rules;

5.11.3.2 Return the student to the class; or

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



# 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.

## REGULATIONS

### **005.15.022-5.00. Student discipline.**

- 5.11.3.1 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 policies, and state and federal law and rules.

## ***Conditions on Use of Certain Forms of Discipline***

### **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 discipline 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, nonambulatory, nonverbal, 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)(2)(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.

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

(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. [...]

(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.

##### **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.

## REGULATIONS

### **005.15.022-5.00. Student discipline.**

5.21 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.

5.21.1 A school district that authorizes use of corporal punishment, shall not:

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

5.21.1.2 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.

## Search and Seizure

### LAWS

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

(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.

### REGULATIONS

#### **005.15.022-5.00. Student discipline.**

5.04.6 Include a provision for the seizure by school personnel of hand-held laser pointers in the possession of students.

## Restraint and Seclusion

### LAWS

No relevant laws found.

## **REGULATIONS**

### **005.18.020-20.01. General.**

20.01.1 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.

20.01.2 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.

### **005.18.020-20.02. Definition.**

20.02.1 Time-out

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

### **005.18.020-20.03. Restrictions on the use of a time-out seclusion room.**

20.03.1 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.

20.03.2 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.

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

20.03.3.1 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.

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

20.03.3.3 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.

20.03.4 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.)

### **005.18.020-20.04. Guidelines for appropriate use of a time-out seclusion room.**

20.04.1 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.

20.04.2 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.

20.04.3 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.

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

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

20.04.5.1 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.

20.04.5.2 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.)

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

#### 20.04.6 Time Spent In Time-Out Seclusion Room

20.04.6.1 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.

20.04.6.2 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.

20.04.6.3 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).

20.04.6.4 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.

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

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

20.04.8 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.

20.04.8.1 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.

20.04.8.2 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.

#### 20.04.9 If A Time-Out Room Is To Be Employed, The Time-Out Room Should

- 20.04.9.1 Be at least 4' X 4' and no larger than 6' X 6' in size;
- 20.04.9.2 Be properly lighted (preferably recessed lighting, with switches outside the room). Lighting should remain on at all times;

20.04.9.3 Be properly ventilated;

20.04.9.4 Be free of objects and fixtures;

20.04.9.5 Provide the means by which an adult can continuously monitor, visually and auditorily, the student's behavior;

20.04.9.6 The door should be such that it cannot be locked; and

20.04.9.7 Meet state and county fire and safety codes.

20.04.10 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.

## ***Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement***

### **Grounds for Suspension or Expulsion**

#### **LAWS**

##### **A.C.A. § 6-5-202. Prohibitions.**

(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. Rules for development of school district student discipline policies.**

(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.

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

(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.

##### **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. [...]

(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**

##### **005.15.022-5.00. Student discipline.**

5.04 Student discipline policies shall:

5.04.1 Prescribe minimum and maximum penalties, including without limitation, students' suspension or expulsion from school, for violations of any of the offenses listed in 5.03 above, and for violations of other practices prohibited by school discipline policies; however, the superintendent shall have discretion to modify the prescribed penalties for a student on a caseby- case basis. [...]

5.13 The board of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, with the following exceptions:

5.13.1 A school district shall not use out-of-school suspension as a discipline measure for truancy; and

5.13.2 A 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:

5.13.2.1 Poses a physical risk to himself or herself or to others; or

5.13.2.2 Causes a serious disruption that cannot be addressed through other means.

## **Limitations or Conditions on Exclusionary Discipline**

### **LAWS**

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

(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.

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

(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.

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

(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.



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

(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.

**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.

**REGULATIONS**

**005.15.022-5.00. Student discipline.**

5.04 Student discipline policies shall:

5.04.1 Prescribe minimum and maximum penalties, including without limitation, students' suspension or expulsion from school, for violations of any of the offenses listed in 5.03 above, and for violations of other practices prohibited by school discipline policies; however, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis;

5.04.2 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, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

5.04.2.1 The policy shall require parents, guardians, or other persons in loco parentis of a student expelled for possession of a firearm or other prohibited weapon 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.

5.04.2.2 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 the expulsion.

5.04.2.3 School administrators and the local school district board 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.

**Due Process**

**LAWS**

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

(4)(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)(i) 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.

(ii) 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.

#### **A.C.A. § 6-18-502. Rules for 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. § 6-18-507. Suspension - Expulsion - Definitions.**

(d)(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.

#### **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**

#### **005.15.022-5.00. Student discipline.**

5.04.3 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. [...]

5.16 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.

5.16.1 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.

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

5.16.3 A school district board 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.

## **Return to School Following Removal**

### **LAWS**

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

(e)(2)(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.

#### **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.

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

(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:

(2) Return the student to the class. [...]

(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**

#### **005.15.022-5.00. Student discipline.**

5.04.2.2 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 the expulsion. [...]

5.11.3 If a teacher removes a student from class in accordance with 5.11, the principal or his or her designee may:

5.11.3.2 Return the student to the class. [...]

5.11.4 If a teacher removes a student from class, in accordance with 5.11, two (2) times during any nine-week grading period or its equivalent, 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:

5.11.4.1 The principal or the principal's designee;

5.11.4.2 The teacher;

5.11.4.3 The school counselor;

5.11.4.4 The parents, guardians, or persons in loco parentis; and

5.11.4.5 The student, if appropriate.

5.11.4.6 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, provided that the parents, guardians, or persons in loco parentis have been offered the opportunity to participate.

## **Alternative Placements**

### **LAWS**

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

(b)(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.

#### **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. § 6-18-226. 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. Rules for development of school district student discipline policies.**

(c) The school discipline policies shall:

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

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

(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.

**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 assigns the alternative learning environment a separate local education agency number.

**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 division's accreditation review of a school district under § 6-15-202, the division 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 division 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 Committee on Education and the Senate 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**

### **005.15.022-5.00. Student discipline.**

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

5.04.10 Include provisions for 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. Behavioral problems include being at risk of not satisfactorily completing a high school education. [...]

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

5.11.3 If a teacher removes a student from class in accordance with 5.11, the principal or his or her designee may:

5.11.3.1 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 policies, and state and federal law and rules. [...]

5.18 A public school district or open-enrollment public charter school that expels a student, 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.

### **005.19.007-Appendix. Rules governing standards for accreditation of Arkansas public schools and school districts.**

Standard 2-I Alternative Education Services

2-I.1 Each public school district shall provide appropriate alternative programs for students who are identified as requiring such programs to continue their education.

## ***Discipline Addressing Specific Code of Conduct Violations***

### **Firearms and Other Weapons Violations**

#### **LAWS**

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

(b)(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.

##### **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. § 6-17-113. Duty to report and investigate student criminal acts - Definitions.**

(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)(1) 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.

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

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

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

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

(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)(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. [...]

(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.

**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. [...]

(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**

**005.15.022-5.00. Student discipline.**

5.03 Student discipline policies shall include, without limitation, the following offenses:

5.03.2 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. [...]

5.04 Student discipline policies shall:

5.04.2 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, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

5.04.2.1 The policy shall require parents, guardians, or other persons in loco parentis of a student expelled for possession of a firearm or other prohibited weapon 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.

5.04.2.2 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 the expulsion.

5.04.2.3 School administrators and the local school district board 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. [...]

5.19 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.

5.19.1 The expulsion shall be noted on the student's permanent school record.

5.19.2 Nothing in Section 5.19 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.

5.19.3 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.

#### **005.23.001-3.00. Definitions.**

For the purposes of these rules and regulations:

3.08 'Deadly weapon' means a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious physical injury, or adapted for the purpose of inflicting death or serious physical injury; or

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

3.08.2 '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.

#### **005.23.001-4.00. School reporting responsibility.**

4.01 The principal or designee who has personal knowledge or who has received information leading to a reasonable belief that any person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision/authority shall immediately report the incident to the superintendent or designee.

4.02 The principal or designee who has personal knowledge or who 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 shall report the incident to the superintendent or designee and the appropriate local law enforcement agency.

4.03 Behavior is considered to be a threat if a reasonable person would believe the actor could and would carry out the threatened behavior and if a reasonable person would be placed in fear of his life or safety.

4.04 The phrase "any crime involving a deadly weapon" requires the commission of a crime using a deadly weapon as previously defined. With the exception of firearms or items which are in and of themselves illegal, mere possession, without more, is not sufficient to trigger reporting requirements.

4.05 The superintendent, or his designee, shall notify the local school board of any report made to law enforcement under this section.

## **Students with Chronic Disciplinary Issues**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Chronic Absenteeism and Truancy**

### **LAWS**

#### **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.
- (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.

#### **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. § 6-18-221. Cooperation of law enforcement agencies.**

- (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 - Definition.**

(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)(A) The Career Education and Workforce Development Board shall adopt a student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in an adult education program.

(B) 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 Career Education and Workforce Development Board'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 (½) the total number of absences permitted per semester under the school district's or the Career Education and Workforce Development Board'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)(i) 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.

(ii) 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 Career Education and Workforce Development Board'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.

#### **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. § 6-18-507. Suspension - Expulsion - Definitions.**

(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.

**REGULATIONS**

**005.15.022-5.00. Student discipline.**

5.13 The board of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, with the following exceptions:

5.13.1 A school district shall not use out-of-school suspension as a discipline measure for truancy.

**005.19.007-Appendix. Rules governing standards for accreditation of Arkansas public schools and school districts.**

Standard 2-B Attendance and Enrollment

2-B.1 Each public school district board of directors shall adopt a student attendance policy and include the attendance policy in the student handbook.

**Substance Use**

**LAWS**

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

(b)(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.

**A.C.A. § 6-18-111. School safety and crisis line.**

(b) The school safety and crisis line under this section shall:

(1) Provide a means for a student to anonymously report:

(F) Issues involving drug abuse or alcohol abuse, or both, regarding the student or another individual whom the student knows.

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

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

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

**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.

**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).

**A.C.A. § 19-12-113. Establishment and administration of prevention and cessation programs.**

(c) The Tobacco Prevention and Cessation Program shall be comprised of components approved by the State Board of Health. The program components selected by the board shall include:

- (2) local school programs for education and prevention in grades kindergarten through twelve (K-12) that should include school nurses, where appropriate.

**REGULATIONS**

**005.15.022-5.00. Student discipline.**

5.03 Student discipline policies shall include, without limitation, the following offenses:

- 5.03.3 Using, offering for sale, or selling, beer, alcoholic beverages, or other illicit drugs, by students on school property.

**Gang-related Activity**

**LAWS**

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

(b)(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.

**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. § 6-18-2002. Definitions.**

As used in this subchapter:

(2) "Direct services" means services that are provided through face-to-face contact with students, including without limitation:

(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 who are:

- (i) At risk of dropping out of school; or
- (ii) Exhibiting dangerous behaviors, such as drug use, self-harm, or gang activity.

**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 information of a person's choosing between or among points specified by the person without change in the form or content of the information as sent and received;

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

**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.

**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. § 6-18-514. 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) "Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:

(A) 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

(B) Incite violence against a student, public school employee, or person with whom the other student or public school employee is associated;

(4) "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;

(5) "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

(6) "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 or complaint of 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 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 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 July 24, 2019; 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.

**A.C.A. § 6-18-111. School safety and crisis line.**

(b) The school safety and crisis line under this section shall:

(1) Provide a means for a student to anonymously report:

(B) Incidents of bullying, harassment, or hazing, including without limitation conduct described in § 6-18-514.

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

(b)(2) Direct and indirect services may be provided in collaboration with other school personnel and include without limitation:

(F) Providing social and emotional skills designed to support students, including without limitation programs:

(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.

**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) 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. § 6-5-204. Construction.**

Nothing in this subchapter shall be construed as in any manner affecting or repealing any law of this state respecting any other criminal offense.

## **REGULATIONS**

### **005.15.022-4.00. Definitions.**

4.02 "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:

4.02.1 Physical harm to a public school employee or student or damage to the public school employee's or student's property;

- 4.02.2 Substantial interference with a student's education or with a public school employee's role in education;
- 4.02.3 A hostile educational environment for one (1) or more student or public school employees due to the severity, persistence, or pervasiveness of the act; or
- 4.02.4 Substantial disruption of the orderly operation of the school or educational environment; and
- 4.02.5 Includes cyberbullying. [...]
- 4.04 "Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:
  - 4.04.1 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
  - 4.04.2 Incite violence to a student, public school employee, or person with whom the other student or public school employee is associated. [...]
- 4.06 "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. [...]
- 4.09 "Substantial disruption" means without limitation that any one (1) or more of the following occur as a result of the bullying:
  - 4.09.1 Necessary cessation of instruction or educational activities;
  - 4.09.2 Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
  - 4.09.3 Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
  - 4.09.4 Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

**005.15.022-6.00. Anti-bullying.**

- 6.01 Bullying of a public school student or a public school employee is prohibited.
- 6.02 Each public school district board of directors shall adopt policies to prevent bullying. The policies shall:
  - 6.02.1 Clearly define conduct that constitutes bullying and shall include the definition contained in Ark. Code Ann. § 6-18-514. and these rules;
  - 6.02.2 Prohibit 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;
  - 6.02.3 Prohibit cyberbullying that results in the substantial disruption of the orderly operation of the school or educational environment, 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;
  - 6.02.4 State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;
  - 6.02.5 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;
  - 6.02.6 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;

- 6.02.7 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;
- 6.02.8 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;
- 6.02.9 Require that a full copy of the policy be made available upon request;
- 6.02.10 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; and
- 6.02.11 Include information on how to make an anonymous report to the school safety and crisis line under Ark. Code Ann. § 6-18-111.
- 6.03 A notice of the public school district's policies shall appear in any 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 the student handbook.
- 6.04 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.
- 6.05 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.
- 6.06 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.
- 6.07 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.
- 6.08 The public school district shall provide the Division with the website address at which a copy of the policies adopted in compliance with these rules may be found.
- 6.09 Nothing in these rules shall be construed to:
- 6.09.1 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 these rules;
  - 6.09.2 Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly;
  - 6.09.3 Affect the provisions of any collective bargaining agreement or individual contract of employment in effect on July 24, 2019; or
  - 6.09.4 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.
- 6.10 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:
- 6.10.1 As soon as reasonably practicable:
    - 6.10.1.1 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 or complaint of bullying; and
    - 6.10.1.2 Prepare a written report of the alleged incident of bullying; and
  - 6.10.2 Promptly investigate the credible report or complaint.



6.10.2.1 The investigation 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.

6.10.2.2 Following the completion of the investigation into the alleged incident of bullying, an individual licensed as a public school district building-level administrator or his or her designee may without limitation:

6.10.2.2.1 Provide intervention services;

6.10.2.2.2 Establish training programs to reduce bullying;

6.10.2.2.3 Impose discipline on any of the parties involved in the incident of bullying in accordance with state and federal law and rules and district policy;

6.10.2.2.4 Recommend counseling for any of the parties involved in the incident of bullying; or

6.10.2.2.5 Take or recommend other appropriate action.

6.10.3 Notify the parent or legal guardian of the student who is determined to have been the perpetrator of the incident of bullying:

6.10.3.1 Upon completion of the investigation; and

6.10.3.2 Regarding the consequences of continued incidents of bullying.

6.10.3.3 A parent or legal guardian of a student who is the victim or perpetrator of an incident of bullying 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:

6.10.3.3.1 That a credible report or complaint of bullying exists;

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

6.10.3.3.3 Whether action was taken upon the conclusion of the investigation of the alleged incident of bullying; and

6.10.3.3.4 Information regarding the reporting of another incident of bullying.

6.10.4 Make a written record of the investigation and any action taken as a result of the investigation.

6.10.4.1 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

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

6.11 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.

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

3.00 Definition

3.01 "Student services program" means a coordinated effort, which shall include, without limitation:

3.01.5 Group conflict resolution services, which shall include, without limitation:

3.01.5.1 Educational and social programs that help students develop skills enabling them to resolve differences and conflicts between groups;

3.01.5.2 Programs designed to promote understanding, positive communication, and greater utilization of a race relations specialist or human relations specialist to assist in the development of intergroup skills; and

3.01.5.3 Programs designed to prevent bullying.

#### **005.22.017-8.00. Professional development criteria.**

8.02 Approved professional development activities shall relate to the following Focus Areas:

8.02.14 Student health and wellness, which may include but is not limited to:

8.02.14.1 Antbullying policies.

#### **005.22.017-9.00. School and school district professional development plans.**

9.01 Each school district and school shall develop and implement a professional development plan.

9.01.2 An educator may count toward the annual minimum professional development required under these rules each hour of training included in the professional development plan that is mandated by law or by rule, including without limitation in the following areas:

9.01.2.6 Anti-bullying policies under A.C.A. § 6-18-514.

## **Dating and Relationship Violence**

### **LAWS**

#### **A.C.A. § 6-16-1004. Dating violence awareness.**

(a) Annually, in either the month of October for a one-semester course taught in the fall or the month of February for a one-semester course taught in the spring, a unit on dating violence awareness shall be taught as a component of a health course offered in grades seven through twelve (7-12).

(b) A unit on dating violence awareness shall:

- (1) Focus on healthy relationships, including the characteristics of healthy relationships;
- (2) Teach students the definition of dating violence and abuse, including without limitation:
  - (A) Warning signs of dating violence and abusive behavior; and
  - (B) Measures to stop or prevent dating violence and abusive behavior;
- (3) Inform students about resources and reporting procedures for dating violence or abuse; and
- (4) Examine the common misconceptions and stereotypes about dating violence and abuse.

(c)(1) Materials used to teach a unit in dating violence awareness shall be age appropriate.

(2) Information provided shall be objective and based on scientific research that is peer-reviewed and accepted by professionals and credentialed experts in the field of health education.

(d) The Division of Elementary and Secondary Education shall annually provide a list of source materials available for school districts to use to teach a unit on dating violence awareness, including without limitation materials from:

- (1) The Arkansas Coalition Against Domestic Violence;
- (2) The Centers for Disease Control and Prevention;
- (3) The National Domestic Violence Hotline;
- (4) The National Institutes of Health; and
- (5) Other sources of scientifically based research that are peer-reviewed.

## **REGULATIONS**

No relevant regulations found.

## ***Prevention, Behavioral Intervention, and Supports***

### **State Model Policies and Implementation Support**

#### **LAWS**

##### **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. § 6-18-226. 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. § 6-18-516. Effective school discipline - Definition.**

(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.

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

(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.

**REGULATIONS**

No relevant regulations found.

## **Multi-tiered Frameworks and Systems of Support**

**LAWS**

**A.C.A. § 6-17-2809. System of administrator leadership support and evaluations.**

(a)(1) The Division of Elementary and Secondary Education shall design a system of administrator leadership support and evaluations that:

(B) Uses multi-tiered systems of professional support and learning for what a leader should know and be able to do.

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

(b)(2)(G)(ii) Response-to-intervention teams; [...]

(v) Positive behavioral intervention support programs [...]

(c)(2)(C)(ii) Response-to-intervention teams; [...]

(v) Positive behavioral intervention support programs.

**REGULATIONS**

No relevant regulations found.

## **Prevention**

**LAWS**

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

(b)(2) Direct and indirect services may be provided in collaboration with other school personnel and include without limitation:

(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.

**REGULATIONS**

No relevant regulations found.

## Social-emotional Learning (SEL)

### LAWS

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

(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. § 6-18-2003. 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. [...]

(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.

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

(b)(2) Direct and indirect services may be provided in collaboration with other school personnel and include without limitation:

(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.

### REGULATIONS

No relevant regulations found.

## Trauma-informed Practices

### LAWS

#### A.C.A. § 17-40-208. Training of personnel.

(d) For a commissioned school security officer, the minimum training requirements under this chapter include without limitation the following topics:

(7) Trauma care.

### REGULATIONS

No relevant regulations found.

## Mental Health Literacy Training

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## **School-based Behavioral Health Programs**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***Monitoring and Accountability***

### **Formal Incident Reporting of Conduct Violations**

#### **LAWS**

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

(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)(1) 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.

(2) 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.

(3) 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.

(4) The superintendent or his or her designee shall notify the local school district 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)(A) 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.

(B) The report shall state:

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

(ii) 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

(iii) 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. § 6-18-514. Antibullying policies - Definitions.**

(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 or complaint of bullying; and

(B) Prepare a written report of the alleged incident of bullying. [...]

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

(f)(2) The policies shall:

(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.

### **REGULATIONS**

#### **005.15.022-6.00. Anti-bullying.**

6.02 Each public school district board of directors shall adopt policies to prevent bullying. The policies shall:

6.02.10 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.

#### **005.23.001-1.00. Regulatory authority.**

1.01 These regulations shall be known as Arkansas Department of Education regulations governing the duty of school principals or other persons in charge of a public school to report criminal acts.

#### **005.23.001-2.00. Purpose of regulations.**

The purpose of these regulations is to provide guidelines under which schools will report all threats of violence or acts of violence on school property.

#### **005.23.001-4.00. School reporting responsibility.**

4.01 The principal or designee who has personal knowledge or who has received information leading to a reasonable belief that any person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision/authority shall immediately report the incident to the superintendent or designee.

4.02 The principal or designee who has personal knowledge or who 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 shall report the incident to the superintendent or designee and the appropriate local law enforcement agency.

4.03 Behavior is considered to be a threat if a reasonable person would believe the actor could and would carry out the threatened behavior and if a reasonable person would be placed in fear of his life or safety.

4.04 The phrase "any crime involving a deadly weapon" requires the commission of a crime using a deadly weapon as previously defined. With the exception of firearms or items which are in and of themselves illegal, mere possession, without more, is not sufficient to trigger reporting requirements.

4.05 The superintendent, or his designee, shall notify the local school board of any report made to law enforcement under this section.

## Parental Notification

### LAWS

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

(4)(A)(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. [...]

(5)(A) When a student exceeds the number of unexcused absences provided for in the district's or the Career Education and Workforce Development Board'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.

#### **A.C.A. § 6-18-502. Rules for 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. § 6-18-507. Suspension - Expulsion - Definitions.**

(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.

**A.C.A. § 6-18-513. Parental notification.**

(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.

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

(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 or complaint of bullying. [...]

(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.

**REGULATIONS**

**005.15.022-5.00. Student discipline.**

5.04.3 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. [...]

5.04.11 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.

5.04.11.1 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. [...]

5.06.2 The school 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. [...]

5.17 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.

5.17.1 Each parent or legal guardian shall provide the school:

5.17.1.1 A primary call number. If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;

5.17.1.2 An email address if the parent or legal guardian does not have a telephone; or

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

5.17.2 The contact required in this subsection is sufficient if made by:

5.17.2.1 Direct contact with the parent or legal guardian at the primary call number or in person;

5.17.2.2 Leaving a voice mail at the primary call number;

5.17.2.3 Sending a text message to the primary call number;

5.17.2.4 Email if the school is unable to make contact through the primary call number; or

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

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

5.17.4 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.

#### **005.15.022-6.00. Anti-bullying.**

6.10 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:

6.10.1 As soon as reasonably practicable:

6.10.1.1 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 or complaint of bullying. [...]

6.10.3 Notify the parent or legal guardian of the student who is determined to have been the perpetrator of the incident of bullying:

6.10.3.1 Upon completion of the investigation; and

6.10.3.2 Regarding the consequences of continued incidents of bullying.

6.10.3.3 A parent or legal guardian of a student who is the victim or perpetrator of an incident of bullying 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:

- 6.10.3.3.1 That a credible report or complaint of bullying exists;
- 6.10.3.3.2 Whether the credible report or complaint of bullying was found to be true based on the investigation;
- 6.10.3.3.3 Whether action was taken upon the conclusion of the investigation of the alleged incident of bullying; and
- 6.10.3.3.4 Information regarding the reporting of another incident of bullying.

## **Data Collection, Review, and Reporting of Discipline Policies and Actions**

### **LAWS**

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

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

#### **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. § 6-18-514. Antibullying policies - Definitions.**

- (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.

#### **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**

### **005.15.022-5.00. Student discipline.**

5.07 The student discipline policies and State and district discipline data shall be reviewed annually by the school district's committee on personnel policies. The committee may recommend changes in the policies to the board of directors of the local school district based on the committee's review. [...]

5.19 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.

5.19.1 The expulsion shall be noted on the student's permanent school record.

5.19.2 Nothing in Section 5.19 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.

5.19.3 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.

### **005.15.022-6.00. Anti-bullying.**

6.11 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.

## ***Partnerships between Schools and Law Enforcement***

### **Referrals to Law Enforcement**

#### **LAWS**

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

(b)(1) 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.

(2) 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.

(3) 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.

(4) The superintendent or his or her designee shall notify the local school district board of directors of any report made to law enforcement under this section.

##### **A.C.A. § 6-18-110. Reports by mandated reporters - Failure to notify by mandated reporter - 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:

- (1) A childcare worker or foster care worker;
- (2) A coroner;
- (3) A daycare center worker;
- (4) A dentist;
- (5) A dental hygienist;
- (6) A domestic abuse advocate;
- (7) A domestic violence shelter employee;
- (8) A domestic violence shelter volunteer;
- (9) An employee of the Department of Human Services;
- (10) An employee working under contract for the Division of Youth Services;
- (11) A foster parent;
- (12) A judge;
- (13) A law enforcement official;
- (14) A licensed nurse;
- (15) Medical personnel who may be engaged in the admission, examination, care, or treatment of a person;
- (16) A mental health professional or paraprofessional;
- (17) An osteopath;

- (18) A peace officer;
  - (19) A physician;
  - (20) A prosecuting attorney;
  - (21) A resident intern;
  - (22) A public or private school counselor;
  - (23) A school official;
  - (24) A social worker;
  - (25) A surgeon;
  - (26) A teacher;
  - (27) A court-appointed special advocate program staff member or volunteer;
  - (28) A juvenile intake or probation officer;
  - (29) A clergy member, including a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or a person reasonably believed to be so by the individual consulting him or her unless the clergy member acquires knowledge of the serious and imminent threat of violence in or targeted at a school through a communication that is required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith;
  - (30) An employee of a child advocacy center or a child safety center;
  - (31) An attorney ad litem in the course of his or her duties as an attorney ad litem;
  - (32)(A) A sexual abuse advocate or sexual abuse volunteer who works with a victim of sexual abuse as an employee of a community-based victim service or mental health agency such as the Safe Place program of the National Safe Place Network, United Family Services, Inc., or the Centers for Youth and Families, Inc.
    - (B) A sexual abuse advocate or sexual abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;
  - (33) A rape crisis advocate or rape crisis volunteer;
  - (34)(A) A child abuse advocate or child abuse volunteer who works with a child victim of abuse or maltreatment as an employee of a community-based victim service or a mental health agency such as the Safe Place program of the National Safe Place Network, United Family Services, Inc., or the Centers for Youth and Families, Inc.
    - (B) A child abuse advocate or child abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;
  - (35) A victim or witness coordinator;
  - (36) A victim assistance professional or victim assistance volunteer;
  - (37) An employee of the Crimes Against Children Division;
  - (38) An employee of a reproductive healthcare facility;
  - (39) A volunteer at a reproductive healthcare facility; and
  - (40) An individual not otherwise identified in this subsection who is engaged in performing his or her employment duties with a nonprofit charitable organization other than a nonprofit hospital.
- (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.



(c)(1) A person listed as a mandated reporter under subsection (a) of this section commits the offense of failure to notify by a mandated reporter in the first degree if he or she knowingly fails to notify law enforcement 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.

(2) Failure to notify by a mandated reporter in the first degree is a Class A misdemeanor.

(d)(1) A person listed as a mandated reporter under subsection (a) of this section commits the offense of failure to notify by a mandated reporter in the second degree if he or she recklessly fails to notify law enforcement 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.

(2) Failure to notify by a mandated reporter in the second degree is a Class C misdemeanor.

(e)(1) A person commits the offense of making a false report under this section if he or she purposely makes a report containing a false allegation to law enforcement knowing the allegation to be false.

(2) The first offense of making a false report under subdivision (e)(1) of this section is a Class A misdemeanor.

(3) A subsequent offense of making a false report under subdivision (e)(1) of this section is a Class D felony.

(f) Law enforcement may file a petition in the appropriate court seeking imposition of penalties for a violation of this section.

(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.

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

(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. § 6-18-513. 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.

**A.C.A. § 16-81-118. Citation and arrest by a school resource officer - Definition.**

(a) As used in this section, "school resource officer" means a school resource officer as described under § 6-10-128.

(b) A school resource officer may issue a citation to a person to appear in the local district court having jurisdiction over the place where a violation of state law occurred even if the school resource officer is outside of his or her jurisdiction if:

- (1) The school resource officer is accompanying students on a school-sanctioned event that takes the students outside the county in which the school is located;
- (2) The violation of state law is in conjunction with criminal activity that directly involves the students, school employees, or other persons participating in, observing, or assisting the school-sanctioned event; and
- (3) The person who is the recipient of the citation is a student, school employee, or other person participating in, observing, or assisting the school-sanctioned event.

(c) The school resource officer shall use a citation book that substantially complies with the citation requirements under § 16-10-205.

(d)(1) A citation issued under this section is not valid unless the school resource officer provides at a minimum:

- (A) The address and phone number of the district court having jurisdiction;
- (B) The date and time when the recipient of the citation is to appear in the district court;
- (C) A cite to the specific state law that was alleged to have been violated;
- (D) The printed name and date of birth of the person receiving the citation; and
- (E)(i) An opportunity for the person receiving the citation to sign the citation.
  - (ii) If the person who is to receive the citation refuses to sign the citation, the school resource officer is required to arrest the person and deliver him or her to the local law enforcement agency having jurisdiction immediately.

(2) The school resource officer shall file a copy of the citation issued under this section at least fifteen (15) days before the court date listed on the citation.

(3) The school resource officer shall provide a person receiving a citation under this section a full and complete copy of the citation.

## **REGULATIONS**

### **005.15.022-5.00. Student discipline.**

5.06 Nothing in any student discipline policies promulgated under state law and these rules shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

5.06.1 The school principal, or in his or her absence the principal's designee, shall make a reasonable, good faith effort to notify the student's parent or legal guardian, or other person having lawful control of the student by court order, or person standing in loco parentis, listed on the student's enrollment forms, if the school or school district, with respect to a student under the age of eighteen (18):

5.06.1.1 Makes a report to any law enforcement agency concerning student misconduct;

5.06.1.2 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

5.06.1.3 Knows that a student has been taken into custody by law enforcement personnel during the school day or while under school supervision.

### **005.23.001-4.00. School reporting responsibility.**

4.02 The principal or designee who has personal knowledge or who 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 shall report the incident to the superintendent or designee and the appropriate local law enforcement agency. [...]

4.05 The superintendent, or his designee, shall notify the local school board of any report made to law enforcement under this section.

### **005.23.001-5.00. Guidelines for school reporting.**

5.01 If a principal or designee has reason to believe that an incident has occurred that satisfies the provisions of these rules and regulations, the incident or threat must be reported to the superintendent and the appropriate local law enforcement agency.

5.02 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.

5.03 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.

5.04 Because a purposeful or knowing mental state is required of the person committing an act of violence, various factors should be considered. These should include but not be limited to:

5.04.1 The age of the person.

5.04.2 Developmental level of the person.

5.04.3 Past disciplinary problems, if any.

5.05 Possible defenses to criminal acts, such as self-defense or justification, may be considered when determining whether or not an offense must be reported.

5.06 In cases involving several persons, where appropriate and possible, assessing differing degrees of involvement is permissible with only the primary participants being reported.

5.07 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.

**005.23.001-6.00. Law enforcement responsibility.**

6.01 Upon receipt, the law enforcement officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation into the incident.

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

6.01.2 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.

6.01.2.1 The report shall state whether the investigation into the reported incident is on going

6.01.2.2 Whether any charges have been filed, in either circuit or juvenile court as a result of the reported incident; and

6.01.2.3 The disposition of the case.

## **School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification**

### **LAWS**

**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.

**A.C.A. § 17-40-208. Training of personnel.**

(d) For a commissioned school security officer, the minimum training requirements under this chapter include without limitation the following topics:

- (1) Legal limitations on the use of firearms and on the powers and authority of the commissioned school security officer;
- (2) Familiarity with this chapter;
- (3) Field note taking and report writing;
- (4) Fundamental use of firearms, including firearm safety drills, tactics, and required qualification on an approved course of fire;
- (5) Active shooter training;
- (6) Active shooter simulation scenarios;
- (7) Trauma care;
- (8) Defensive tactics;
- (9) Weapon retention;
- (10) Handgun safety and maintenance; and
- (11) Other topics the director deems necessary.

**REGULATIONS**

No relevant regulations found.

**Authorizations, Memoranda of Understanding (MOUs), 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. § 6-15-1303. 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:

- (iv) Cooperating effectively with law enforcement officers in the school setting.

**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".

**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.

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(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.

**Threat Assessment Protocols**

**LAWS**

No relevant laws found.

**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.	<a href="https://dese.ade.arkansas.gov/Offices/learning-services/alternative-education">https://dese.ade.arkansas.gov/Offices/learning-services/alternative-education</a>
Anti-Bullying and Violence Prevention, ADE	Provides information and resources on bullying prevention and response including bullying definitions, cyber safety resources, bullying FAQs, roles of mandated reporters, safe schools committee requirements, and school safety laws and rules.	<a href="https://dese.ade.arkansas.gov/Offices/communications/safety/anti-bullying-and-violence-prevention">https://dese.ade.arkansas.gov/Offices/communications/safety/anti-bullying-and-violence-prevention</a>
Arkansas Center for School Safety	Provides education, training, resources, and technical assistance to Arkansas educators and law enforcement professionals to assist them in providing safe learning environments.	<a href="https://arsafeschools.com/">https://arsafeschools.com/</a>
Attendance, ADE	Compiles information on school attendance including definitions of chronic absence, Arkansas' ESSA Plan, and links to school and community resources.	<a href="https://dese.ade.arkansas.gov/Offices/learning-services/attendance">https://dese.ade.arkansas.gov/Offices/learning-services/attendance</a>
School Safety, ADE	Compiles information on school safety including information from the Arkansas School Safety Commission.	<a href="https://dese.ade.arkansas.gov/Offices/communications/safety">https://dese.ade.arkansas.gov/Offices/communications/safety</a>

Title	Description	Website address (if applicable)
<i>Documents</i>		
Guidance on Bullying Prevention (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.	<a href="https://dese.ade.arkansas.gov/Files/20210208110531_AR_DESE_Bullying_Prevention_Guidance_rv.pdf">https://dese.ade.arkansas.gov/Files/20210208110531_AR_DESE_Bullying_Prevention_Guidance_rv.pdf</a>
<i>Other Resources</i>		
AR DESE Equity Assistance Center: Student Handbook (April 2021), ADE	Guidance document for district and school teams to use as a resource in their review of the Student Handbook.	<a href="https://dese.ade.arkansas.gov/Files/20210429164413_EAC.General%20Supports.User%20Friendly%20Guide.Student%20Handbook%20Apr%202021.pdf">https://dese.ade.arkansas.gov/Files/20210429164413_EAC.General%20Supports.User%20Friendly%20Guide.Student%20Handbook%20Apr%202021.pdf</a>
Bullying Prevention Roles Visual, ADE	Visual presents bullying prevention roles for schools, families and community members.	<a href="https://dese.ade.arkansas.gov/Files/20210211123316_Bullying%20Prevention%20Roles%20as%20PDF.pdf">https://dese.ade.arkansas.gov/Files/20210211123316_Bullying%20Prevention%20Roles%20as%20PDF.pdf</a>