

1 State of Arkansas *As Engrossed: H3/10/17 H3/20/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1859

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5 By: Representative Davis

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For An Act To Be Entitled

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AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE

9

CONCERNING EFFECTIVE STUDENT DISCIPLINE; AND FOR

10

OTHER PURPOSES.

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Subtitle

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TO AMEND PROVISIONS OF THE ARKANSAS CODE

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CONCERNING EFFECTIVE STUDENT DISCIPLINE.

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

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20 *SECTION 1. Arkansas Code § 6-18-516 is amended to read as follows:*

21 *6-18-516. Effective school discipline.*

22 ~~*(a) As used in this section:*~~

23 ~~*(1) "Disciplinary rate" means a three-year average for each*~~
24 ~~*discipline measure of the number of students in a school district or the*~~
25 ~~*number of students in a subgroup in the school district who have at least one*~~
26 ~~*(1) discipline measure divided by the corresponding total enrollment in the*~~
27 ~~*school district or the total enrollment in the subgroup;*~~

28 ~~*(2) "Discipline measure" means:*~~

29 ~~*(A) In-school suspension;*~~

30 ~~*(B) Out-of-school suspension;*~~

31 ~~*(C) Expulsion;*~~

32 ~~*(D) Corporal punishment; and*~~

33 ~~*(E) Referrals to law enforcement authorities;*~~

34 ~~*(3) "Rate of disciplinary disparity" means the disciplinary rate*~~
35 ~~*for a subgroup subtracted from the disciplinary rate for another comparison*~~
36 ~~*subgroup; and*~~



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

3 ~~(A) White students;~~

4 ~~(B) Nonwhite students;~~

5 ~~(C) Low income students, including without limitation~~
6 ~~students who are economically disadvantaged for standardized testing~~
7 ~~purposes;~~

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

10 ~~(E) Students whose achievement is at the basic or below~~
11 ~~basic level, or the equivalent, for the school year on the state required:~~

12 ~~(i) Literacy benchmark assessments;~~

13 ~~(ii) Mathematics benchmark assessments; or~~

14 ~~(iii) End-of-course assessments.~~

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

18 ~~(1) The total number of students enrolled in the school district~~
19 ~~and in each subgroup;~~

20 ~~(2) The percentage that each subgroup represents of the school~~
21 ~~district's total enrollment;~~

22 ~~(3) The number of students who appear in more than one (1)~~
23 ~~subgroup;~~

24 ~~(4) The disciplinary rate for each discipline measure for the~~
25 ~~total student enrollment in a school district;~~

26 ~~(5) The disciplinary rate for each discipline measure for each~~
27 ~~subgroup; and~~

28 ~~(6) The rate of disciplinary disparity for each discipline~~
29 ~~measure for each subgroup compared with the subgroup with the lowest~~
30 ~~disciplinary rate.~~

31 ~~(c) The report also:~~

32 ~~(1) May include additional information that the department~~
33 ~~determines will provide a better understanding of the disciplinary rate or~~
34 ~~rate of disciplinary disparity of a particular school or school district;~~

35 ~~(2) Shall include the achievement status for a school district~~
36 ~~identified in the report; and~~

1 ~~(3) Shall identify discipline related strategies, alternatives,~~
2 ~~and resources available to school districts.~~

3 ~~(d) The department shall track the progress that school districts in~~
4 ~~the state have made in reducing the disciplinary rate and rate of~~
5 ~~disciplinary disparity and:~~

6 ~~(1) Identify school districts that make progress reducing the~~
7 ~~disciplinary rate and rate of disciplinary disparity and assess the~~
8 ~~successful strategies used by those school districts;~~

9 ~~(2) Assess the gains, if any, in student academic achievement~~
10 ~~that correspond to the reduction of disciplinary rates and rates of~~
11 ~~disciplinary disparity; and~~

12 ~~(3) Report annually to the state board the information under~~
13 ~~subdivisions (d)(1) and (2) of this section, including:~~

14 ~~(A) The progress made for the year;~~

15 ~~(B) Successful strategies that may be used by other school~~
16 ~~districts; and~~

17 ~~(C) The corresponding gains, if any, in student academic~~
18 ~~achievement.~~

19 ~~(e)(1) The department shall survey districts to determine which school~~
20 ~~districts are currently implementing evidence based strategies, including~~
21 ~~without limitation:~~

22 ~~(A) Positive behavior interventions and support systems;~~
23 ~~and~~

24 ~~(B) Restorative justice.~~

25 ~~(2) The department shall:~~

26 ~~(A) Develop information concerning the resources needed by~~
27 ~~school districts to reduce discipline and the restraint of students with~~
28 ~~disabilities using the strategies in subdivision (e)(1) of this section; and~~

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

31 (a) As used in this section, "exclusionary disciplinary actions" means
32 out-of-school suspension and expulsion.

33 (b)(1) Annually, the Department of Education shall report at the
34 school, school district, and state level the following data concerning
35 exclusionary disciplinary actions, in-school suspensions, and corporal
36 punishment:

1 (A) Number per one hundred (100) students for the entire
2 population;

3 (B) Number per one hundred (100) students for any racial
4 or ethnic subgroup required for accountability by the Every Student Succeeds
5 Act, Pub. L. No. 114-95;

6 (C) Number per one hundred (100) students for economically
7 disadvantaged students; and

8 (D) Number per one hundred (100) students for students
9 with disabilities identified under the Individuals with Disabilities
10 Education Act, 20 U.S.C. § 1400 et seq.

11 (2) The department shall report exclusionary disciplinary
12 actions by both:

13 (A) Combining out-of-school suspensions and expulsions;
14 and

15 (B) Separately listing out-of-school suspensions and
16 expulsions.

17 (c) The department shall report the data required in subsection (b) of
18 this section:

19 (1) On the website of the department to the extent that
20 publication is consistent with the Family Educational Rights and Privacy Act,
21 20 U.S.C. § 1232g; and

22 (2) In a manner that reflects historical trends and allows for
23 the comparison of schools and school districts.

24 (d) The department shall:

25 (1) Provide school districts with resources for the best
26 practices in effective school discipline; and

27 (2) Annually communicate to school districts:

28 (A) The availability of and how to access the data listed
29 in subsection (b) of this section; and

30 (B) How to access the resources listed in subdivision
31 (d)(1) of this section.

32 (e) The department, or researcher identified by the department, shall
33 provide an annual report to the State Board of Education analyzing
34 disciplinary infractions, disciplinary actions, and disciplinary disparities
35 existing throughout the state.

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/s/Davis

APPROVED: 04/06/2017