

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING THE STUDENT PROTECTION ACT

1.00 REGULATORY AUTHORITY

1.01 These Rules shall be known as the Division of Elementary and Secondary Education Rules Governing the Student Protection Act.

1.02 These Rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. § 6-18-2201 et seq.

2.00 DEFINITIONS

2.01 "Abortion" means the act of using or prescribing an instrument, medicine, drug, device, or other substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. "Abortion" does not include an action taken with the intent to:

2.01.1 Save the life of the mother;

2.01.2 Save the life or preserve the health of the unborn child;

2.01.3 Remove a dead unborn child caused by spontaneous abortion; or

2.01.4 Remove an ectopic pregnancy.

2.02 "Abortion referral" means the act of recommending a pregnant woman to a doctor, clinic, or other person or entity for the purpose of obtaining or learning about obtaining an abortion.

2.03 "Affiliate" means an individual or entity that, directly or indirectly, owns, controls, is controlled by, or is under the common control of another person or entity, in whole or in part, or a subsidiary, parent, or sibling entity.

2.04 "Division" means the Division of Elementary and Secondary Education.

2.04 "Transaction" means a formal or informal agreement, contract, or arrangement of any kind between a public school or open-enrollment public charter school and a private entity, regardless of whether the private entity or the public school or open-enrollment public charter school receives anything of value in return.

3.00 PROHIBITED TRANSACTIONS AND ENFORCEMENT

3.01 A public school or open-enrollment public charter school shall not knowingly enter into any type of transaction with an individual or entity that:

3.01.1 Performs abortions;

3.01.2 Induces abortions; or

3.01.3 Provides abortions.

3.02 Each public school and open-enrollment public charter school shall promulgate policies for the implementation of these Rules and Ark. Code Ann. § 6-18-2201 *et seq.*

3.03 A public school or open-enrollment public charter school that knowingly violates these Rules and Ark. Code Ann. § 6-18-2201 *et seq.* shall, at the direction of the Division or the State Board of Education, appear before the State Board at its next regularly scheduled meeting, for the purpose of determining:

3.03.1 Why these Rules and Ark. Code Ann. § 6-18-2201 *et seq.* were violated; and

3.03.2 How to prevent a violation of these Rules and Ark. Code Ann. § 6-18-2201 *et seq.* in the future.