

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 377 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

As Engrossed: S2/11/09

A Bill

SENATE BILL 238

4
5 By: Senator Laverty
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8 **For An Act To Be Entitled**

9 AN ACT TO ENSURE STUDENTS CATEGORIZED WITH
10 BEHAVIORAL DISABILITIES IN OTHER STATES ARE
11 PROMPTLY AND ADEQUATELY PLACED IN THE ARKANSAS
12 PUBLIC SCHOOL SYSTEM; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO ENSURE STUDENTS CATEGORIZED WITH
16 BEHAVIORIAL DISABILITIES IN OTHER STATES
17 ARE PROMPTLY AND ADEQUATELY PLACED IN
18 THE ARKANSAS PUBLIC SCHOOL SYSTEM.
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21 BE IT ENACTED BY T\$HE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 6, Chapter 41, Subchapter 1 is amended
24 to add an additional section to read as follows:

25 6-41-104. Services for children determined in another state to be
26 eligible for services due to a behavioral disability.

27 (a) This section applies to a child who:

28 (1) Enrolls for the first time in special education services at
29 an Arkansas public school; and

30 (2) Has been previously determined by a school district in
31 another state to be eligible for special education services due to a
32 behavioral disability.

33 (b) The Arkansas public school district shall conduct an evaluation of
34 the child consistent with federal and state rules to determine the
35 appropriate special education disability category recognized in this state,



1 if any.

2 (c)(1) If a child with a disability, who had an individualized
3 education program that was in effect in a previous public agency in another
4 state, transfers to a public agency in this state, and enrolls in a new
5 school within the same school year, the new public agency, in consultation
6 with the parents, must provide the child with free appropriate public
7 education including services comparable to those described in the child's
8 individualized education program from the previous public agency until such
9 time as the new public agency:

10 (A) Conducts an evaluation pursuant to 34 C.F.R. § 300.304
11 through 34 C.F.R. § 300.306, if determined to be necessary by the new public
12 agency; and

13 (B) Develops, adopts, and implements a new individualized
14 education program if appropriate, that meets the applicable requirements in
15 34 C.F.R. § 300.320 through 34 C.F.R. § 300.324.

16 (2) If the child's behavior results in an out-of-school
17 suspension of ten (10) or more consecutive or nonconsecutive days or an
18 expulsion during the period of time the child receives special education
19 services under the disability category of behavioral disability, the child's
20 individualized education program team shall meet to review the child's
21 individualized education program, including the behavioral needs of the child
22 and the current placement of the child, consistent with federal and state
23 rules dealing with special education and related services.

24 (d) The Department of Education shall have the authority to promulgate
25 rules as necessary to carry out the provisions of this section.

26
27 /s/ Laverty

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29 **APPROVED: 3/10/2009**