

As Engrossed: 3/18/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Todd**

A Bill

SENATE BILL 421

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 6-41-203 AND 6-41-302,
9 CONCERNING THE EDUCATION OF HANDICAPPED CHILDREN, TO REFER
10 TO MENTALLY RETARDED AS MENTALLY HANDICAPPED AND TO
11 REFER TO EMOTIONALLY DISTURBED AS EMOTIONALLY
12 HANDICAPPED; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code 6-41-203 is amended to read as follows:

17 "6-41-203. Definitions.

18 As used in this subchapter, unless the context otherwise requires:

19 (1) Prior to July 1, 1991, handicapped child means a person between
20 the ages of five (5) and twenty-one (21) years who because of mental,
21 physical, emotional, or learning disabilities requires special education
22 services as defined by State Board of Education regulations. After July 1,
23 1991, handicapped child means a person between the ages of three (3) and
24 twenty-one (21) years who, because of mental, physical, emotional, or learning
25 disabilities, requires special education services as defined by State Board of
26 Education regulations. Should federal law mandate services for the three (3)
27 to five (5) year age group prior to July 1, 1991, this section will follow
28 federal time lines.

29 (A) This term is to be specifically interpreted to mean but not
30 be wholly limited to *children with mental retardation, hearing impairments,*
31 *speech impairments, visual impairments, emotional disturbances, physical*
32 *impairments, specific learning disabilities or children with other health*
33 *impairments who by reason thereof require special education and related*
34 *services.*

35 (B) Programs and services may be provided under this subchapter

1 for children below school age who have serious handicapping conditions which,
2 if untreated, could become greatly compounded by school age;

3 (2) Special education means classroom, home, hospital, or other
4 instruction to meet the needs of handicapped children and includes
5 transportation and corrective and supporting services required to assist
6 handicapped children in taking advantage of or responding to educational
7 programs and opportunities, but excludes instruction provided in the state-
8 operated schools or institutions for the handicapped;

9 (3) Board means the State Board of Education."
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11 SECTION 2. Arkansas Code 6-41-302 is amended to read as follows:

12 "6-41-302. Definitions.

13 As used in this subchapter unless the context otherwise requires:

14 (1) Exceptional children means *children with mental retardation,*
15 *hearing impairments, speech impairments, visual impairments, emotional*
16 *disturbances, physical impairments, specific learning disabilities or children*
17 *with other health impairments who by reason thereof require special education*
18 *and related services.* For the purposes of this subchapter, the exceptionality
19 of a child will be determined after an evaluation by competent medical,
20 psychological, psychiatric, or other clinical personnel recognized by the
21 board;

22 (2) Treatment institution means a hospital or treatment center which
23 has a population of school age children who are confined to the institution
24 for medical reasons for long periods of time;

25 (3) Board means the State Board of Education for the Department of
26 Education;

27 (4) Special education class unit is the number of pupils in
28 attendance the major portion of a month in an approved organized special
29 education class in a public school."
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31 SECTION 3. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 4. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 5. All laws or parts of laws in conflict with this act are
7 hereby repealed.

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9 /s/Todd

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