

INTERIM STUDY PROPOSAL 2015-037

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/5/15
A Bill

SENATE BILL 485

By: Senators S. Flowers, *Irvin*

Filed with: Senate Interim Committee on Children and Youth
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE DISPOSITION OF
JUVENILE DELINQUENT PETITION; TO AMEND THE LAW
CONCERNING THE CONTENTS OF JUVENILE CASE PETITION;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
DISPOSITION OF JUVENILE DELINQUENT
PETITION; AND TO AMEND THE LAW CONCERNING
THE CONTENTS OF JUVENILE CASE PETITION.

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

SECTION 1. Arkansas Code § 9-27-311(a), concerning the contents of a
petition in a juvenile case, is amended to add an additional subdivision to
read as follows:

(7) If a person employed by a school, school district, or an
equivalent entity contacts law enforcement or provides information on which a
petition for delinquency is filed, the petition for delinquency shall also
include the following information or the petition shall be dismissed:

(A) A copy of the evaluation of the juvenile named in the
petition that is conducted under 34 CFR §§ 300.304 through 300.311;

(B) A summary of the variety of assessment tools and
strategies used by the school when it was gathering the relevant functional,

1 developmental, and academic information about the juvenile named in the
2 petition;

3 (C)(i) The date of the meeting with the parents,
4 guardians, or custodians of the juvenile named in the petition and the
5 qualified professionals present at the meeting.

6 (ii) A document that contains the names, titles, and
7 a brief description of each of the qualified professionals who attended the
8 meeting;

9 (D) The expenses paid by the school for a medical
10 diagnosis if a diagnosis is required for the purpose of determining whether a
11 juvenile has a particular disability; and

12 (E)(i) The determination made by the school on whether the
13 juvenile is a juvenile with a disability and supporting documentation for the
14 determination.

15 (ii) If the school determined the juvenile has a
16 disability:

17 (a) A copy of the Individualized Education
18 Program for the juvenile as required under the Individuals with Disabilities
19 Education Act, 20 U.S.C. § 1400 et seq., including the special education,
20 related services, supplementary aids, and services to be provided to or on
21 behalf of the juvenile;

22 (b) If mental health services are needed by
23 the juvenile, a statement on whether those related services are provided at
24 no cost to the parents, guardians, or custodians as mandated by 34 CFR §§
25 300.101 and 300.17; and

26 (c) Whether an agreement was reached between
27 the relevant members of the professionals participating in the juvenile's
28 Individualized Education Program and the parents, guardians, or custodians
29 concerning whether the juvenile's behavior at school was a manifestation of
30 the juvenile's disability.

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32 SECTION 2. Arkansas Code § 9-27-330(a), concerning the disposition of
33 a juvenile delinquency case, is amended to add an additional subdivision to
34 read as follows:

35 (16) If the juvenile has been determined to have a disability
36 and the petition was filed by a person employed in a school or school

1 district or the equivalent thereof, the court shall ensure compliance by the
2 school with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400
3 et seq., and Free Appropriate Public Education Act, under § 504 of the
4 Rehabilitation Act of 1973.

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6 */s/S. Flowers*
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9 Referred by the Arkansas Senate

10 Prepared by: VJF
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