

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/4/99

A Bill

Act 391 of 1999
SENATE BILL 237

5 By: Senator Mahony
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE TECHNICAL AMENDMENTS TO VARIOUS
10 SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATIVE TO
11 PUBLIC EDUCATION; AND FOR OTHER PURPOSES."
12

Subtitle

13 "TO MAKE TECHNICAL AMENDMENTS TO VARIOUS
14 SECTIONS OF THE ARKANSAS CODE ANNOTATED
15 RELATIVE TO PUBLIC EDUCATION."
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code 6-10-108(d) is amended to read as follows:

22 "(d) The State Board of Education is authorized to establish appropriate
23 standards, guidelines, rules, and regulations for the determination of average
24 daily membership (ADM) of school districts and for the distribution of ~~Minimum~~
25 ~~Foundation Program Aid, Transportation Aid, State Equalization Aid~~ and other
26 forms of state aid and financial assistance to each local school district that
27 elects to operate the public schools of such district on a twelve-month basis,
28 to provide such district with an equitable share of such aid funds designated
29 to equate a twelve-month school operation by such district to the educational
30 opportunities provided by a district offering nine (9) months of public school
31 instruction. Provided, however, the school district shall not receive any
32 more state financial aid for offering twelve (12) months of public school
33 instruction than it would have received for offering nine (9) months of public
34 school instruction."
35

36 SECTION 2. Arkansas Code Annotated § 6-10-110(e) is amended to read as

1 follows:

2 "(e) If the State Board of Education determines that any school district
3 in this state has not established and maintained an adequate school fire
4 marshal program as required by this section and by the minimum requirements
5 established by the board, the board shall notify the school district in
6 writing of the deficiencies in the school fire marshal program and shall
7 notify the school district that the deficiencies shall be corrected within
8 thirty (30) days from the date of receipt of the notice. If any school
9 district fails or refuses to correct the deficiencies within the thirty (30)
10 days as required above, the State Board of Education shall thereafter withhold
11 ten percent (10%) of the ~~Minimum Foundation Program Aid~~ State Equalization Aid
12 of the school district until such time as the board determines that the
13 deficiencies have been corrected."
14

15 SECTION 3. Arkansas Code 6-13-620(8), pertaining to the duty of the
16 board of directors of a local school district to publish its budget, is
17 amended to read as follows:

18 "(8) Prepare, ~~send a copy thereof to the county board of education, and~~
19 ~~publish once a week for three (3) consecutive weeks in a newspaper published~~
20 ~~in the county at least twenty-five (25) days before the annual election an~~
21 ~~estimate of the amount of money needed by the district~~ the district's budget
22 ~~for the ensuing year, showing separately the amount needed for general~~
23 ~~control, instruction, operation of the plant, maintenance of the plant,~~
24 ~~auxiliary agencies, fixed charges, capital outlay, and debt service in~~
25 accordance with Arkansas Code § 6-13-622;"
26

27 SECTION 4. Arkansas Code 6-13-903(c) is amended to read as follows:

28 "(c) The Department of Education shall not distribute ~~Minimum Foundation~~
29 ~~Program Aid~~ State Equalization Aid directly to any educational cooperative."
30

31 SECTION 5. Arkansas Code 6-16-102(a) is amended to read as follows:

32 "(a) As used in this section, unless the context otherwise requires,
33 'school day' shall mean a day in which classes are in session and students
34 receive not less than ~~five and one-half (5 1/2)~~ six (6) hours of instructional
35 time. Any day in which less than ~~five and one-half (5 1/2)~~ six (6) hours of
36 instructional time is provided to students shall be counted as one-half (1/2)

1 a school day if at least three (3) hours of instructional time is provided to
2 students. Any day in which less than three (3) hours of instructional time is
3 provided to students shall not be counted as any part of a school day."

4
5 SECTION 6. Arkansas Code 6-17-201 is amended to read as follows:

6 "6-17-201. Requirement.

7 (a) Each school district in the state shall have a set of written
8 personnel policies, including the teacher salary schedule.

9 (b)(1) No school district shall receive in any year any funds from the
10 Public School Fund until such district has filed by the established deadline
11 its current personnel policies including any salary schedules, as required by
12 this subchapter, signed by the president of the board.

13 (2) The policy and schedules shall be filed with the Department of
14 Education no later than September 15 of each year.

15 (c) The Department of Education shall notify any district that has not
16 filed such policies ~~thirty (30) days before the first scheduled payment of the~~
17 fiscal year in accordance with this section."

18
19 SECTION 7. Arkansas Code 6-17-808(a) is amended to read as follows:

20 "(a) There is hereby created the Arkansas Classified Personnel Salaries
21 Study Commission to be composed of the following:

22 (1) The Chairman of the House Interim Committee on Education or
23 his appointee;

24 (2) The Chairman of the Senate Interim Committee on Education or
25 his appointee;

26 (3) The Director of ~~General Education of~~ the Department of
27 Education;

28 (4) The Director of ~~Vocational and Technical Education of the~~
29 Department of Education—the Department of Workforce Education;

30 (5) One (1) representative of the Arkansas Association of
31 Educational Administrators;

32 (6) One (1) representative of the Arkansas Education Association;

33 (7) One (1) representative of the Arkansas School Boards
34 Association; and

35 (8) The following persons to be appointed by the Governor:

36 (A) Five (5) public school classified personnel

1 representatives who shall include one (1) active employee from each of the
2 following job categories:

3 (i) School secretary or clerk;

4 (ii) School maintenance;

5 (iii) Bus driver;

6 (iv) Food service; and

7 (v) Aide or paraprofessional;

8 (B) One (1) public school superintendent; and

9 (C) Two (2) lay persons appointed from the state at large

10 who shall not be former school administrators."

11
12 SECTION 8. Arkansas Code 6-17-808(c) and (d) are amended to read as
13 follows:

14 "(c) Technical support to the commission shall be provided by the ~~State~~
15 Department of Education.

16 (d)(1) The school districts of this state shall adopt written salary
17 schedules for classified personnel annually and shall file such schedules with
18 the ~~State~~ Department of Education no later than ~~August 28~~ September 15 for the
19 school year in which they are in effect.

20 (2) Such schedules shall reflect the actual pay practices of the
21 district for classified personnel."

22
23 SECTION 9. Arkansas Code 6-18-202(d) is amended to read as follows:

24 "(d)(1) Any school district which admits for ten (10) school days or
25 more a student the school district knows, or should have known, is a resident
26 of another school district not included in a tuition agreement, or not
27 officially transferred to it, shall be liable to the resident district of the
28 student for an amount of money equal to the ~~Minimum Foundation Program Aid~~
29 ~~table rate~~ State Equalization Funding per Student the resident district would
30 have received or seven hundred fifty dollars (\$750) per year, whichever is
31 greater.

32 (2) Notice to a school district by a complainant school district
33 that a student is attending illegally in the school district begins the
34 running of the ten-day time period.

35 (3) Causes of action arising under this subsection may be brought
36 in a court of competent jurisdiction.

1 (4) The school district which admits the student shall have the
2 burden of proof as to the student's residency.

3 (5) Upon presentation of a court order or judgment finding that a
4 school district has admitted, for ten (10) school days or more, a student the
5 district should have known was a resident of another district as set forth in
6 subsection (d)(1) of this section, the State Department of Education will
7 satisfy the defendant school district's liability by transferring to the
8 complainant school district the appropriate amount of funds from state aid
9 which the department would have distributed to the defendant school district.
10 Such transfer will be made from the next payment due to the district from the
11 department after the order is received by the department."
12

13 SECTION 10. Arkansas Code 6-18-206(f) is amended to read as follows:

14 "(f) For purposes of determining a school district's ~~minimum foundation~~
15 ~~program aid~~ State Equalization Aid, the nonresident student shall be counted
16 as a part of the average daily membership of the district to which the student
17 has transferred. ~~All add-on weights generated by the student shall also be~~
18 ~~transferred to the district of attendance."~~
19

20 SECTION 11. Arkansas Code 6-18-213 is amended to read as follows:

21 "6-18-213. Attendance records and reports generally.

22 (a)(1) A record of pupil attendance shall be kept by each school
23 district of the state on forms provided by the Department of Education ~~or on~~
24 ~~forms approved by the Director of General Education and the Director of~~
25 ~~Vocational and Technical Education as being suitable for the intended~~
26 ~~purposes.~~

27 (2) This basic record, showing the daily attendance or absence of
28 each student for the school year, shall be kept in ink by a teacher or other
29 officially designated person who visually notes the physical presence or
30 absence of each student on a daily basis.

31 (3) The attendance for resident and nonresident students shall be
32 kept separately.

33 (4) The basic attendance records of each district shall be kept on
34 file in the district for a period of three (3) years and shall be audited by
35 the Department of Education at least one (1) time in any given three-year
36 period.

1 (b) The official reporting period for attendance shall be quarterly with
2 the actual number of days counted in each period to be not less than forty
3 (40) nor more than fifty (50).

4 (c) Each school district in the state shall file a report on its
5 attendance for each quarterly period with the Department of Education within
6 fifteen (15) days after the end of any quarterly period.

7 (d) The attendance in each of the school districts of the state as
8 reflected by the combined reports for the first three (3) quarters of the
9 school year shall be the official data used in computing ~~Minimum Foundation~~
10 ~~Program Aid and Transportation Aid~~ State Equalization Aid for the following
11 year.

12 (e) Any district which fails to file, by April 15 of any given year,
13 reports for the first three (3) quarters of that year, as required by
14 subsection (c) of this section, shall have the remainder of its ~~Minimum~~
15 ~~Foundation Program Aid~~ State Equalization Aid withheld, beginning with the
16 April allotment, and placed in escrow to be released when such reports are
17 received.

18 (f) The State Board of Education shall develop such forms and shall
19 promulgate such rules, regulations, and procedures as may be required to
20 implement the intent of this section.

21 (g) Nothing in this section shall be construed as relieving school
22 districts from any requirement for filing annual or other reports, except
23 monthly attendance reports, with the office of the county board of education."
24

25 SECTION 12. Arkansas Code 6-18-508(d) is amended to read as follows:

26 "(d) Each school district shall report to the Department of Education,
27 on a yearly basis, the race, gender, and other pertinent information regarding
28 students placed in an alternative learning environment. This information shall
29 be reported by the department to the Joint Interim Oversight Subcommittee on
30 Educational Reform of the House and Senate Interim Committees on Education of
31 the General Assembly by ~~June 30~~ September 15 of each year."
32

33 SECTION 13. Arkansas Code Annotated § 6-18-705(e) pertaining to the
34 breakfast program is amended to read as follows:

35 "(e) The Department of Education is hereby authorized to withhold
36 ~~minimum foundation program aid~~ State Equalization Aid from any school district

1 which fails to comply with the provisions of this section."

2
3 SECTION 14. Arkansas Code Annotated § 6-18-1007 is amended to read as
4 follows:

5 "6-18-1007. School student services status report.

6 (a) By January 1, 1994, and each year thereafter, the Department of
7 Education shall compile and present to the Governor, the State Board of
8 Education, and the Interim Senate and House Committees on Education a report
9 outlining monitoring findings and the status of implementing each of the
10 provisions of this subchapter, by the various school districts, including
11 which districts are in substantial compliance with the plan required under
12 this subchapter.

13 (b)(1) By January 1, 1998, the Department of Education shall have in
14 place a staffing structure that assures the department's administration and
15 field service staff are responsible for monitoring Department of Education and
16 local school district implementation and compliance with the provisions of
17 this subchapter. The Department of Education shall employ one (1) or more
18 persons, who shall have a ~~minimum~~ minimum qualification of certification as
19 school counselors.

20 (2) Each school district shall be responsible for submitting an
21 ~~quarterly~~ annual report to the Assistant Director for ~~Monitoring and~~
22 ~~Compliance~~ School Improvement and Instructional Support, Department of
23 Education, outlining their compliance with and implementation plans for the
24 provisions of this section.

25 (3) ~~The Assistant Director for Curriculum and Instruction and the~~
26 ~~Assistant Director for Monitoring and Compliance~~ Director of the Department of
27 Education, in consultation with the appropriate assistant director, shall
28 designate an individual or individuals who shall have a minimum qualification
29 of certification as a school counselor to be responsible for coordinating
30 monitoring compliance with this section. Such monitoring shall include
31 interviews with administrators, counselors, students, and teachers. ~~The~~
32 ~~Department of Education shall submit a quarterly report of monitoring findings~~
33 ~~to the Senate and House Interim Committees on Education."~~

34
35 SECTION 15. Arkansas Code Annotated § 6-19-106(a) is amended to read as
36 follows:

1 "(a) No person physically defective or of unsound mind, known to be a
2 habitual drunkard or of immoral habits, or who has been convicted within the
3 past ~~five (5)~~ three (3) years of operating a motor vehicle in a reckless
4 manner or while under the influence of intoxicating liquor or narcotic drugs,
5 who has a general reputation of being a fast and reckless operator of motor
6 vehicles without regard to the rights of others, or who is less than nineteen
7 (19) years of age on June 30 following his or her last birthday shall be
8 permitted or employed to act as chauffeur or operator of any school bus,
9 either privately or publicly owned, operated by public school districts and
10 used to transport pupils to and from the public schools in the State of
11 Arkansas."

12

13 SECTION 16. Arkansas Code 6-20-206 is amended to read as follows:

14 "~~6-20-206. Public School Fund - Priority of Minimum Foundation~~ State
15 Equalization Aid.

16 The State Board of Education, in determining the allocation of available
17 funds to the various programs in the Public School Fund, shall consider the
18 needs of the ~~Minimum Foundation Aid~~ State Equalization Aid to be of highest
19 priority above all other programs and commitments."

20

21 SECTION 17. Arkansas Code 6-20-502(7) is amended to read as follows:

22 "~~(7) 'State funds' means any state funds received by the school district~~
23 ~~in the form of Minimum Foundation Program Aid, Transportation Aid, Aid to~~
24 ~~Children with Disabilities,~~ under Title 6, Chapter 20, Subchapter 3 of the
25 Arkansas Code Annotated or other state special education funds."

26

27 SECTION 18. Arkansas Code 6-20-504(b)(1) is amended to read as follows:

28 "(b)(1) In those instances in which a child living in a foster home
29 attends a public school in a school district in which the foster family home
30 or child care facility is located but, during the previous school year,
31 attended another school district in this state which, due to the average daily
32 attendance membership of that child during the previous school year, receives
33 ~~Minimum Foundation Program Aid~~ State Equalization Aid and other state aid and
34 federal funds for or in behalf of the education of such child during the
35 current school year, the school district in which the foster child is a
36 student may make application to the other school district receiving state and

1 federal funds for the education of the child to remit the pro rata part of
2 such state, federal, and local funds available for the education of the child,
3 including special education funds if the foster child is a child with
4 disabilities, to the school district in which the foster child is now a
5 student."

6
7 SECTION 19. Arkansas Code 6-20-509 is amended to read as follows:

8 "6-20-509. Children with disabilities - Sending district's refusal to
9 pay. If the ruling of the State Board of Education provides for payment to be
10 made by the sending district in behalf of the education of the child in the
11 receiving district, and the sending district shall refuse to make payments in
12 the amount approved by the board, then, upon certification thereof by the
13 receiving district, the State Board of Education shall cause the amount of any
14 state, federal, local, or other funds not remitted to the receiving district
15 to be withheld from the next ~~Minimum Foundation Program Aid, Transportation~~
16 ~~Aid, Aid to Children with Disabilities, or special education funds~~ State
17 Equalization Aid to the district which has failed to make payments and shall
18 remit the funds to the receiving district in compensation for payments not
19 made by the sending district."

20
21 SECTION 20. Arkansas Code 6-20-1504(b), pertaining to the School Self-
22 Insurance Advisory committee, is amended to read as follows:

23 "(b) The advisory committee shall meet at such times and places as it
24 shall deem necessary for the purpose of carrying out its duties under the
25 provisions of this subchapter. The advisory committee shall select one (1) of
26 its members as chairman and such other officers as may be deemed necessary for
27 transaction of committee business. The ~~Associate~~ Assistant Director ~~of Finance~~
28 ~~and Administration for Public School Finance and Administrative Support~~ of the
29 Department of Education shall serve as secretary of the advisory committee."

30
31 SECTION 21. Arkansas Code 6-21-711(d) is amended to read as follows:

32 "(d) The ~~Associate~~ Assistant Director ~~of the General Education Division~~
33 ~~of the Department of Finance and Administration for Public School Finance and~~
34 Administrative Support of the Department of Education shall serve as secretary
35 of the School Motor Vehicle Self-Insurance Advisory Committee."

1 SECTION 22. Arkansas Code 6-41-102 is amended to read as follows:

2 "6-41-102. Extended year Program.

3 The extended year program for school-age children with disabilities
4 shall be established and implemented by school districts as established by the
5 ~~individual education plan~~ individualized education program of the child during
6 the summer at the close of each school year."

7
8 SECTION 23. Arkansas Code 6-41-203(1), pertaining to definitions is
9 amended to read as follows:

10 "(1) 'A child with disabilities' means a person between the ages of
11 three (3) and twenty-one (21) years who, because of mental, physical,
12 emotional, or learning disabilities, requires special education services as
13 defined by the federal Individuals with Disabilities Education Act. This term
14 is to be specifically interpreted to mean but not be wholly limited to
15 ~~children with mental retardation, hearing impairments, speech impairments,~~
16 ~~visual impairments, emotional disturbances, physical impairments, or specific~~
17 ~~learning disabilities, or children with other health impairments who by reason~~
18 ~~thereof require special education and related services~~ a child with mental
19 retardation, hearing impairments (including deafness), speech or language
20 impairments, visual impairments (including blindness), serious emotional
21 disturbance (hereinafter referred to as 'emotional disturbance'), orthopedic
22 impairments, autism, traumatic brain injury, other health impairments, or
23 specific learning disabilities who, by reason thereof, needs special education
24 and related services;"

25
26 SECTION 24. Arkansas Code 6-41-203(3) pertaining to definitions is
27 amended to read as follows:

28 "(3) 'Special education' means classroom, home, hospital, or other
29 instruction to meet the needs of children with disabilities and includes
30 transportation and corrective and supporting services required to assist
31 children with disabilities in taking advantage of or responding to educational
32 programs and opportunities ~~but excludes instruction provided in the state-~~
33 ~~operated schools or institutions for the disabled."~~

34
35 SECTION 25. Arkansas Code 6-41-205 is amended to read as follows:

36 "6-41-205. Provision for Education.

1 ~~(a)~~ The State Board of Education shall provide or cause to be provided
2 by school districts, or in some cases by other departments of state
3 government, institutions, or through private facilities, all regular and
4 special education, corrective, and supporting services required by children
5 with disabilities to the end that they shall receive the benefits of a free
6 ~~public education appropriate to their needs~~ public education.

7 ~~(b) Programs and services may be provided under this subchapter for~~
8 ~~children below school age who have serious disabling conditions which, if~~
9 ~~untreated, could become greatly compounded by school age."~~

10
11 SECTION 26. Arkansas Code 6-41-206(b) pertaining to responsibilities of
12 state and school districts is amended to read as follows:

13 "(b) It shall be the responsibility of the local school district and
14 the state to provide a free appropriate public education based upon the
15 individualized education ~~plan~~ program developed for the child."

16
17 SECTION 27. Arkansas Code 6-41-211(b) pertaining to Advisory Council
18 for the Education of Children with Disabilities is amended to read as follows:

19 "(b)(1) The advisory council shall be composed of ~~nine (9) members,~~
20 ~~none of whom are officers or employees of state agencies and no more than four~~
21 ~~(4) of whom may be officers or employees of local school districts~~ individuals
22 involved in, or concerned with, the education of children with disabilities,
23 including:

24 (A) parents of children with disabilities;

25 (B) individuals with disabilities;

26 (C) teachers;

27 (D) representatives of institutions of higher education
28 that prepare special education and related services personnel;

29 (E) state and local education officials;

30 (F) administrators of programs for children with
31 disabilities;

32 (G) representatives of other State agencies involved in
33 the financing or delivery of related services to children with disabilities;

34 (H) representatives of private schools and public charter
35 schools;

36 (I) at least one representative of a vocational,

1 community, or business organization concerned with the provision of transition
2 services to children with disabilities; and

3 (J) representatives from the state juvenile and adult
4 corrections agencies.

5 ~~(2) The advisory council shall be composed of persons broadly~~
6 ~~representative of community organizations interested in children with~~
7 ~~disabilities, professions related to the educational needs of children with~~
8 ~~disabilities, and the general public~~ A majority of the members of the panel
9 shall be individuals with disabilities or parents of children with
10 disabilities."

11
12 SECTION 28. Arkansas Code 6-41-211(g) pertaining to the Advisory Council
13 for the Education of Children with Disabilities is amended to read as follows:

14 "(g) The advisory council shall:

15 ~~(1) Have an opportunity to comment on rules and regulations~~
16 ~~proposed for issuance pursuant to this subchapter;~~ Advise the Department of
17 Education of unmet needs within the State in the education of children with
18 disabilities;

19 ~~(2) Consider any problems presented to it by the Director of~~
20 ~~General Education of the Department of Education or the Associate Director of~~
21 ~~the Special Education Section of the Department of Education and give advice~~
22 ~~thereon~~ Comment publicly on any rules or regulations proposed by the state
23 regarding the education of children with disabilities;

24 ~~(3) Review required state plans prepared by the Special Education~~
25 ~~Section prior to their submission to duly constituted authorities; and~~ Advise
26 the Department of Education in developing evaluations and reporting on data to
27 the Secretary under 20 U.S.C. § 1418;

28 ~~(4) Make an annual report to the Governor, the General Assembly,~~
29 ~~the State Board of Education, and the Director of General Education of the~~
30 ~~Department of Education~~ Advise the Department of Education in developing
31 corrective action plans to address findings identified in Federal monitoring
32 reports under this part; and

33 ~~(A) The report shall be made available to the news media in~~
34 ~~order that the general public may be advised with reference to the thinking of~~
35 ~~the advisory council regarding education for children with disabilities.~~

36 ~~(B) Funds for the publication of the annual report of the~~

1 ~~advisory council shall be made available by the State Board of Education from~~
2 ~~its regular appropriations. Available federal or state funds may be used for~~
3 ~~this purpose.~~

4 (5) Advise the Department of Education in developing and
5 implementing policies relating to the coordination of services for children
6 with disabilities."

7
8 SECTION 29. Arkansas Code 6-41-212 is amended to read as follows:

9 "6-41-212. Facilities.

10 (a) Physical aspects and specifications for buildings, classrooms, and
11 other facilities for, or likely to be used by, children with disabilities
12 shall be approved by a designee of the State Board of Education.

13 (b) A designee of ~~The~~ the State Board of Education is required to
14 review plans for public school construction or remodeling which is designed
15 for children with disabilities to ensure accessibility and usefulness for that
16 purpose."

17
18 SECTION 30. Arkansas Code 6-41-213 is repealed:

19 ~~6-41-213. Special Education Materials Center~~

20 ~~The State Board of Education is authorized to establish a Special~~
21 ~~Education Materials Center in keeping with available federal and state funds~~
22 ~~for establishing the center. The functions of this center shall be in keeping~~
23 ~~with state and federal laws.~~

24
25 SECTION 31. Arkansas Code 6-41-217 is amended to read as follows:

26 "6-41-217. ~~Individual education plan~~ Individualized education program.

27 (a) Before any action is taken with respect to the initial placement of
28 a child with disabilities in a special education program, a full and
29 individual evaluation of the child's educational needs must be conducted.

30 (b)(1) Prior to placement in special education services, each child
31 must have an ~~individual education plan~~ individualized education program.

32 (2) The term '~~individual education plan~~ individualized education
33 program' means a written statement for each child with disabilities developed
34 in ~~any a~~ a meeting consistent with the requirements of the Individuals with
35 Disabilities Education Act ~~by a representative of the local educational agency~~
36 ~~or an intermediate educational unit who shall be qualified to provide, or~~

1 ~~supervise the provision of, specially designed instruction to meet the unique~~
2 ~~needs of children with disabilities, the teacher, the parents or guardian of~~
3 ~~the child, and, whenever appropriate, the child.~~

4 (3) ~~The individual education plan~~ individualized education
5 program shall include:

6 (A) A statement of the child's present levels of
7 educational performance ~~of the child;~~ including:

8 (i) how the child's disability affects the child's
9 involvement and progress in the general curriculum; or

10 (ii) for preschool children, as appropriate, how the
11 disability affects the child's participation in appropriate activities;

12 (B) A statement of measurable annual goals, including
13 benchmarks or short term instructional objectives, related to;

14 (i) meeting the child's needs that result from the
15 child's disability to enable the child to be involved in and progress in the
16 general curriculum; and

17 (ii) meeting each of the child's other educational
18 needs that result from the child's disability;

19 (C) A statement of the ~~specific educational services~~
20 special education and related services and supplementary aids and services to
21 be provided to the child, or on behalf of the child, and the extent to which
22 the child will be able to participate in regular educational programs a
23 statement of the program modifications or supports for school personnel that
24 will be provided for the child;

25 (i) to advance appropriately toward attaining the
26 annual goals;

27 (ii) to be involved and progress in the general
28 curriculum in accordance with this section and to participate in
29 extracurricular and other nonacademic activities; and

30 (iii) to be educated and participate with other
31 children with disabilities and nondisabled children in the activities
32 described in this section;

33 (D) An explanation of the extent, if any, to which the
34 child will not participate with nondisabled children in the regular class and
35 in the activities described in this section;

36 ~~(D)(E) The projected date for initiation and anticipated~~

1 ~~duration of such services; and~~

2 (i) a statement of any individual modifications in the
3 administration of state or districtwide assessments of student achievement
4 that are needed in order for the child to participate in such assessment; and

5 (ii) if the IEP Team determines that the child will
6 not participate in a particular State or districtwide assessment of student
7 achievement (or part of such an assessment), a statement of:

8 (a) why that assessment is not appropriate for
9 the child; and

10 (b) how the child will be assessed;

11 ~~(E)(F) Appropriate objective criteria and evaluation~~
12 ~~procedures and schedules for determining, on at least an annual basis, whether~~
13 ~~instructional objectives are being achieved. The projected date for the~~
14 ~~beginning of the services and modifications described in this section, and the~~
15 ~~anticipated frequency, location, and duration of those services and~~
16 ~~modifications;~~

17 (G) (i) beginning at age 14, and updated annually, a
18 statement of the transition service needs of the child under the applicable
19 components of the child's individualized education program that focuses on the
20 child's courses of study (such as participation in advanced-placement courses
21 or a vocational education program);

22 (ii) beginning at age 16 (or younger, if determined
23 appropriate by the individualized education program team), a statement of
24 needed transition services for the child, including, when appropriate, a
25 statement of the interagency responsibilities or any needed linkages; and

26 (iii) beginning at least one year before the child
27 reaches the age of majority under state law, a statement that the child has
28 been informed of his or her rights under this title, if any, that will
29 transfer to the child on reaching the age of majority under the Individuals
30 with Disabilities Education Act; and

31 (H) A statement of:

32 (i) how the child's progress toward the annual goals
33 described in this section will be measured; and

34 (ii) how the child's parents will be regularly
35 informed (by such means as periodic report cards), at least as often as
36 parents are informed of their nondisabled children's progress, of;

- 1 ~~(4) Educational examiners; and~~
- 2 ~~(5) Special education administration.~~

3

4 SECTION 35. Arkansas Code 6-41-311 is repealed.

5 ~~6-41-311. Admissions and discharges.~~

6 ~~Children may be admitted to all special educational services or~~
7 ~~discharged from them on the recommendation of physicians under whom they are~~
8 ~~being treated or by medical, psychological, psychiatric, or therapeutic~~
9 ~~experts chosen or approved by the board.~~

10

11 SECTION 36. Arkansas Code 6-41-402(3) pertaining to definitions is
12 amended to read as follows:

13 “(3) ‘~~Individual education plan~~ Individualized education program’ means
14 the evaluation of a child with disabilities’ educational needs conducted
15 pursuant to § 6-41-217.”

16

17 SECTION 37. Arkansas Code 12-29-304(a)(2)(B) is amended to read as
18 follows:

19 “(B) ~~In no case, however, shall the Minimum Foundation Program Aid~~
20 ~~funds to this district monies from the public School Fund to the Department of~~
21 ~~Correction School District be in excess of the sixty five percent (65%) of the~~
22 ~~statewide average table rate State Equalization Funding per Student, as~~
23 ~~defined by the Minimum Foundation Program Aid formula in Arkansas Code 6-20-~~
24 ~~303, multiplied by the average daily membership and the special education add~~
25 ~~on of the school district~~ Department of Correction School District.”

26

27 SECTION 38. Arkansas Code 19-4-1107(b)(6)(B) is amended to read as
28 follows:

29 “(b)(6)(B) In the case of vouchers written upon the Public School Fund
30 for ~~Minimum Foundation Program Aid~~ State Equalization Aid, the Auditor of
31 State shall process warrants to pay the vouchers upon certification by the
32 Chief Fiscal Officer of the State that funds are available from general
33 revenues available for distribution or from other sources for the benefit of
34 the Public School Fund with which to pay the warrants when they shall be
35 presented for payment.”

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SECTION 39. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 40. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 41. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ Mahony

APPROVED: 3/2/1999