

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1784

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 6, CHAPTER 41, SUBCHAPTER 2 OF THE ARKANSAS CODE TO CLARIFY THE AUTHORITY OF THE ARKANSAS DEPARTMENT OF EDUCATION TO ASSIGN RESPONSIBILITY FOR HANDICAPPED CHILDREN IN COMPLIANCE WITH FEDERAL LAW; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 6-41-202(a)(1) is hereby amended to read as follows:

"(a)(1) It shall be the policy of this state to provide and to require school districts to provide, as an integral part of the public schools, a free appropriate public education (FAPE) for handicapped students. The State Board of Education is therefore expressly authorized to assign responsibility for providing free appropriate public education of any handicapped student to an appropriate school district."

SECTION 2. Arkansas Code 6-41-206(a)(2) is hereby amended to read as follows:

"(a)(2) Whenever private schools and services are utilized, it continues to be the responsibility of the appropriate local school district and the State Board of Education to assure an appropriate quantity and quality of instructional and related services, to assure the protection of all other rights, and to ascertain that all handicapped children receive the educational and related services and rights to which the law of this state entitles them."

SECTION 3. Arkansas Code 6-41-206(b) is hereby amended to read as follows:

"(b) It shall be the responsibility of the local school district and the

state to provide a FAPE based upon the Individualized Education Plan developed for the child."

SECTION 4. Arkansas Code 6-41-207 is hereby amended by adding two new subsections to read as follows:

"(e) The board, in compliance with federal enforcement requirements, is authorized to disallow the generation of all state aid to handicapped children to any local school district or education service cooperative which fails to comply with state and federal regulations as determined by independent hearing officers, agency hearing decisions, agency complaint investigation decisions, agency compliance monitoring reports, or agency jurisdictional decisions. The board is authorized to set aside funds disallowed under this subsection and to utilize such funds for the provision of a FAPE to appropriate handicapped students.

(f) The board, in keeping with federal requirements, is designated as the agency having general education supervision over public agencies which provide educational services to handicapped children as defined by this act to ensure that each public agency complies with state and federal regulations pursuant to the education of handicapped children."

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