

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Malone

A Bill

SENATE BILL 198

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 6-41-216 TO
9 PRESCRIBE A THIRTY (30) DAY TIME LIMIT FOR FILING AN
10 APPEAL OF A HEARING OFFICER_S DECISION; AND FOR OTHER
11 PURPOSES."

Subtitle

14 "AMEND CODE TO PRESCRIBE A THIRTY DAY
15 TIME LIMIT FOR FILING AN APPEAL OF A
16 HEARING OFFICER_S DECISION."

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

20 SECTION . Arkansas Code Annotated 6-41-216 is amended to read as
21 follows:

22 "§ 6-41-216. Tests and evaluations - Change of child's status -
23 Hearings.

24 (a) All decisions pertaining to change in the educational status of a
25 child shall follow due process procedures established by the State Board of
26 Education.

27 (b) Due process shall include:

28 (1) Providing for prior notification to parents of testing and
29 provision of special education services;

30 (2) The right to request educational evaluation and special
31 education services; and

32 (3) The right to hearing and appeal of educational decisions.

33 (c)(1) The State Board of Education shall prescribe rules and
34 regulations governing hearings and appeals.

35 (2) Hearings shall be conducted by individuals hereinafter

1 referred to as hearing officers.

2 (3)(A) The board shall establish standards and qualifications
3 for individuals to serve as hearing officers.

4 (B) Neither an employee of the Department of Education nor
5 an employee of the local school district involved in a particular hearing may
6 serve as a hearing officer.

7 (C) Professional service contracts with individuals made
8 for the purpose of compensating them for services rendered in connection with
9 hearings shall not constitute employment.

10 (d) An individual serving as a qualified hearing officer at an
11 assigned hearing shall be immune from civil suit brought by either party for
12 the consequences of actions required of a hearing officer.

13 (e) Any aggrieved party shall have thirty (30) days after the Hearing
14 Officer_s decision to file an appeal *pursuant to the federal Individuals with*
15 *Disabilities Education Act.*"

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17 SECTION 2. All provisions of this act of a general and permanent
18 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
19 Code Revision Commission shall incorporate the same in the Code.

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21 SECTION 3. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 4. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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/s/Malone

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