

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

SENATE BILL 238

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5 By: Senator Laverty  
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## For An Act To Be Entitled

9 AN ACT TO ENSURE STUDENTS CATEGORIZED WITH  
10 BEHAVIORAL DISABILITIES IN OTHER STATES ARE  
11 PROMPTLY AND ADEQUATELY PLACED IN THE ARKANSAS  
12 PUBLIC SCHOOL SYSTEM; AND FOR OTHER PURPOSES.  
13

## Subtitle

14 TO ENSURE STUDENTS CATEGORIZED WITH  
15 BEHAVIORIAL DISABILITIES IN OTHER STATES  
16 ARE PROMPTLY AND ADEQUATELY PLACED IN  
17 THE ARKANSAS PUBLIC SCHOOL SYSTEM.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 6, Chapter 41, Subchapter 1 is amended  
24 to add an additional section to read as follows:

25 6-41-104. Services for children determined in another state to be  
26 eligible for services due to a behavioral disability.

27 (a) This section applies to a child who:

28 (1) Enrolls for the first time in special education services at  
29 an Arkansas public school; and

30 (2) Has been previously determined by a school district in  
31 another state to be eligible for special education services due to a  
32 behavioral disability.

33 (b) The Arkansas public school district shall reevaluate the child  
34 within three (3) months of enrolling to determine the appropriate special  
35 education disability category recognized in this state, if any.

36 (c) During the reevaluation process the Arkansas public school



1 district shall place the child in:

2 (1) The alternative learning environment of the Arkansas public  
3 school district to provide services comparable to those listed in the child's  
4 most recent individualized education plan, including necessary intervention  
5 services; or

6 (2) Another classroom setting if it is determined that the  
7 alternative learning environment cannot provide comparable services as stated  
8 in the child's most recent individualized education plan.

9 (d) The Department of Education shall have the authority to promulgate  
10 rules as necessary to carry out the provisions of this section.

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