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	As Engrossed: S2/11/09			
2	87th General Assembly	A Bill			
3	Regular Session, 2009		SENATE BILL	238	
4					
5	By: Senator Laverty				
6					
7					
8		For An Act To Be Entitled			
9	AN ACT	TO ENSURE STUDENTS CATEGORIZED WITH			
10	BEHAVI	ORAL DISABILITIES IN OTHER STATES ARE			
11	PROMPT	LY AND ADEQUATELY PLACED IN THE ARKANSA	S		
12	PUBLIC	SCHOOL SYSTEM; AND FOR OTHER PURPOSES.			
13					
14		Subtitle			
15	TO 1	ENSURE STUDENTS CATEGORIZED WITH			
16	BEHA	AVIORIAL DISABILITIES IN OTHER STATES			
17	ARE PROMPTLY AND ADEQUATELY PLACED IN				
18	THE	ARKANSAS PUBLIC SCHOOL SYSTEM.			
19					
20					
21	BE IT ENACTED BY T§HE	E GENERAL ASSEMBLY OF THE STATE OF ARKAN	NSAS:		
22					
23	SECTION 1. Ark	kansas Code Title 6, Chapter 41, Subchap	pter l is amend	led	
24	to add an additional	section to read as follows:			
25	<u>6-41-104.</u> Serv	vices for children determined in another	r state to be		
26	eligible for services	s due to a behavioral disability.			
27	<u>(a) This secti</u>	ion applies to a child who:			
28	<u>(1) Enro</u>	olls for the first time in special educa	ation services	at	
29	<u>an Arkansas public sc</u>	chool; and			
30	<u>(2)</u> Has	been previously determined by a school	district in		
31	another state to be e	eligible for special education services	due to a		
32	behavioral disability	7.			
33	(b) The Arkans	sas public school district shall conduct	t an evaluation	<u>ı of</u>	
34	the child consistent	with federal and state rules to determ	<u>ine the</u>		
35	appropriate special e	education disability category recognized	d in this state	<u>,</u>	
36	if any.				



## As Engrossed: S2/11/09

SB238

1	(c)(l) If a child with a disability, who had an individualized
2	education program that was in effect in a previous public agency in another
3	state, transfers to a public agency in this state, and enrolls in a new
4	school within the same school year, the new public agency, in consultation
5	with the parents, must provide the child with free appropriate public
6	education including services comparable to those described in the child's
7	individualized education program from the previous public agency until such
8	time as the new public agency:
9	(A) Conducts an evaluation pursuant to 34 C.F.R. § 300.304
10	through 34 C.F.R. § 300.306, if determined to be necessary by the new public
11	agency; and
12	(B) Develops, adopts, and implements a new individualized
13	education program if appropriate, that meets the applicable requirements in
14	<u>34 C.F.R. § 300.320 through 34 C.F.R. § 300.324.</u>
15	(2) If the child's behavior results in an out-of-school
16	suspension of ten (10) or more consecutive or nonconsecutive days or an
17	expulsion during the period of time the child receives special education
18	services under the disability category of behavioral disability, the child's
19	individualized education program team shall meet to review the child's
20	individualized education program, including the behavioral needs of the child
21	and the current placement of the child, consistent with federal and state
22	rules dealing with special education and related services.
23	(d) The Department of Education shall have the authority to promulgate
24	rules as necessary to carry out the provisions of this section.
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26	/s/ Laverty
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