

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/5/15
A Bill

SENATE BILL 485

5 By: Senators S. Flowers, *Irvin*
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7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE LAW CONCERNING THE DISPOSITION OF
9 JUVENILE DELINQUENT PETITION; TO AMEND THE LAW
10 CONCERNING THE CONTENTS OF JUVENILE CASE PETITION;
11 AND FOR OTHER PURPOSES.
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14 **Subtitle**

15 TO AMEND THE LAW CONCERNING THE
16 DISPOSITION OF JUVENILE DELINQUENT
17 PETITION; AND TO AMEND THE LAW CONCERNING
18 THE CONTENTS OF JUVENILE CASE PETITION.
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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 § 9-27-311(a), concerning the contents of a
24 petition in a juvenile case, is amended to add an additional subdivision to
25 read as follows:

26 (7) If a person employed by a school, school district, or an
27 equivalent entity contacts law enforcement or provides information on which a
28 petition for delinquency is filed, the petition for delinquency shall also
29 include the following information or the petition shall be dismissed:

30 (A) A copy of the evaluation of the juvenile named in the
31 petition that is conducted under 34 CFR §§ 300.304 through 300.311;

32 (B) A summary of the variety of assessment tools and
33 strategies used by the school when it was gathering the relevant functional,
34 developmental, and academic information about the juvenile named in the
35 petition;

36 (C)(i) The date of the meeting with the parents,



1 guardians, or custodians of the juvenile named in the petition and the
2 qualified professionals present at the meeting.

3 (ii) A document that contains the names, titles, and
4 a brief description of each of the qualified professionals who attended the
5 meeting;

6 (D) The expenses paid by the school for a medical
7 diagnosis if a diagnosis is required for the purpose of determining whether a
8 juvenile has a particular disability; and

9 (E)(i) The determination made by the school on whether the
10 juvenile is a juvenile with a disability and supporting documentation for the
11 determination.

12 (ii) If the school determined the juvenile has a
13 disability:

14 (a) A copy of the Individualized Education
15 Program for the juvenile as required under the Individuals with Disabilities
16 Education Act, 20 U.S.C. § 1400 et seq., including the special education,
17 related services, supplementary aids, and services to be provided to or on
18 behalf of the juvenile;

19 (b) If mental health services are needed by
20 the juvenile, a statement on whether those related services are provided at
21 no cost to the parents, guardians, or custodians as mandated by 34 CFR §§
22 300.101 and 300.17; and

23 (c) Whether an agreement was reached between
24 the relevant members of the professionals participating in the juvenile's
25 Individualized Education Program and the parents, guardians, or custodians
26 concerning whether the juvenile's behavior at school was a manifestation of
27 the juvenile's disability.

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29 SECTION 2. Arkansas Code § 9-27-330(a), concerning the disposition of
30 a juvenile delinquency case, is amended to add an additional subdivision to
31 read as follows:

32 (16) If the juvenile has been determined to have a disability
33 and the petition was filed by a person employed in a school or school
34 district or the equivalent thereof, the court shall ensure compliance by the
35 school with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400
36 et seq., and Free Appropriate Public Education Act, under § 504 of the

1 Rehabilitation Act of 1973.

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/s/S. Flowers

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