

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: S3/5/15  
**A Bill**

SENATE BILL 485

By: Senators S. Flowers, *Irvin*

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE DISPOSITION OF  
JUVENILE DELINQUENT PETITION; TO AMEND THE LAW  
CONCERNING THE CONTENTS OF JUVENILE CASE PETITION;  
AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE  
DISPOSITION OF JUVENILE DELINQUENT  
PETITION; AND TO AMEND THE LAW CONCERNING  
THE CONTENTS OF JUVENILE CASE PETITION.

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

SECTION 1. Arkansas Code § 9-27-311(a), concerning the contents of a petition in a juvenile case, is amended to add an additional subdivision to read as follows:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Rehabilitation Act of 1973.

*/s/S. Flowers*