



# DISABILITY RIGHTS CENTER

The Protection and Advocacy System for People with Disabilities in Arkansas (P&A)

## 87th General Assembly Ends but New Session Begins 2010



During the session 2275 bills were introduced in the House and 1010 bills were introduced in the Senate. 1501 bills were signed into law.

Lawmakers closed the session April 9th with a full slate of constitutional amendments for the November 2010 general election. Up to three can be referred for a vote of the people and lawmakers came up with three.

They are:

(1) a constitutional right to hunt, fish and trap;

(2) amending the state's super-project economic development plan to issue general obligation bonds to lure employers of any size, subject to the General Assembly's approval; and

(3) a rewriting of the state's credit and usury limits.

176 bills were referred to interim committees for possible action, the largest number referred during any legislative session.

Lawmakers will be back at the Capitol in February 2010 for a fiscal session now required by the 2008 Constitutional Amendment requiring the legislature to hold a fiscal session in even-numbered years.

On April 9, 2009, the regular session of the Arkansas 87th General Assembly was recessed after an 88 day session.

Governor Mike Beebe thanked lawmakers for their work this session which convened January 12, 2009 and formally adjourned May 1, 2009.

We hope you enjoy this Legislative DRC Brief.

If you would like future DRC information by email or to be removed from our mailing list, please contact DRC.

Thank you,

Jan Baker

DRC Managing Attorney & Editor



During the 2009 regular session, DRC staff reviewed all bills and posted the ones on our DRC website that might impact the lives of people with disabilities. To review all the bills we tracked this session go to:

[www.arkdisabilityrights.org](http://www.arkdisabilityrights.org)

Please call DRC if you have questions about any of the legislation.

## Legislative Days at the Capitol—Nan Ellen East, DRC Executive Director and Representative Steve Harrelson discuss proposed legislation

A great way to educate legislators this year was having Legislative Days at the Capitol.

DRC participated in 3 such days: Kids Count Day at the Capitol 2-5 sponsored by the Kids Count Coalition, the Governor's Developmental Disabilities Council Legislative Luncheon 2-16 & 2-17, the AR Coalition



for the Education of Children who are Deaf or Hard of Hearing (ACED) partnered with the AR Speech Language Hearing Association (ArkSHA) for a large exhibit & hearing screenings of 37 legislators.

DRC is a Kids Count Coalition member, serves on the DDC & Chairs the ACED Coalition.

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## Top 10 Education Acts that impact people with disabilities

**Act 1373**-An act to improve parents' access to public school data on achievement gaps and on public school plans to close achievement gaps; and for other purposes. **Act 1371 mandates that school districts publish a parent-friendly explanation of the school improvement status of the public school district; the status of each public school within the district; why the district or any of its schools are under academic distress, school improvement, or fiscal distress and what the district is going to do to address those issues. The district is also required to provide its parental involvement plan and provide informational packets. The district must also provide teacher qualifications for all public schools in the district.**

**Act 1473**-An Act to amend various provisions of Arkansas Code title 6 concerning academic facilities and transportation. **Act 1473 gives the Commission for Arkansas Public**

**School facilities and transportation the authority to set up principles, standards, and criteria to follow concerning the priority of school facilities. The Act also lays out the testing criteria bus drivers must obtain before being employed as a public school bus driver.**

**Act 1310**-An Act to amend the law pertaining to residency requirements and attendance at public schools; and for other purposes. **Act 1310 states that a school district shall not admit for 10 school days or more a student who is not a resident of the school district or is not entitled to be there under another law. If the district believes the student belongs in another district the district shall notify the district they believe the student should be attending and upon receiving notification the district**

**shall do an investigation to determine if the student belongs in its district.**

**Act 215**-An Act to ensure consistent public school attendance laws; and for other purposes. **Act 215 sets forth requirements of public school attendance. Every person who has custody of a child age 5-17 shall ensure that child is enrolled in public, private, or parochial school or provide home school for the child. To enroll in school child must be: in 2009-2010 school year child 5 on or before Sept. 1, 2009; 2010-2011 school year 5 years of age on or before Aug. 15, 2010; 2011-2012 school year & forward 5 years of age on or before Aug. 1 of the year they are seeking initial enrollment. Parents/guardians may elect to sign a waiver if the child will not be 6 years old on the dates laid out above for minimum age. If a waiver is sought the parent/guardian shall file a signed kindergarten waiver form with the local school district administrative office.**

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## Language, Boards & Advocacy

**ACT 975**—AN ACT TO PROVIDE THAT THE BUREAU OF LEGISLATIVE RESEARCH SHALL AVOID ALL REFERENCES TO INDIVIDUALS WITH MENTAL RETARDATION; AND FOR OTHER PURPOSES.

**SR 15 Adopted**—ESTABLISHING ADVISORY, MOCK LEGISLATIVE SESSIONS CONCERNING DISABILITY ISSUES AND AUTHORIZING ASSISTANCE TO CONDUCT THE MOCK LEGISLATIVE SESSIONS.

After two general sessions, the legislature passed Act 1488 requiring developmental disability board membership on the governing body of a nonprofit organization providing services to individuals with developmental disabilities. This legislation was years in the making & a result of previous DRC Board member **Eric Treat's** continuous advocacy. Governor Beebe, at the Act 975 signing ceremony said he was happy to sign Eric's Bill, a bill he attributed to Eric Treat's advocacy that says the Bureau of Legislative Research shall avoid all references to individuals with mental retardation (MR).



Governor Beebe signs Act 975 as DRC advocates SeRonna Rodgers and Vincent McKinney and former DRC Board members Eric Treat and Julie Petty look on.

## Recreation

**ACT 1604**- AN ACT TO AUTHORIZE THE ISSUANCE OF VARIOUS LIFETIME HUNTING & FISHING LICENSES TO RESIDENTS; TO AUTHORIZE THE ISSUANCE OF A THREE YEAR HUNTING & FISHING LICENSE TO A RESIDENT WHO IS TOTALLY DISABLED; TO ALLOW FOR THE ISSUANCE OF HUNTING-ONLY & FISHING-ONLY LICENSES TO RESIDENTS; TO SET THE FEES FOR THE VARIOUS LICENSES; TO PROVIDE FOR RULES.



**ACT 1259**—AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF RURAL SERVICES FOR GRANTS TO RECREATION CENTERS AND STATE PARKS FOR IMPROVEMENTS AND AMERICANS WITH DISABILITIES ACT MODIFICATIONS; AND FOR OTHER PURPOSES.

**ACT 701**—AN ACT TO CLARIFY THE USE OF AN ALL-TERRAIN VEHICLE BY A PERSON WITH A SERIOUS WALKING HANDICAP; AND FOR OTHER PURPOSES.

## Health, Safety and Disabilities

**ACT 435**—AN ACT TO CREATE THE ARKIDS FIRST IMPROVEMENT ACT; TO EXPAND COVERAGE UNDER THE ARKIDS FIRST PROGRAM; AND FOR OTHER PURPOSES.

**ACT 414**—AN ACT TO ALLOW THE OPERATION OF MOBILE DENTAL FACILITIES UNDER THE AUTHORITY OF THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS; AND FOR OTHER PURPOSES.

**ACT 1191**—AN ACT TO CREATE THE LEGISLATIVE TASK FORCE ON SICKLE CELL DISEASE; TO PROVIDE FOR THE APPOINTMENT OF ITS MEMBERS; TO DESCRIBE ITS MISSION AND RESPONSIBILITIES; AND FOR OTHER PURPOSES.

**ACT 718**—AN ACT TO CLARIFY WHEN EMPLOYEES OF NURSING FACILITIES ARE NOT REQUIRED TO INITIATE CARDIOPULMONARY RESUSCITATION FOR UNWITNESSED DEATHS; AND FOR OTHER PURPOSES.

**ACT 308**—AN ACT TO IMPROVE THE SAFETY OF MOTORISTS ON HIGHWAYS AND ROADS IN THE STATE OF ARKANSAS BY MAKING THE MANDATORY SEAT BELT LAW A PRIMARY LAW FOR ENFORCEMENT PURPOSES; AND FOR OTHER PURPOSES

**ACT 152**—AN ACT TO ALLOW BLOOD DONATIONS BY SIXTEEN (16) YEAR OLDS WITH PARENTAL PERMISSION; AND FOR OTHER PURPOSES.

**ACT 496**—AN ACT TO CREATE "THE ANTONY HOBBS III ACT"; TO CREATE SCHOOL-BASED AUTOMATED EXTERNAL DEFIBRILLATOR AND CARDIOPULMONARY RESUSCITATION PROGRAMS; AND FOR OTHER PURPOSES.

**ACT 393**—AN ACT TO AMEND THE TRAUMA SYSTEM ACT, & SECT; 20-13-801 ET SEQ.; AND FOR OTHER PURPOSES. **ARKANSAS WILL NOW HAVE A LEVEL 1 TRAUMA CENTER.**

**ACT 1100**—AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES FOR RESEARCH AND TREATMENT OF AUTISM SPECTRUM DISORDERS; AND FOR OTHER PURPOSES.

**ACT 680**—AN ACT CONCERNING INVOLUNTARY ADMISSIONS OF PERSONS WITH MENTAL ILLNESS; AND FOR OTHER PURPOSES.

**ACT1483**—AN ACT TO REQUIRE THAT CERTAIN DRUGS BE MADE AVAILABLE TO ARKANSANS WITHOUT RESTRICTION WHEN THE DRUGS HAVE BEEN APPROVED AND RECOMMENDED BY THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES

**ACT 5**—AN ACT TO REQUIRE THE APPROPRIATE STATE AGENCY TO ADMINISTER SUFFICIENT AVAILABLE PERSONAL CARE SERVICES TWENTY-FOUR (24) HOURS A DAY AND SEVEN (7) DAYS A WEEK; AND FOR OTHER PURPOSES.

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**ACT 661**—AN ACT TO CREATE THE ARKANSAS HOUSING TRUST FUND; TO CREATE A HOUSING TRUST FUND ADVISORY COMMITTEE;

TO PROVIDE FOR THE ADMINISTRATION OF THE HOUSING TRUST FUND BY THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY; AND FOR OTHER PURPOSES.

**ACT 559**- AN ACT TO CLARIFY THE LAW CONCERNING SECURITY DEPOSITS FOR THE LEASE OF RESIDENTIAL PROPERTY;AND FOR OTHER PURPOSES.

**ACT 151**—REQUIRES HOMESTEADS USED AS A TAXPAYER'S PRINCIPAL PLACE OF RESIDENCE BOUGHT AFTER 1/1/2001 BY PERSONS WITH A DISABILITY OR 65 YEARS OR OLDER BE ASSESSED FOR PROPERTY TAX AT THE LOWER OF THE VALUE WHEN PURCHASED OR A LATER LOWER ASSESSED VALUE.

**ACT 311** -AN ACT TO AMEND AND CLARIFY VARIOUS PROVISIONS OF THE ARKANSAS RESIDENTIAL-LANDLORD TENANT ACT OF 2007 THAT CONCERN LANDLORD REMEDIES AND EVICTION PROCEEDINGS; FOR OTHER PURPOSES.

**ACT 896**- AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HUMAN

SERVICES - DIVISION OF COUNTY OPERATIONS FOR HOMELESS SHELTER GRANTS; AND FOR OTHER PURPOSES.

*“Limited affordable, accessible housing is one of the most serious issues people with disabilities face when trying to live independently in a community. We advocate everyday for people trying to find housing. It’s a very difficult issue and one our lawmakers barely addressed during this session.”*

Nan Ellen East, DRC Executive Director

## Housing/Homeless

## Insurance & Taxes

**ACT 1179**—AN ACT TO REQUIRE HEARING AIDS TO BE COVERED BY HEALTH BENEFIT PLANS; AND FOR OTHER PURPOSES. **Sponsored by Rep. Pam Adcock, Act 1179 requires a health benefit plan to offer coverage for hearing aids in an amount of not less than \$1,400 per ear every three years. (for an individual of any age).**

**ACT 1193** -AN ACT TO AMEND THE ARKANSAS MENTAL HEALTH PARITY ACT, § 23-99-501 ET SEQ.; TO MAKE CERTAIN AMENDMENTS TO THE ACT CONSISTENT

WITH FEDERAL LAW; AND FOR OTHER PURPOSES.

**ACT 950**- AN ACT TO PROVIDE HEALTH BENEFIT COVERAGE FOR AN ORTHOTIC DEVICE, AN ORTHOTIC SERVICE, A PROSTHETIC DEVICE, AND A PROSTHETIC SERVICE UNDER THE ARKANSAS HEALTH CARE CONSUMER ACT, § 23-99-401 ET SEQ.; AND FOR OTHER PURPOSES.

**ACT 180** - AN ACT TO INCREASE THE TAX ON CIGARETTES AND OTHER TOBACCO PRODUCTS; TO MODERNIZE THE TOBACCO TAX RATE ON MOIST SNUFF; AND FOR

OTHER PURPOSES.

**ACT 237**—AN ACT TO INCLUDE A DEFINITION OF DEVELOPMENTAL DISABILITY IN THE ARKANSAS INCOME TAX LAW RATHER THAN BY REFERENCE TO A PROVISION CONTAINED IN TITLE 20 OF THE ARKANSAS CODE; AND FOR OTHER PURPOSES.



## The Protection and Advocacy System for People with Disabilities in Arkansas (P&A)

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*This DRC Brief is on our website and is available upon request in other formats such as Braille, large print, disk and in Spanish*

**Act 607**– An act to make an appropriation for payment of incentive bonuses for certified speech-language pathologists who hold a national certificate of clinical competence in speech-language pathology from the American speech-language-hearing association for the department of education for the fiscal year ending June 30, 2010; and for other purposes. **Act 607 provides \$2,500,000 to the Department of Education to provide incentive bonuses to certified speech language pathologists who hold a national certificate of clinical competence in speech-language pathology from American speech-language-hearing association for the fiscal year ending June 30, 2010.**

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**(Education Top 10 Continued from p. 2) Act 377**–An Act to ensure students categorized with behavioral disabilities in other states are promptly and adequately placed in the Arkansas public school system; and for other purposes. **Act 377 mandates that if a child is determined in another state to be eligible for services due to a behavioral disability, and enrolls for the first time in special education services at an Arkansas public school; and has been previously determined by a school district in another state eligible for special education services due to a behavioral disability, the district shall conduct an evaluation consistent with federal and state rules to determine the appropriate special education category recognized in this state. This Act mandates the district follow the requirements of federal laws.**

**Act 1307**–An Act to amend the requirements for public school end of course assessments; and for other purposes. **Act 1307 sets for the requirements for end of course assessments. Within those requirements it is stated that if a student with disabilities identified under the Individuals with Disabilities Education Act (IDEA) is unable to meet the requirements set forth in this Act because of the nature of the students disabilities, the student may graduate from high school by demonstrating alternative competencies or alternative levels of competency under the student’s Individualized education program. Also, public schools shall provide state-approved accommodations for students with state recognized disabilities and for English language learners as allowed by law and state board rules.**

**Act 863**–An Act to provide notification of changes to a juvenile safety plan under Arkansas code § 9-27-352 to school principals and assistant school principals; and for other purposes. **Act 863 says that when a juvenile court makes changes to a juvenile’s safety plan, the court must order that a copy of the order regarding the safety plan be provided to the school principal and district superintendent. The superintendent can provide verbal notice only to school officials necessary to implement the plan. Any individual within the district that receives a copy of the order, or information concerning the court order or safety plan shall maintain the confidentiality of and sign a statement not to disclose the information or court order and safety plan.**

**Act 1445**– An Act to allow a school district board of directors to meet in executive session on an appeal of the suspension or expulsion of a public school student; and for other purposes. **Act 1445 states that if a student is being considered for suspension/expulsion after taking testimony the School Board may go into executive session and discuss the facts/issues amongst themselves without anyone else being present. At the conclusion of the executive session the Board will reconvene in public session and vote on the suspension/expulsion/appeal. All decisions must be in compliance with the Individuals with Disabilities Education Act (IDEA).**

**Act 972**– An Act to establish a system of education within the division of youth services; and for other purposes. **Act 972 requires that the Division of Youth Services Provide a system of education in residential facilities operated by the division that conform to the guidelines established by the Department of Education and as set forth in § 9-28-205.**

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