

1 SB57
2 126437-1
3 By Senator Ward
4 RFD: Education
5 First Read: 01-MAR-11

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8 SYNOPSIS: This bill would allow the parents or legal
9 guardian of a child who has an individualized
10 education program (IEP) to transfer the child from
11 one public school or school district to any other
12 public school or school district in the state.

13 This bill would also require the prompt
14 transfer of the child's records between schools.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to the education of exceptional children;
21 to amend Section 16-39-8, Code of Alabama 1975, providing for
22 the placement of exceptional children; and to add Section
23 16-39-8.1 to the Code of Alabama 1975, to allow the transfer
24 of a child with an individualized education program (IEP)
25 between public schools in the state; and to require the prompt
26 transfer of the child's records between schools.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 16-39-8 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§16-39-8.

4 "(a) No child shall be given special services under
5 the terms of this chapter as an exceptional child until he is
6 properly classified as an exceptional child; provided, that
7 the child's parent or guardian shall be informed of the
8 reasons for such classification. A copy of the report
9 certifying to the child's type of exceptionality shall be kept
10 on file in the office of the principal of the school in which
11 the child is enrolled and at such other places as may be
12 prescribed by regulations of the State Board of Education.

13 "(b) In providing for the instruction of exceptional
14 children, the school boards shall utilize regular school
15 facilities and adapt them to the needs of exceptional
16 children, except as otherwise provided herein. No exceptional
17 child shall be segregated and taught apart from other
18 nonexceptional children until a careful study of the child's
19 case has been made and evidence obtained which indicates that
20 such segregation would be for the exceptional child's benefit
21 or is necessary because of difficulties involved in teaching
22 the child in a regular school program. Appropriate placement
23 shall be made on the basis of the placement committee
24 recommendation wherever this is practicable. Nothing in this
25 subsection shall prevent the parents or legal guardian of an
26 exceptional child from transferring the child pursuant to
27 Section 16-39-8.1.

1 "(c) The principal of the school in which an
2 exceptional child is taught shall keep a written record of the
3 case history of each exceptional child, showing the reason for
4 any withdrawal of such exceptional child from the regular
5 school program in the public school and his enrollment in or
6 withdrawal from a special school program for exceptional
7 children. Such confidential record shall be available for
8 inspection by appropriate school officials and appropriate
9 faculty at any time with the consent of the school principal."

10 Section 2. Section 16-39-8.1 is added to the Code of
11 Alabama of 1975, to read as follows:

12 §16-39-8.1.

13 (a) The parents or legal guardian of a child who has
14 an individualized education program (IEP) may transfer the
15 child from one public school or school district to any other
16 public school or school district in the state.

17 (b) The new public school, in consultation with the
18 parents or legal guardian of the transferring child, shall
19 provide free appropriate public education to the child,
20 including services comparable to those described in the
21 previously held IEP of the child, until such time as the new
22 public school adopts the previously held IEP or develops,
23 adopts, and implements a new IEP for the child.

24 (c) The new public school in which the child enrolls
25 shall take reasonable steps to promptly obtain the records of
26 the child, including the IEP and supporting documents and any
27 other records relating to the provision of special education

1 or related services to the child, from the previous school in
2 which the child was enrolled, and the previous school in which
3 the child was enrolled shall take reasonable steps to promptly
4 respond to such request from the new public school.

5 Section 3. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.