

**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.
Act 972 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1932

4
5 By: Representatives J. Roebuck, Blount, Breedlove, Cash, Clemmer, Cook, Dunn, Greenberg, Lovell,
6 Maloch, Moore, Pennartz, Nix, Pierce, Powers, Stewart
7 By: Senators Broadway, G. Jeffress, J. Jeffress, Madison

For An Act To Be Entitled

11 AN ACT TO ESTABLISH A SYSTEM OF EDUCATION WITHIN
12 THE DIVISION OF YOUTH SERVICES; AND FOR OTHER
13 PURPOSES.

Subtitle

16 TO ESTABLISH A SYSTEM OF EDUCATION
17 WITHIN THE DIVISION OF YOUTH SERVICES.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 9-28-203(a) concerning powers and
23 duties of the Division of Youth Services is amended to read as follows:

24 (a) The Division of Youth Services of the Department of Human Services
25 shall perform the following functions and have the authority and
26 responsibility to:

27 (1) Coordinate communication among the various components of the
28 juvenile justice system;

29 (2) Oversee reform of the state's juvenile justice system;

30 (3) Provide services to delinquent and families-in-need-of-
31 services youths;

32 (4) Conduct research into the causes, nature, and treatment of
33 juvenile delinquency and related problems;

34 (5) Develop programs for early intervention and prevention of
35 juvenile delinquency;



1 (6) Maintain information files on juvenile delinquents in the
2 state;

3 (7) Actively pursue the maximization of federal funding for
4 juvenile delinquency and related programs;

5 (8) Evaluate the effectiveness and efficiency of the programs
6 and services offered by the division and recommend changes to the Governor;
7 and

8 (9) Provide a system of education in residential facilities
9 operated by the division that conform to the guidelines established by the
10 Department of Education and as set forth in § 9-28-205; and

11 ~~(9)~~(10) Do and perform all other actions and exercise all other
12 authority not inconsistent with the provisions of this subchapter as may be
13 necessary to carry out the purposes and intent of this subchapter.
14

15 SECTION 2. Arkansas Code § 9-28-205 concerning youth services centers
16 is amended to read as follows:

17 9-28-205. Youth services centers.

18 (a) The physical facilities and programs at each of the youth services
19 centers shall be designed and developed to be particularly suitable for the
20 custody, care, education, and rehabilitation of youths of particular
21 classifications.

22 (b) In classifying and committing youths to the various centers and
23 facilities, the Division of Youth Services of the Department of Human
24 Services shall take into consideration a youth's age, sex, physical
25 condition, mental attitude and capacity, prognosis for rehabilitation, the
26 seriousness of the committing offense, and such other criteria as the
27 division shall determine.

28 (c)(1) The division shall establish a system of education that shall
29 conform to the guidelines established by the Department of Education.

30 (A) The Department of Education shall establish guidelines
31 for the Division of Youth Services system of education no later than July 1,
32 2009.

33 (B)(i) The division, with the support and assistance of
34 the Department of Education, shall conduct an education program assessment of
35 each division facility and provide a written report of assessment findings to
36 the division no later than December 1, 2009.

1 (ii) The division, with the support and assistance
 2 of the Department of Education, shall submit a corrective action plan for
 3 each division facility to the Director of the Division of Youth Services, if
 4 needed, no later than December 1, 2009.

5 (iii) The Department of Education shall monitor the
 6 Division of Youth Services system of education to ensure that the guidelines
 7 established by the Department of Education are satisfied by the Division of
 8 Youth Service system of education.

9 (2) A student enrolled in the Division of Youth Services system
 10 of education shall receive credit for courses that meet the guidelines
 11 established by the Department of Education.

12 (3) Course credits and promotions received by a student enrolled
 13 in the Division of Youth Services system of education shall be considered
 14 transferable in the same manner as those course credits and promotions from
 15 other educational entities.

16 (4)(A) A student's home school district or the school district
 17 in which the division facility is located may issue a diploma for a student
 18 who successfully completes the graduation requirements of the school
 19 district.

20 (B) If neither a student's home school district nor the
 21 school district in which the division facility is located is able to issue a
 22 diploma, then the Department of Human Services is authorized to issue a
 23 diploma to a student who successfully completes the requirements of the
 24 Division of Youth Services system of education.

25 (5) The division is authorized to contract for services, or hire
 26 staff, teachers, and other personnel as necessary to carry out the provisions
 27 of this section subject to the following requirements:

28 (A) A teacher employed in the Division of Youth Services
 29 system of education shall hold a valid Arkansas teacher's license in the
 30 appropriate area of instruction, unless the teacher participates in an
 31 additional licensure plan for the appropriate area of instruction at the time
 32 of employment;

33 (B) Staff, teachers, and other personnel employed by the
 34 Division of Youth Service system of education shall be eligible for
 35 membership in the Arkansas Teacher Retirement System and shall earn credited
 36 service for employment; and

1 (C) The Division of Youth Services system of education
 2 shall compensate teachers in accordance with the minimum teacher salary
 3 schedule set forth in § 6-17-2403.

4 ~~(e)(d)~~ The Director of the Division of Youth Services of the
 5 Department of Human Services, the Department of Education, and the Department
 6 of Workforce Education shall work collaboratively to prepare or cause to be
 7 ~~prepared~~ courses of study for the Division of Youth Services system of
 8 education, including regular or special courses in vocational skills career
 9 and technical education suited to the age and capacity of the youths, and
 10 ~~shall employ teachers to teach the courses.~~

11 ~~(d)~~ The courses of study taught shall conform to the established
 12 guidelines for alternative learning environments or the minimum standards
 13 prescribed for the public schools of the state, and the students shall
 14 receive credit for courses completed in the alternative learning environment
 15 ~~or the same credit for completing courses as students receive in public~~
 16 ~~schools.~~

17 ~~(e)~~ The youth services centers are declared to be educational
 18 institutions and entitled to all the rights and privileges of other
 19 accredited institutions of this state. The Department of Human Services, the
 20 Department of Education, and the Department of Workforce Education may
 21 promulgate rules as necessary to administer the requirements of this section.

22 (f) The Department of Human Services and the Department of Education
 23 shall report annually, beginning on March 1, 2010, to the House Committee on
 24 Aging, Children and Youth, Legislative and Military Affairs and to the Senate
 25 Committee on Children and Youth on the state of the Division of Youth
 26 Services system of education.

27
 28 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 29 General Assembly of the State of Arkansas that the education provided in the
 30 Division of Youth Services facilities is lacking; that all children,
 31 including those housed in Division of Youth Services facilities should be
 32 afforded a suitable education; and that this act is immediately necessary to
 33 allow the Department of Education to assist the Division of Youth Services in
 34 implementing a system of education that will impact all students housed in
 35 the Division of Youth Services facilities. Therefore, an emergency is
 36 declared to exist and this act being immediately necessary for the

1 preservation of the public peace, health, and safety shall become effective
2 on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

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10 **APPROVED: 4/6/2009**

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