

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017

# A Bill

SENATE BILL 503

4  
5 By: Senator Elliott

## For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR CONSISTENT TREATMENT IN  
9 REIMBURSEMENT FOR THE EDUCATION OF ARKANSAS STUDENTS  
10 DURING PLACEMENT IN A FACILITY IN A BORDER STATE; AND  
11 FOR OTHER PURPOSES.

### Subtitle

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14 TO PROVIDE FOR CONSISTENT TREATMENT IN  
15 REIMBURSEMENT FOR THE EDUCATION OF  
16 ARKANSAS STUDENTS DURING PLACEMENT IN A  
17 FACILITY IN A BORDER STATE.

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

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23 SECTION 1. DO NOT CODIFY. Legislative findings – Intent.

24 (a) The General Assembly finds that:

25 (1) Students living in and attending school in Arkansas are  
26 entitled to an appropriate education during a stay for care and treatment in  
27 a residential or inpatient facility;

28 (2) For many students and their families, placement in an out-  
29 of-state residential or inpatient facility is appropriate and promotes family  
30 participation in the student's care and treatment because the out-of-state  
31 facility is closer to the student's home than the nearest in-state facility;  
32 and

33 (3) The General Assembly has historically recognized that many  
34 individuals and institutions located in Arkansas routinely do business with  
35 individuals and institutions in bordering states, and the General Assembly  
36 has therefore enacted specific provisions for consistent treatment of in-



1 state and out-of-state individuals and services in areas including taxation,  
2 venue for adoption proceedings, intergovernmental cooperation agreements,  
3 municipal water and sewer operations, airport service, control of illegal  
4 drug trafficking, Medicaid reimbursement, and deposit of Arkansas local  
5 school district funds.

6 (b) It is the intent of the General Assembly that:

7 (1) Arkansas students and their families should have the ability  
8 to seek care and treatment at the closest and most appropriate residential or  
9 inpatient facility; and

10 (2) The state should cover the costs of the education of  
11 children in out-of-state placements on the same basis that the state covers  
12 the costs of the education of children in in-state placements, subject to  
13 physician certification that the placement is medically necessary and the  
14 most appropriate placement available.

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16 SECTION 2. Arkansas Code § 6-20-107(b), concerning educational costs  
17 associated with the placement of a juvenile in an out-of-state facility, is  
18 amended to read as follows:

19 (b) The Department of Education, a public school district, or an open-  
20 enrollment public charter school shall not be liable for any educational  
21 costs or other related costs associated with the placement of a juvenile in  
22 an out-of-state residential or inpatient facility for any care and treatment,  
23 including psychiatric treatment, unless:

24 (1) ~~At the time of placement+,~~

25 (A) ~~The juvenile qualifies as disabled under the~~  
26 ~~Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.,; and~~

27 (B) ~~Payment is required under the Individuals with~~  
28 ~~Disabilities Education Act~~ the juvenile’s physician determines that the out-  
29 of-state placement is medically necessary and is the most appropriate  
30 placement available;

31 (2) The department authorizes public payment for educational  
32 costs based on a determination that the educational program and facilities  
33 are appropriate for the juvenile and the department has approved the  
34 facility’s educational program; ~~and~~

35 (3)(A) Each educational program authorization precedes the  
36 placement.

1 (B) If the educational program is not authorized prior to  
2 placement, the department, public school districts, or open-enrollment public  
3 charter schools shall not be responsible for education or other related  
4 costs, nor shall they be subject to any order to pay for educational or other  
5 related costs, and

6 (4) The residential or inpatient facility is located within a  
7 state that borders the State of Arkansas.

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