

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1932

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
8

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.
14

Subtitle

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

36 (6) Maintain information files on juvenile delinquents in the



1 state;

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

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

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

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

13
14 SECTION 2. Arkansas Code § 9-28-205 concerning youth services centers
15 is amended to read as follows:

16 9-28-205. Youth services centers.

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

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

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

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

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

36 (ii) The division, with the support and assistance

1 of the Department of Education, shall submit a corrective action plan for
 2 each division facility to the Director of the Division of Youth Services, if
 3 needed, no later than December 1, 2009.

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

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

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

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

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

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

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

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

36 (C) The Division of Youth Services system of education

1 shall compensate teachers in accordance with the minimum teacher salary
 2 schedule set forth in § 6-17-2403.

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

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

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

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

26
 27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 28 General Assembly of the State of Arkansas that the education provided in the
 29 Division of Youth Services facilities is lacking; that all children,
 30 including those housed in Division of Youth Services facilities should be
 31 afforded a suitable education; and that this act is immediately necessary to
 32 allow the Department of Education to assist the Division of Youth Services in
 33 implementing a system of education that will impact all students housed in
 34 the Division of Youth Services facilities. Therefore, an emergency is
 35 declared to exist and this act being immediately necessary for the
 36 preservation of the public peace, health, and safety shall become effective

1 on:

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

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

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

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