

1 INTERIM STUDY PROPOSAL 2011-169

2 State of Arkansas

*As Engrossed: H3/18/11 H3/29/11*

3 88th General Assembly

# A Bill

4 Regular Session, 2011

HOUSE BILL 2049

5  
6 By: Representatives J. Roebuck, Powers

7 Filed with: House Committee on Education  
8 pursuant to A.C.A. §10-3-217.  
9

## 10 For An Act To Be Entitled

11 AN ACT TO PLACE THE EDUCATIONAL PROGRAMS IN  
12 RESIDENTIAL FACILITIES ADMINISTERED BY THE DIVISION  
13 OF YOUTH SERVICES UNDER THE AUTHORITY AND  
14 ORGANIZATION OF THE PUBLIC SCHOOL DISTRICT IN WHICH  
15 THE FACILITY IS LOCATED; AND FOR OTHER PURPOSES.  
16

## 17 Subtitle

18 TO PLACE THE EDUCATIONAL PROGRAMS IN  
19 RESIDENTIAL FACILITIES ADMINISTERED BY THE  
20 DIVISION OF YOUTH SERVICES UNDER THE  
21 AUTHORITY AND ORGANIZATION OF THE PUBLIC  
22 SCHOOL DISTRICT IN WHICH THE FACILITY IS  
23 LOCATED.  
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27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
29

30 SECTION 1. Arkansas Code § 9-28-205 is amended to read as follows:  
31 9-28-205. Youth services centers.

32 *(a) As used in this section, "local school district" means the school*  
33 *district where the youth service center is located.*

34 *(b) The physical facilities and programs at each of the youth services*  
35 *centers shall be designed and developed to be particularly suitable for the*

1 physical custody, care, education, and rehabilitation of youths of particular  
2 classifications.

3 ~~(b)(c)~~ In classifying and committing youths to the various centers and  
4 facilities, the Division of Youth Services of the Department of Human  
5 Services shall take into consideration a youth's age, sex, physical  
6 condition, mental attitude and capacity, prognosis for rehabilitation, the  
7 seriousness of the committing offense, and such other criteria as the  
8 division shall determine.

9 ~~(e)(d)(1)(A)~~ The ~~division~~ local school district shall ~~establish a~~  
10 ~~system of~~ provide education for youths that are committed to the division  
11 under § 6-11-301 et seq., that shall conform to the guidelines established by  
12 the Department of Education.

13 ~~(B)~~ ~~The Department of Education shall establish guidelines~~  
14 ~~for the division's system of education no later than July 1, 2009.~~

15 ~~(C)(i)~~ ~~The division, with the support and assistance of~~  
16 ~~the Department of Education, shall conduct an education program assessment of~~  
17 ~~each division facility and provide a written report of assessment findings to~~  
18 ~~the division no later than December 1, 2009.~~

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

23 ~~(iii)~~ ~~The Department of Education shall monitor the~~  
24 ~~division's system of education to ensure that the guidelines established by~~  
25 ~~the Department of Education are satisfied by the division's system of~~  
26 ~~education.~~

27 (2) A student ~~enrolled in the division's system of education~~  
28 shall receive credit for courses that meet the guidelines established by the  
29 Department of Education.

30 (3) Course credits and promotions received by a student ~~enrolled~~  
31 ~~in the division's system of education~~ shall be considered transferable in the  
32 same manner as those course credits and promotions from other educational  
33 entities.

34 ~~(4)(A)~~ ~~A student's home school district or the~~ The local school  
35 ~~district in which the division facility is located may~~ shall issue a diploma

1 for a student who successfully completes the graduation requirements of the  
 2 school district.

3 ~~(B) If neither a student's home school district nor the~~  
 4 ~~school district in which the division facility is located is able to issue a~~  
 5 ~~diploma, then the Department of Human Services is authorized to issue a~~  
 6 ~~diploma to a student who successfully completes the requirements of the~~  
 7 ~~division's system of education.~~

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

11 ~~(A) A teacher employed in the division's system of~~  
 12 ~~education shall hold a valid Arkansas teacher's license in the appropriate~~  
 13 ~~area of instruction, unless the teacher participates in an additional~~  
 14 ~~licensure plan for the appropriate area of instruction at the time of~~  
 15 ~~employment;~~

16 ~~(B) Staff, teachers, and other personnel employed by the~~  
 17 ~~division's system of education shall be eligible for membership in the~~  
 18 ~~Arkansas Teacher Retirement System and shall earn credited service for~~  
 19 ~~employment; and~~

20 ~~(C) The division's system of education shall compensate~~  
 21 ~~teachers in accordance with the minimum teacher salary schedule set forth in~~  
 22 ~~§ 6-17-2403.~~

23 ~~(d)(e) The local school district shall work collaboratively with the~~  
 24 ~~division, the Department of Education, and the Department of Career Education~~  
 25 ~~shall work collaboratively to prepare courses of study for the division's~~  
 26 ~~system of education, including courses in career and technical education~~  
 27 ~~suited to the age and capacity of the youths.~~

28 ~~(e)(f) The Department of Human Services, the Department of Education,~~  
 29 ~~and the Department of Career Education may promulgate rules as necessary to~~  
 30 ~~administer the requirements of this section.~~

31 ~~(f)(g) The Department of Human Services and the Department of Education shall report annually,~~  
 32 ~~beginning on March 1, 2010, to the House Committee on Aging, Children and Youth, Legislative and Military Affairs~~  
 33 ~~and to the Senate Interim Committee on Children and Youth on the state of the division's system of education for~~  
 34 ~~youths that are committed to the division.~~

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 36 SECTION 2. Arkansas Code Title 6, Chapter 11, is amended to add an

1 additional subchapter to read as follows:

2 3 - EDUCATION OF STUDENTS AT YOUTH RESIDENTIAL FACILITIES.

3 6-11-301. Title.

4 This subchapter shall be known as the Youth Residential Facility  
5 Education Act.

6  
7 6-11-301. Findings.

8 The General Assembly finds that:

9 (1) In Lakeview, the Supreme Court of Arkansas stated that:

10 (A) Providing a quality education to students is the  
11 responsibility of the state; and

12 (B) Quality education is instrumental to a democracy and is  
13 essential for economic growth and good citizenship;

14 (2) The Article 14 of the Arkansas Constitution requires the state to  
15 maintain a general, suitable, and efficient system of free public schools and  
16 to adopt all suitable means to secure to the people the advantages and  
17 opportunities of education;

18 (3) The Individuals with Disabilities Education Act, 20 U.S.C. § 1400  
19 et seq., protects all students with disabilities, regardless of where they  
20 receive education;

21 (4) The Civil Rights for Institutionalized Persons, 42 U.S.C. § 1997  
22 and § 14141 protect the rights of incarcerated youth, including the right to  
23 educational opportunities;

24 (5) Youth in residential facilities are the most underserved and  
25 vulnerable children; and

26 (6) The Department of Education, the Division of Youth Services of the  
27 Department of Human Services, and local school districts must collaborate to  
28 ensure that adequate education is provided all students.

29  
30 6-11-302. Purpose.

31 To ensure adequate education is provided to all students, including a  
32 student housed at a youth residential facility.

33  
34 Definitions.

35 As used in this subchapter:

36 (1) "Education program" means a program that meets the accreditations

1 standards established by law and by the Department of Education;

2 (2) "Local school district" means the school district where the youth  
3 services center is located;

4 (4) "Home school district" means the school district the  
5 juvenile last attended before commitment to the Division of Youth services;  
6 and

7 (5) "Youth residential facility" means a juvenile correctional facility or juvenile treatment center  
8 administered by the Division of Youth Services of the Department of Human  
9 Services.

10  
11 6-11-304. Requirements for an education program.

12 (a) A local school district shall organize, operate, and maintain the  
13 educational programs of a youth residential facility located within the  
14 school district boundary.

15 (b) An education program in place at a youth residential facility  
16 shall be subject to the authority of the Department of Education including:

17 (1) Accreditation standards;

18 (2) Graduation requirements;

19 (3) Personnel requirements; and

20 (4) All other laws with which the local school district must  
21 comply.

22 (c) The Division of Youth Services of the Department of Human Services shall provide educational facilities  
23 for education programs for youth residing in the youth residential facility.

24  
25 6-11-305. Partnership -- Funding.

26 (a)(1) The home school district shall partner with the local school  
27 district to provide an adequate education to all juveniles committed to youth  
28 residential facilities.

29 (2) The juvenile shall be considered a student of the home  
30 school district for purposes of funding, including the average daily  
31 membership of the school district, and the Arkansas Comprehensive Testing,  
32 Assessment, and Accountability Program § 6-15-401 et seq.

33 (b) The home school district shall reimburse the local school district  
34 in full for providing the educational services to the student, including:

35 (1) Foundation funding for the student; and

36 (2) Categorical funding for which the student is eligible.

1 (c) If a student is eligible for alternative learning environment categorical funding, there shall be no  
2 limitation on the number of days the student may be counted for alternative learning environment categorical  
3 funding purposes.

4  
5 6-11-306. Reporting requirements.

6 The Director of the Division of Youth Services or his or her designee  
7 and the Commissioner of Education or his or her designee shall report to the  
8 House Education Committee and Senate Education Committee no later than  
9 September 1 each year on the status of education service provided to the  
10 students in youth residential facilities, including;

11 (1) Course offerings;

12 (2) Teachers, including retention and recruitment;(3) Student  
13 achievement; and

14 (4) Compliance with federal laws applicable to the provision of education at youth residential facilities.

15  
16 6-11-307. Utilization of distance learning permitted.

17 (a) Distance learning as provided in § 6-47-201 et seq. may be  
18 utilized by local school districts to provide a student in a youth residential  
19 facility with educational opportunities.

20 (b) Distance learning courses offered to a student in youth  
21 residential facility may include:

22 (1) Core courses;

23 (2) Elective courses;

24 (3) Vocational courses; or

25 (4) Other appropriate courses.

26 (c) A local school district may use distance learning provided by the Department  
27 of Education and seek advice from the Distance Learning Coordinating Council  
28 on how to implement its own distance learning program from the main campus of  
29 the local school district to the youth residential facility.

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31 6-11-308. Graduation.

32 A student at a youth residential facility is entitled to receive a  
33 diploma issued by the home school district if the student meets the  
34 graduation requirements promulgated by the State Board of Education.

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*/s/J. Roebuck*

Referral requested by: Representative Johnnie J. Roebuck

Prepared by: SAG/KFW