

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2558

"AN ACT CONCERNING FOR THE ESTABLISHMENT AND UPDATE OF VARIOUS
PROVISIONS OF THE ARKANSAS CODE RELATING TO EDUCATION."

Amendment No. 1 to House Bill No. 2558.

Amend House Bill No. 2558 as originally introduced:

Page 1, delete the title and substitute:

"AN ACT CONCERNING THE PAYMENT OF EDUCATIONAL COSTS OF JUVENILES PLACED IN
TREATMENT FACILITIES; AND FOR OTHER PURPOSES."

AND

Page 1, delete the subtitle and substitute:

"AN ACT CONCERNING THE PAYMENT OF EDUCATIONAL COSTS OF JUVENILES PLACED IN
TREATMENT FACILITIES; AND FOR OTHER PURPOSES."

AND

Delete Section 1 in its entirety and substitute:

"SECTION 1. Arkansas Code Title 6, Chapter 20, Subchapter 107 is
amended to add a new section to read as follows:

6-20-107. Educational cost reimbursement prohibition.

(a) As used in this section, "juvenile" means a person who is eighteen
(18) years old or less.

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

(1) At the time of placement:

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

(B) Payment is required under the Individuals with
Disabilities Education Act; and

(2) The Department of Education authorizes public payment for
educational costs based on a determination that the educational program and
facilities are appropriate for the juvenile and the Department of Education



has approved the facility's educational program; and

(3) Each program authorization must precede the placement and if the program is not authorized prior to placement, the Department of Education, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

(c) The department, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an in-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

(1) The Department of Education authorizes public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the Department of Education has approved the facility's educational program; and

(2) Each program authorization must precede the placement and if the program is not authorized prior to the placement, the Department of Education, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

(d) The liability of the department, a public school district, or an open-enrollment charter school for the educational costs or other related costs described in subsections (a) and (b) of this section shall be limited to the lesser of:

(1) The reimbursement rate established by the department for a juvenile placed in a residential or inpatient facility; or

(2) The normal and customary educational cost reimbursement rate of the state in which a juvenile is placed in an out-of-state residential or inpatient facility as determined by the department.

(e) This section shall not apply to a juvenile placed in an Arkansas juvenile detention facility as defined in § 6-20-104.

(f) Nothing in this section shall be construed to require payment by the department, a public school district, or an open-enrollment charter school for educational costs and other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care or treatment, including psychiatric treatment, prior to the effective date of this section.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain out-of-state parties are seeking to make legal claims for educational resources otherwise to be provided to Arkansas public schools; that these legal claims may jeopardize or negatively impact the adequacy of public education funding and resources; and that immediate passage of this act is necessary to ensure the appropriate management of educational services and related costs associated with juveniles placed in a residential or inpatient facility for any care or treatment, including psychiatric treatment. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

(2) If the bill is neither approved nor vetoed by the Governor,

the expiration of the period of time during which the Governor may veto the bill; or

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

The Amendment was read _____

By: Representative Saunders

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Chief Clerk