

State of Arkansas

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

88th General Assembly

A Bill

Regular Session, 2011

HOUSE BILL 2049

By: Representatives J. Roebuck, *Powers*

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

TO PLACE THE EDUCATIONAL PROGRAMS IN
RESIDENTIAL FACILITIES ADMINISTERED BY THE
DIVISION OF YOUTH SERVICES UNDER THE
AUTHORITY AND ORGANIZATION OF THE PUBLIC
SCHOOL DISTRICT IN WHICH THE FACILITY IS
LOCATED.

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

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

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

(b) *The physical facilities and programs at each of the youth services 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.

35
36 SECTION 2. Arkansas Code Title 6, Chapter 11, is amended to add an

additional subchapter to read as follows:

3 - EDUCATION OF STUDENTS AT YOUTH RESIDENTIAL FACILITIES.

6-11-301. Title.

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

6-11-301. Findings.

The General Assembly finds that:

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

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

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

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

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

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

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

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

6-11-302. Purpose.

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

Definitions.

As used in this subchapter:

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

standards established by law and by the Department of Education;

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

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

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

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

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

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

(1) Accreditation standards;

(2) Graduation requirements;

(3) Personnel requirements; and

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

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

6-11-305. Partnership -- Funding.

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

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

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

(1) Foundation funding for the student; and

(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.

30
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.

/s/J. Roebuck

Referral requested by: Representative Johnnie J. Roebuck

Prepared by: SAG/KFW