

INTERIM STUDY PROPOSAL 2017-067

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

**A Bill**

SENATE BILL 503

4 By: Senator Elliott

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

**For An Act To Be Entitled**

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

16 TO PROVIDE FOR CONSISTENT TREATMENT IN  
17 REIMBURSEMENT FOR THE EDUCATION OF  
18 ARKANSAS STUDENTS DURING PLACEMENT IN A  
19 FACILITY IN A BORDER STATE.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

26 (a) The General Assembly finds that:

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

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

35 (3) The General Assembly has historically recognized that many  
36 individuals and institutions located in Arkansas routinely do business with

1 individuals and institutions in bordering states, and the General Assembly  
2 has therefore enacted specific provisions for consistent treatment of in-  
3 state and out-of-state individuals and services in areas including taxation,  
4 venue for adoption proceedings, intergovernmental cooperation agreements,  
5 municipal water and sewer operations, airport service, control of illegal  
6 drug trafficking, Medicaid reimbursement, and deposit of Arkansas local  
7 school district funds.

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

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

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

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

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

26 (1) At the time of placement,

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

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

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

1           (3)(A) Each educational program authorization precedes the  
2 placement.

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

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

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12 Referred by the Arkansas Senate

13 Prepared by: VJF  
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