

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Scott

A Bill

SENATE BILL 470

For An Act To Be Entitled

8 "AN ACT TO REQUIRE THE RESIDENT SCHOOL DISTRICT OF A
9 JUVENILE ADJUDICATED AS DELINQUENT AND ORDERED TO REMAIN
10 IN A DETENTION FACILITY TO REMIT *STATE FUNDS* TO THE
11 FACILITY FOR PROVIDING EDUCATIONAL SERVICES FOR DAYS THAT
12 THE JUVENILE SHOULD HAVE BEEN IN SCHOOL; AND FOR OTHER
13 PURPOSES."

Subtitle

16 "TO REQUIRE RESIDENT SCHOOL DISTRICTS OF
17 JUVENILES ADJUDICATED AS DELINQUENT AND
18 ORDERED TO REMAIN IN A DETENTION
19 FACILITY TO REMIT *STATE FUNDS* TO THE
20 FACILITY FOR EDUCATIONAL SERVICES TO THE
21 JUVENILE."

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

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25 SECTION 1. As used in this act, unless the context otherwise requires:
26 "Juvenile detention facility" means any facility operated by a
27 political subdivision of the State for the temporary care of juveniles
28 alleged to be delinquent, or adjudicated delinquent, who require secure
29 custody in a physically restricting facility. Under § 9-27-330(10), such
30 facility must provide educational and other rehabilitative services to
31 adjudicated delinquents who may be ordered by the court to remain in the
32 juvenile detention facility for an indeterminate period not to exceed ninety
33 (90) days.

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35 SECTION 2. The State Department of Education and all local school

1 district administrators are hereby authorized and directed to cooperate with
2 officials responsible for the operation of juvenile detention facilities to
3 ensure that state funds for *special education set aside under § 6-20-313*
4 shall follow the students who are being held in these facilities so the
5 students can be afforded educational opportunities necessary for
6 rehabilitation.

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8 SECTION 3. (a) Upon disposition by the juvenile court that an
9 adjudicated juvenile shall stay in a juvenile detention facility for any
10 period of time, the facility shall notify the juvenile's resident school
11 district of his whereabouts and, within five (5) days after the juvenile is
12 released, shall certify the detention dates to the district.

13 (b) The resident school district, within thirty (30) days after
14 receiving certification, shall remit *state funds* to the juvenile detention
15 facility for the days that the juvenile should have attended classes in the
16 district.

17 (c) If the amount of *state funds* due cannot be agreed upon by the
18 juvenile detention facility and the resident school district, an appeal shall
19 be made to the *State Department of Education*. *All decisions rendered shall*
20 *be final*.

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22 SECTION 4. *The State Department of Education shall issue regulations*
23 *for the effective implementation of this act, including the classification of*
24 *juvenile detention centers as approved residential treatment facilities under*
25 *§ 6-20-313 and the designation of the resident district of a student who is*
26 *no longer attending school in the district but is being held in a juvenile*
27 *detention center as responsible for educating the student for any period of*
28 *time the student is being held in the facility.*

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30 SECTION 5. All provisions of this act of a general and permanent
31 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
32 Code Revision Commission shall incorporate the same in the Code.

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34 SECTION 6. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 7. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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/s/Scott

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