

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/18/11  
**A Bill**

HOUSE BILL 2049

5 By: Representative J. Roebuck  
6

7 **For An Act To Be Entitled**

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

15 **Subtitle**

16 TO PLACE THE EDUCATIONAL PROGRAMS IN  
17 RESIDENTIAL FACILITIES ADMINISTERED BY THE  
18 DIVISION OF YOUTH SERVICES UNDER THE  
19 AUTHORITY AND ORGANIZATION OF THE PUBLIC  
20 SCHOOL DISTRICT IN WHICH THE FACILITY IS  
21 LOCATED.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code § 9-28-205 is amended to read as follows:  
29 9-28-205. Youth services centers.

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

32 ~~(a)~~(b) The physical facilities and programs at each of the youth  
33 services centers shall be designed and developed to be particularly suitable  
34 for the custody, care, education, and rehabilitation of youths of particular  
35 classifications.

36 ~~(b)~~(c) In classifying and committing youths to the various centers and



1 facilities, the Division of Youth Services of the Department of Human  
2 Services shall take into consideration a youth's age, sex, physical  
3 condition, mental attitude and capacity, prognosis for rehabilitation, the  
4 seriousness of the committing offense, and such other criteria as the  
5 division shall determine.

6 ~~(e)(d)(1) The Director of the Division of Youth Services of the~~  
7 ~~Department of Human Services shall prepare or cause~~ The local school  
8 district to be prepared shall prepare courses of study, including regular or  
9 special courses in vocational skills suited to the age and capacity of the  
10 youths, and provide educational services to the youths that are committed to  
11 the facility under § 6-11-301 et. seq.

12 (2) The local school district shall ~~employ~~ ensure that teachers  
13 are available to teach the courses to youths at the facility.

14 (3) The local school district shall collaborate with and seek  
15 the advice of the Division of Youth Services of the Department of Human  
16 Services or its designee to ensure that educational services to youths  
17 committed to a youth services center are provided as part of the  
18 comprehensive treatment plan for the youth.

19 ~~(d)~~(e) The courses of study taught shall conform to the established  
20 guidelines for alternative learning environments or the minimum standards  
21 prescribed for the public schools of the state, and the students shall  
22 receive credit for courses completed in the alternative learning environment  
23 or the same credit for completing courses as students receive in public  
24 schools.

25 ~~(e) The youth services centers are declared to be educational~~  
26 ~~institutions and entitled to all the rights and privileges of other~~  
27 ~~accredited institutions of this state.~~

28  
29 SECTION 2. Arkansas Code Title 6, Chapter 11, is amended to add an  
30 additional subchapter to read as follows:

31 3 - EDUCATION OF STUDENTS AT YOUTH RESIDENTIAL FACILITIES.

32 6-11-301. Title.

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

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36 6-11-301. Findings.

1 The General Assembly finds that:

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

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

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

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

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

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

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

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

22  
23 6-11-302. Purpose.

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

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27 Definitions.

28 As used in this subchapter:

29 (1) "Education program" means a program that meets the accreditations  
30 standards established by law and by the Department of Education;

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

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

36 (5) "Youth residential facility" means a juvenile correctional

1 facility or juvenile treatment center administered by the Division of Youth  
2 Services of the Department of Human Services.

3  
4 6-11-304. Requirements for an education program.

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

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

- 10 (1) Accreditation standards;  
11 (2) Graduation requirements;  
12 (3) Personnel requirements; and  
13 (4) All other laws with which the local school district must  
14 comply.

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

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19 6-11-305. Partnership -- Funding.

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

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

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

- 29 (1) Foundation funding for the student; and  
30 (2) Categorical funding for which the student is eligible.

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

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36 6-11-306. Reporting requirements.

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

6               (1) Course offerings;

7               (2) Teachers, including retention and recruitment;(3) Student  
8       achievement; and

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

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12       6-11-307. Utilization of distance learning permitted.

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

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

18               (1) Core courses;

19               (2) Elective courses;

20               (3) Vocational courses; or

21               (4) Other appropriate courses.

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

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28       6-11-308. Graduation.

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

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36                               /s/J. Roebuck