

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, Pennartz, Powers

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
physical custody, care, education, and rehabilitation of youths of particular
classifications.*

~~(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)(A)~~ The ~~division~~ local school district shall ~~establish a~~
7 ~~system of~~ provide education for youths that are committed to the division
8 under § 6-11-301 et seq., that shall conform to the guidelines established by
9 the Department of Education.

10 ~~(B)~~ The Department of Education shall establish guidelines
11 for the division's system of education no later than July 1, 2009.

12 ~~(C)(i)~~ The division, with the support and assistance of
13 the Department of Education, shall conduct an education program assessment of
14 each division facility and provide a written report of assessment findings to
15 the division no later than December 1, 2009.

16 ~~(ii)~~ The division, with the support and assistance
17 of the Department of Education, shall submit a corrective action plan for
18 each division facility to the Director of the Division of Youth Services, if
19 needed, no later than December 1, 2009.

20 ~~(iii)~~ The Department of Education shall monitor the
21 division's system of education to ensure that the guidelines established by
22 the Department of Education are satisfied by the division's system of
23 education.

24 (2) A student ~~enrolled in the division's system of education~~
25 shall receive credit for courses that meet the guidelines established by the
26 Department of Education.

27 (3) Course credits and promotions received by a student ~~enrolled~~
28 ~~in the division's system of education~~ shall be considered transferable in the
29 same manner as those course credits and promotions from other educational
30 entities.

31 ~~(4)(A)~~ A student's home school district or the The local school
32 district ~~in which the division facility is located may~~ shall issue a diploma
33 for a student who successfully completes the graduation requirements of the
34 school district.

35 ~~(B)~~ If neither a student's home school district nor the
36 school district in which the division facility is located is able to issue a

~~1 diploma, then the Department of Human Services is authorized to issue a~~
~~2 diploma to a student who successfully completes the requirements of the~~
~~3 division's system of education.~~

~~4 (5) The division is authorized to contract for services, or hire~~
~~5 staff, teachers, and other personnel as necessary to carry out the provisions~~
~~6 of this section subject to the following requirements:~~

~~7 (A) A teacher employed in the division's system of~~
~~8 education shall hold a valid Arkansas teacher's license in the appropriate~~
~~9 area of instruction, unless the teacher participates in an additional~~
~~10 licensure plan for the appropriate area of instruction at the time of~~
~~11 employment;~~

~~12 (B) Staff, teachers, and other personnel employed by the~~
~~13 division's system of education shall be eligible for membership in the~~
~~14 Arkansas Teacher Retirement System and shall earn credited service for~~
~~15 employment; and~~

~~16 (C) The division's system of education shall compensate~~
~~17 teachers in accordance with the minimum teacher salary schedule set forth in~~
~~18 § 6-17-2403.~~

~~19 (d)(e) The local school district shall work collaboratively with the~~
~~20 division, the Department of Education, and the Department of Career Education~~
~~21 shall work collaboratively to prepare courses of study for the division's~~
~~22 system of education, including courses in career and technical education~~
~~23 suited to the age and capacity of the youths.~~

~~24 (e)(f) The Department of Human Services, the Department of Education,~~
~~25 and the Department of Career Education may promulgate rules as necessary to~~
~~26 administer the requirements of this section.~~

~~27 (f)(g) The Department of Human Services and the Department of~~
~~28 Education shall report annually, beginning on March 1, 2010, to the House~~
~~29 Committee on Aging, Children and Youth, Legislative and Military Affairs and~~
~~30 to the Senate Interim Committee on Children and Youth on the state of the~~
~~31 division's system of education for youths that are committed to the division.~~

32
33 SECTION 2. Arkansas Code Title 6, Chapter 11, is amended to add an
34 additional subchapter to read as follows:

35 3 - EDUCATION OF STUDENTS AT YOUTH RESIDENTIAL FACILITIES.

36 6-11-301. Title.

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

3
4 6-11-301. Findings.

5 The General Assembly finds that:

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

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

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

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

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

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

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

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

26
27 6-11-302. Purpose.

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

30
31 Definitions.

32 As used in this subchapter:

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

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

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

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

7
8 6-11-304. Requirements for an education program.

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

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

14 (1) Accreditation standards;

15 (2) Graduation requirements;

16 (3) Personnel requirements; and

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

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

22
23 6-11-305. Partnership -- Funding.

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

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

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

33 (1) Foundation funding for the student; and

34 (2) Categorical funding for which the student is eligible.

35 (c) If a student is eligible for alternative learning environment
36 categorical funding, there shall be no limitation on the number of days the

1 student may be counted for alternative learning environment categorical
2 funding purposes.

3
4 6-11-306. Reporting requirements.

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

10 (1) Course offerings;

11 (2) Teachers, including retention and recruitment;(3) Student
12 achievement; and

13 (4) Compliance with federal laws applicable to the provision of
14 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
19 residential 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
27 Department of Education and seek advice from the Distance Learning
28 Coordinating Council on how to implement its own distance learning program
29 from the main campus of the local school district to the youth residential
30 facility.

31
32 6-11-308. Graduation.

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

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/s/J. Roebuck