

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 451

5 By: Senator Hester
6 By: Representatives R. Scott Richardson, D. Garner, Lundstrum
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING STUDENT MENTAL HEALTH; TO REQUIRE
10 THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
11 EDUCATION TO ESTABLISH REGIONAL BEHAVIORAL HEALTH
12 CRISIS RESPONSE TEAMS; TO AMEND THE LAW CONCERNING
13 THE EDUCATION OF STUDENTS PLACED IN JUVENILE
14 DETENTION FACILITIES; TO DECLARE AN EMERGENCY; AND
15 FOR OTHER PURPOSES.
16

Subtitle

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18
19 TO REQUIRE THE DEPARTMENT OF HEALTH AND
20 THE DEPARTMENT OF EDUCATION TO ESTABLISH
21 REGIONAL BEHAVIORAL HEALTH CRISIS
22 RESPONSE TEAMS; TO AMEND THE LAW
23 CONCERNING THE EDUCATION OF CERTAIN
24 STUDENTS; AND TO DECLARE AN EMERGENCY.
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 6-18-116. Behavioral health crisis response team.

31 (a) Beginning with the 2025-2026 school year, each public school
32 district and open-enrollment public charter school shall conduct a behavioral
33 threat assessment when a student enrolled in the public school district or
34 open-enrollment public charter school is found to have demonstrated a
35 behavior that is substantially likely to cause injury to the student, other
36 students, or staff.



1 (b) No later than July 1, 2025, the Department of Human Services, as
2 lead agency, in consultation with the Department of Education shall establish
3 regional behavioral health crisis response teams to assist public school
4 districts and open-enrollment public charter schools with:

5 (1) Reviewing the behavioral threat data collected and analyzed
6 by a public school district or an open-enrollment public charter school;

7 (2) Confirming the threat level of a student identified by a
8 public school district or an open-enrollment public charter school; and

9 (3) Locating the appropriate services and placement for a
10 student who demonstrates a behavior that is substantially likely to cause
11 injury to the student, other students, or staff.

12 (c) A behavioral health crisis response team shall:

13 (1) Respond to a request from a public school district or an
14 open-enrollment public charter school within forty-eight (48) hours of
15 notification of the request; and

16 (2) Work with a referring public school district or open-
17 enrollment public charter school and the family of a student referred under
18 this section to develop a behavioral health management plan for a student who
19 demonstrates behavior that is substantially likely to cause injury to the
20 student, other students, or staff.

21 (d) A behavioral health management plan developed under subdivision
22 (c)(2) of this section shall include without limitation:

23 (1)(A) The appropriate services and placement for a student
24 referred under this section and his or her family.

25 (B) Placement under subdivision (d)(1)(A) of this section
26 may include without limitation:

27 (i) A day treatment facility;

28 (ii) A residential treatment facility;

29 (iii) A state-operated facility;

30 (iv) A homebound placement; or

31 (v) Another facility or program that meets the acute
32 behavioral care needs of the student; and

33 (2) A plan for transitioning a student referred under this
34 section back to his or her public school district or open-enrollment public
35 charter school when the student is no longer demonstrating a behavior that is
36 substantially likely to cause injury to the student, other students, or

1 staff.

2 (e) By July 1, 2025, the Department of Human Services shall:

3 (1) Establish regional behavioral health crisis response teams
4 sufficient to meet the needs of public school districts and open-enrollment
5 public charter schools in the state; and

6 (2)(A) Identify existing inpatient and outpatient acute care
7 behavioral health programs available to serve each student who demonstrates a
8 behavior that is substantially likely to cause injury to the student, other
9 students, or staff.

10 (B) If existing behavioral health programs are
11 insufficient to adequately meet the needs of Arkansas students, the
12 Department of Human Services shall establish new behavioral health programs
13 throughout the state.

14 (f) The Department of Human Services shall review and revise acute
15 care licensing requirements for programs that serve students who demonstrate
16 behaviors that are substantially likely to cause injury to the student, other
17 students, or staff to ensure the following without limitation:

18 (1) A program that accepts students referred through a
19 behavioral health crisis response team receives funding per student to
20 provide the necessary services to address the specific behavioral and mental
21 health needs of each student;

22 (2) A referred student under this section is not denied access
23 to care based on an inability to pay for care;

24 (3) A program provides the necessary treatment for a student who
25 demonstrates a behavior that is substantially likely to cause injury to the
26 student, other students, or staff; and

27 (4) A program does not establish exclusionary policies for
28 admittance or removal that directly relate to the:

29 (A) Level of services needed by a student referred under
30 this section;

31 (B) Level of danger posed by a student referred under this
32 section;

33 (C) Level of intellectual functioning of a student
34 referred under this section; or

35 (D) Disability status of a student referred under this
36 section.

1 (g) The Department of Education shall provide funding for the
2 education of students in approved residential or inpatient facilities in
3 accordance with § 6-20-107.
4

5 SECTION 2. Arkansas Code § 6-18-202(a)(2), concerning the definition
6 of "reside" as it pertains to age and residency requirements for attending
7 public schools, is amended to read as follows:

8 (2)(A) "Reside" means to be physically present and to maintain a
9 permanent place of abode for an average of no less than four (4) calendar
10 days and nights per week for a primary purpose other than school attendance.

11 (B) "Reside" does not include an out-of-state student
12 placed in a residential facility in Arkansas;
13

14 SECTION 3. Arkansas Code § 6-20-104 is amended to read as follows:

15 6-20-104. Reimbursement for educational services provided in juvenile
16 detention facilities – Definition.

17 (a)(1) As used in this section, "juvenile detention facility" means
18 any facility operated by a political subdivision of the state for the
19 temporary care of juveniles alleged to be delinquent, or adjudicated
20 delinquent, who require secure custody in a physically restricting facility.

21 (2) Under § 9-27-330(a)(11), ~~such a~~ juvenile detention facility
22 ~~must~~ shall provide educational and other rehabilitative services to
23 adjudicated delinquents who may be ordered by the court to remain in the
24 juvenile detention facility for an indeterminate period not to exceed ninety
25 (90) days.

26 (b)(1) Upon disposition by the juvenile court that an adjudicated
27 juvenile shall stay in a juvenile detention facility for any period of time,
28 the facility shall notify the juvenile's resident school district of his or
29 her whereabouts and within five (5) days after the juvenile is released shall
30 certify the detention dates to the district.

31 (2) ~~The school district where the facility is located and the~~
32 ~~juvenile detention facility shall jointly~~ be responsible for providing
33 educational services to students placed in the juvenile detention facility
34 and shall complete an application for funding to be based on the approved
35 student capacity of the facility and shall submit the application to the
36 Division of Elementary and Secondary Education.

1 ~~(3) If the amount of state funds due cannot be agreed upon by~~
 2 ~~the juvenile detention facility and the school district where the facility is~~
 3 ~~located, an appeal shall be made to the division. All decisions rendered~~
 4 ~~shall be final.~~

5 (3)(A) A juvenile detention facility may partner with a public
 6 school district, an open-enrollment public charter school, or a private
 7 educational provider to provide educational services.

8 (B) An agreement for educational services under
 9 subdivision (b)(3)(A) of this section shall be outlined in a memorandum of
 10 understanding and included in the application for funding submitted under
 11 subdivision (b)(2) of this section.

12 (4) The division shall monitor educational services provided
 13 under this section.

14 (c) The division shall issue rules for the effective implementation of
 15 this section, including:

16 (1) ~~The classification of~~ Classifying juvenile detention ~~centers~~
 17 facilities as approved residential treatment facilities;

18 (2) ~~The designation of the~~ Designating juvenile detention
 19 ~~facility and the district where the juvenile detention facility is located~~
 20 facilities as responsible for educating ~~the student~~ students consistent with
 21 federal and state laws for any period of time ~~the student is~~ students are
 22 being held in the juvenile detention facility; and

23 (3) ~~The designation of~~ Designating the resident district of a
 24 student who is being held in a juvenile detention facility as responsible for
 25 the timely transfer of ~~a~~ the student's educational records to the ~~district~~
 26 ~~where the juvenile detention facility is located~~ upon notification by the
 27 court of the student's placement in ~~a~~ the juvenile detention facility.

28 (d) The funds appropriated to the division for juvenile detention
 29 facilities shall be allocated in accordance with rules promulgated by the
 30 State Board of Education.

31
 32 SECTION 4. Arkansas Code § 6-20-107 is amended to read as follows:

33 6-20-107. Educational cost reimbursement prohibition —~~Definition.~~

34 ~~(a) As used in this section, "juvenile" means a person who is eighteen~~
 35 ~~(18) years of age or younger.~~

36 ~~(b)(1)(a)(1)~~ (b)(1)(a)(1) The Division of Elementary and Secondary Education, ~~a~~

1 ~~public school district, or an open enrollment public charter school~~ shall not
 2 be liable for any educational costs or other related costs associated with
 3 the placement of a juvenile in an out-of-state residential or inpatient
 4 facility for any care and treatment, including psychiatric treatment, unless:

5 (A) At the time of placement, the juvenile's physician
 6 determines that the out-of-state placement is medically necessary and is the
 7 most appropriate placement available;

8 (B) The division ~~authorizes public payment for educational~~
 9 ~~costs based on a determination that the educational program and facilities~~
 10 ~~are appropriate for the juvenile and the division~~ has approved the facility's
 11 educational program;

12 (C)(i) Each educational program authorization precedes the
 13 placement.

14 (ii) If the educational program is not authorized
 15 before placement, the division, ~~public school districts, or open enrollment~~
 16 ~~public charter schools~~ shall not be responsible for educational or other
 17 related costs, nor shall ~~they~~ the division be subject to any order to pay for
 18 educational or other related costs; and

19 (D) The out-of-state residential or inpatient facility is
 20 located within a state that borders Arkansas.

21 (2) Payment under this subsection shall be:

22 (A) Limited to twenty (20) students at any one (1) time
 23 during a calendar year unless:

24 (i) The juvenile under subdivision ~~(b)(1)~~ (a)(1) of
 25 this section qualifies as ~~disabled~~ a child with a disability under the
 26 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and

27 (ii) Payment is required under the Individuals with
 28 Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and

29 (B) Subject to the availability of division funding.

30 ~~(c)(b)~~ The division, ~~a public school district, or an open enrollment~~
 31 ~~public charter school~~ shall not be liable for any educational costs or other
 32 related costs associated with the placement of a juvenile in an in-state
 33 residential or inpatient facility for any care and treatment, including
 34 psychiatric treatment, unless:

35 (1) The division ~~authorizes public payment for educational costs~~
 36 ~~based on a determination that the educational program and facilities are~~

1 ~~appropriate for the juvenile and the division~~ has approved the facility's
2 educational program; and

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

5 (B) If the educational program is not authorized before
6 the placement, the division, ~~public school districts, or open enrollment~~
7 ~~public charter schools~~ shall not be responsible for education or other
8 related costs, nor shall ~~they~~ the division be subject to any order to pay for
9 educational or other related costs.

10 ~~(d)(c)~~ The liability of the division, ~~a public school district, or an~~
11 ~~open enrollment public charter school~~ for the educational costs or other
12 related costs described in subsections (a) and (b) ~~and (e)~~ of this section
13 shall be limited to the lesser of:

14 (1) The reimbursement rate established by the division for a
15 juvenile placed in a residential or inpatient facility; or

16 (2) The normal and customary educational cost reimbursement rate
17 of the state in which a juvenile is placed in an out-of-state residential or
18 inpatient facility as determined by the division.

19 ~~(e)(d)~~ This section shall not apply to a juvenile placed in an
20 Arkansas juvenile detention facility as defined in § 6-20-104.

21 ~~(f)(e)~~ Nothing in this section shall be construed to require payment
22 by the division, a public school district, or an open-enrollment public
23 charter school for educational costs and other related costs associated with
24 the placement of a juvenile in an out-of-state residential or inpatient
25 facility for any care or treatment, including psychiatric treatment, before
26 April 7, 2005.

27 ~~(g)(f)~~ The funds appropriated to the division for residential or
28 inpatient facilities shall ~~be~~:

29 (1) Be allocated in accordance with rules promulgated by the
30 State Board of Education; and

31 (2) Not be used for the provision of education or other related
32 costs for out-of-state students placed in Arkansas residential facilities.

33
34 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that the Safe Schools Initiative
36 Act requires public schools to establish behavioral threat assessment teams

1 to address public school safety and security; that behavioral threat
2 assessment teams established by public schools shall follow best practices
3 for team composition and process; that student mental health poses an ongoing
4 crisis and can pose immediate threats in public schools; that public schools
5 are consistently identifying certain students as imminent threats, but day
6 treatment and mental health placements and services are unavailable for
7 students who need these placements and services; and that this act is
8 immediately necessary to ensure that the Department of Health and the
9 Department of Education establish regional behavioral health crisis response
10 teams in advance of the upcoming 2025-2026 school year in order to address
11 immediate public school safety and security needs. Therefore, an emergency is
12 declared to exist, and this act being immediately necessary for the
13 preservation of the public peace, health, and safety shall become effective
14 on:

- 15 (1) The date of its approval by the Governor;
16 (2) If the bill is neither approved nor vetoed by the Governor,
17 the expiration of the period of time during which the Governor may veto the
18 bill; or
19 (3) If the bill is vetoed by the Governor and the veto is
20 overridden, the date the last house overrides the veto.

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