

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

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

A Bill

HOUSE BILL 2049

4
5 By: Representative J. Roebuck
6

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.
13

Subtitle

14
15 TO PLACE THE EDUCATIONAL PROGRAMS IN
16 RESIDENTIAL FACILITIES ADMINISTERED BY THE
17 DIVISION OF YOUTH SERVICES UNDER THE
18 AUTHORITY AND ORGANIZATION OF THE PUBLIC
19 SCHOOL DISTRICT IN WHICH THE FACILITY IS
20 LOCATED.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

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)~~ (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.

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 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.

26
 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 (3) "Youth residential facility" means a juvenile detention center,
 34 youth services center under § 9-28-205, or a residential facility
 35 administered by the Division of Youth Services of the Department of Human
 36 Services.

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

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

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

- (1) Accreditation standards;
- (2) Graduation requirements;
- (3) Personnel requirements; and
- (4) All other laws with which the local school district must

comply.

6-11-305. Partnership.

The Department of Education, Division of Youth Services of the Department of Human Services, and local schools districts shall work together to provide an adequate education to all students committed to youth residential facilities.

6-11-306. Reporting requirements.

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

- (1) Course offerings;
- (2) Teachers, including retention and recruitment;
- (3) Student achievement; and
- (4) Compliance with federal laws applicable to the provision of education at youth residential facilities.

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

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

(b) Distance learning courses offered to a student in youth

1 residential facility may include:

- 2 (1) Core courses;
- 3 (2) Elective courses;
- 4 (3) Vocational courses; or
- 5 (4) Other appropriate courses.

6 (c) A local school district may
 7 use distance learning provided by the Department of Education and seek advice
 8 from the Distance Learning Coordinating Council on how to implement its own
 9 distance learning program from the main campus of the local school district
 10 to the youth residential facility.

11 6-11-308. Graduation.

12 A student at a youth residential facility is entitled to receive a
 13 diploma issued by the local school district if the student meets the
 14 graduation requirements promulgated by the State Board of Education.

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 16 6-11.309. Funding.

17 The local school district responsible for the education of the student
 18 at a youth residential facility shall be entitled to:

- 19 (1) Foundation Funding for the student;
- 20 (2) Count the student in the ADM of the school district;
- 21 (3) Receive any categorical funding the student is eligible for.

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