

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 503

By: Senator Elliott

For An Act To Be Entitled

AN ACT TO PROVIDE FOR CONSISTENT TREATMENT IN
REIMBURSEMENT FOR THE EDUCATION OF ARKANSAS STUDENTS
DURING PLACEMENT IN A FACILITY IN A BORDER STATE; AND
FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR CONSISTENT TREATMENT IN
REIMBURSEMENT FOR THE EDUCATION OF
ARKANSAS STUDENTS DURING PLACEMENT IN A
FACILITY IN A BORDER STATE.

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

SECTION 1. DO NOT CODIFY. Legislative findings – Intent.

(a) The General Assembly finds that:

(1) Students living in and attending school in Arkansas are entitled to an appropriate education during a stay for care and treatment in a residential or inpatient facility;

(2) For many students and their families, placement in an out-of-state residential or inpatient facility is appropriate and promotes family participation in the student's care and treatment because the out-of-state facility is closer to the student's home than the nearest in-state facility;
and

(3) The General Assembly has historically recognized that many individuals and institutions located in Arkansas routinely do business with individuals and institutions in bordering states, and the General Assembly has therefore enacted specific provisions for consistent treatment of in-



state and out-of-state individuals and services in areas including taxation, venue for adoption proceedings, intergovernmental cooperation agreements, municipal water and sewer operations, airport service, control of illegal drug trafficking, Medicaid reimbursement, and deposit of Arkansas local school district funds.

(b) It is the intent of the General Assembly that:

(1) Arkansas students and their families should have the ability to seek care and treatment at the closest and most appropriate residential or inpatient facility; and

(2) The state should cover the costs of the education of children in out-of-state placements on the same basis that the state covers the costs of the education of children in in-state placements, subject to physician certification that the placement is medically necessary and the most appropriate placement available.

SECTION 2. Arkansas Code § 6-20-107(b), concerning educational costs associated with the placement of a juvenile in an out-of-state facility, is amended to read as follows:

(b) The Department of Education, a public school district, or an open-enrollment public charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

(1) At the time of placement+,

~~(A) The juvenile qualifies as disabled under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and~~

~~(B) Payment is required under the Individuals with Disabilities Education Act~~ the juvenile's physician determines that the out-of-state placement is medically necessary and is the most appropriate placement available;

(2) The department authorizes public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the department has approved the facility's educational program; ~~and~~

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

(B) If the educational program is not authorized prior to placement, the department, public school districts, or open-enrollment public charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs, and

(4) The residential or inpatient facility is located within a state that borders the State of Arkansas.