

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

As Engrossed: S4/3/25

## 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

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

### Subtitle

17  
18 *TO REQUIRE THE DEPARTMENT OF HUMAN*  
19 *SERVICES AND THE DEPARTMENT OF EDUCATION*  
20 *TO ESTABLISH REGIONAL BEHAVIORAL HEALTH*  
21 *PROGRAMS; TO AMEND THE LAW CONCERNING*  
22 *THE EDUCATION OF CERTAIN STUDENTS; AND*  
23 *TO DECLARE AN EMERGENCY.*  
24

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

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

29 6-18-116. Behavioral health programs.

30 (a) No later than January 1, 2026, the Department of Human Services,  
31 as the Medicaid agency, in consultation with the Department of Education  
32 shall establish regional behavioral health programs to assist public school  
33 districts and open-enrollment public charter schools with locating the  
34 appropriate services for a student who demonstrates a behavior that is  
35 substantially likely to cause injury to the student, other students, or  
36 staff.



1 (b) A behavioral health program shall:

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

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

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

12 (1) The appropriate services for a student referred under this  
13 section and his or her family; and

14 (2) A plan for transitioning a student referred under this  
15 section back to his or her public school district or open-enrollment public  
16 charter school when the student is no longer demonstrating a behavior that is  
17 substantially likely to cause injury to the student, other students, or  
18 staff.

19 (d) By January 1, 2026, the Department of Human Services shall:

20 (1) Develop behavior health programs to adequately meet the  
21 needs of Arkansas students; and

22 (2)(A) Collaborate with the Department of Education to identify  
23 regional alternative learning environments to repurpose the locations to be  
24 utilized for a behavior health program.

25 (B) If an alternative learning environment is not  
26 available in a region, the Department of Human Services and Department of  
27 Education shall identify a location within the region to be utilized for a  
28 behavior health program.

29 (e) The Department of Human Services and the Department of Education  
30 shall develop appropriate funding sources for students referred to a behavior  
31 health program under this section and who do not have the ability to pay for  
32 care.

33 (f) A behavior health program shall:

34 (1) Provide the necessary treatment for a student who  
35 demonstrates a behavior that is substantially likely to cause injury to the  
36 student, other students, or staff; and

1           (2) A program does not establish exclusionary policies for  
2 admittance or removal that directly relate to the:

3                   (A) Level of services needed by a student referred under  
4 this section;

5                   (B) Level of danger posed by a student referred under this  
6 section;

7                   (C) Level of intellectual functioning of a student  
8 referred under this section; or

9                   (D) Disability status of a student referred under this  
10 section.

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

14  
15           SECTION 2. Arkansas Code § 6-18-202(a)(2), concerning the definition  
16 of "reside" as it pertains to age and residency requirements for attending  
17 public schools, is amended to read as follows:

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

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

23  
24           SECTION 3. Arkansas Code § 6-20-104 is amended to read as follows:

25           6-20-104. Reimbursement for educational services provided in juvenile  
26 detention facilities – Definition.

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

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

36           (b)(1) Upon disposition by the juvenile court that an adjudicated

1 juvenile shall stay in a juvenile detention facility for any period of time,  
2 the facility shall notify the juvenile's resident school district of his or  
3 her whereabouts and within five (5) days after the juvenile is released shall  
4 certify the detention dates to the district.

5 (2) ~~The school district where the facility is located and the~~  
6 ~~juvenile detention facility shall jointly be responsible for providing~~  
7 educational services to students placed in the juvenile detention facility  
8 and shall complete an application for funding to be based on the approved  
9 student capacity of the facility and shall submit the application to the  
10 Division of Elementary and Secondary Education.

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

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

18 (B) An agreement for educational services under  
19 subdivision (b)(3)(A) of this section shall be outlined in a memorandum of  
20 understanding and included in the application for funding submitted under  
21 subdivision (b)(2) of this section.

22 (4) The division shall monitor educational services provided  
23 under this section.

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

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

28 (2) ~~The designation of the~~ Designating juvenile detention  
29 ~~facility and the district where the juvenile detention facility is located~~  
30 facilities as responsible for educating ~~the student~~ students consistent with  
31 federal and state laws for any period of time ~~the student is~~ students are  
32 being held in the juvenile detention facility; and

33 (3) ~~The designation of~~ Designating the resident district of a  
34 student who is being held in a juvenile detention facility as responsible for  
35 the timely transfer of a the student's educational records to the ~~district~~  
36 ~~where the juvenile detention facility is located~~ upon notification by the

1 court of the student's placement in a the juvenile detention facility.

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

5  
6 SECTION 4. Arkansas Code § 6-20-107 is amended to read as follows:

7 6-20-107. Educational cost reimbursement prohibition —~~Definition.~~

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

10 ~~(b)(1)(a)(1) The Division of Elementary and Secondary Education, a~~  
11 ~~public school district, or an open enrollment public charter school~~ shall not  
12 be liable for any educational costs or other related costs associated with  
13 the placement of a juvenile in an out-of-state residential or inpatient  
14 facility for any care and treatment, including psychiatric treatment, unless:

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

18 (B) The division ~~authorizes public payment for educational~~  
19 ~~costs based on a determination that the educational program and facilities~~  
20 ~~are appropriate for the juvenile and the division~~ has approved the facility's  
21 educational program;

22 (C)(i) Each educational program authorization precedes the  
23 placement.

24 (ii) If the educational program is not authorized  
25 before placement, the division, ~~public school districts, or open enrollment~~  
26 ~~public charter schools~~ shall not be responsible for educational or other  
27 related costs, nor shall ~~they~~ the division be subject to any order to pay for  
28 educational or other related costs; and

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

31 (2) Payment under this subsection shall be:

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

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

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

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

4 ~~(e)(b)~~ The division, ~~a public school district, or an open-enrollment~~  
5 ~~public charter school~~ shall not be liable for any educational costs or other  
6 related costs associated with the placement of a juvenile in an in-state  
7 residential or inpatient facility for any care and treatment, including  
8 psychiatric treatment, unless:

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

13 (2)(A) Each educational program authorization precedes the  
14 placement.

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

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

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

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

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

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

