

## **6-20-107. Educational cost reimbursement prohibition.**

(a) As used in this section, "juvenile" means a person who is eighteen (18) years old or less.

(b) The Department of Education, a public school district, or an open-enrollment 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;

(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 program authorization precedes the placement.

(B) If the program is not authorized prior to placement, the department, public school districts, or open-enrollment 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.

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

(1) 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

(2)(A) Each program authorization precedes the placement.

(B) If the program is not authorized prior to the placement, the department, public school districts, or open-enrollment 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.

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

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

(2) The normal and customary educational cost reimbursement rate of the state in which a juvenile is

placed in an out-of-state residential or inpatient facility as determined by the department.

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

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

**History.** Acts 2005, No. 1763, § 1.

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