

## **Statement of Necessity and Rule Summary**

### **Division of Youth Services Operations Manual Updates**

#### **Statement of Necessity**

Acts 2019 Nos. 365, 1029, 1057, and 1089 require the Division of Youth Services (DYS) to update the existing DYS Operations Manual by establishing procedures for releasing information on a youth that has left a DYS facility without authorization, creating an antibullying policy, prohibiting state agencies from consenting or approving the termination of pregnancy for an individual in the custody or guardianship of the state, and implementing a dyslexia screening and a reading assessment.

#### **Rule Summary**

Effective January 1, 2020, the Division of Youth Services (DYS) Operations Manual will have the following additions:

- To implement Acts 2019, No. 1029, the Facility Operations Section will be updated to add Section 7270, Anti-Bullying, an antibullying policy that requires DYS to institute notice procedures, reporting requirements, and investigation procedures when an incident of bullying is discovered.
- To implement Acts 2019, No. 365, the Facility Operations Section will also be updated to add Section 7231, Absent Without Leave (AWOL) Youths, a section that clarifies when and what information DYS must release on a youth that has left a DYS facility without authorization. In addition, this section provides procedures that must be followed, including notification procedures, in the event that a youth is AWOL.
- To implement Acts 2019, No. 1089, the Juvenile Services Section will be updated to include Section 7406, Dyslexia Screening and Reading Intervention Services, a policy that requires DYS to implement dyslexia screening and a reading assessment to newly committed youths as well as youth currently committed to a DYS facility. In addition, this section requires DYS to provide interventions and remedial services.
- To implement Acts 2019, No. 1057, the Facility Services Section will be updated to include Section 7311, Termination of Pregnancy, a policy that prohibits DYS from consenting to or approving the termination of pregnancy for a youth in custody except to save the life of the youth or as required by federal law. In addition, this section provides that the pregnant youth, her family, or a third party are responsible for costs related to the termination of the pregnancy except as required by federal law.

## NOTICE OF RULE MAKING

The Director of the Division of Youth Services of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule(s) under one or more of the following chapters, subchapters, or sections of the Arkansas Code: § 9-28-203(d); Acts 365, 1029, 1057, 1089 of 2019.

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The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule on the DHS Legal Notices website at <https://humanservices.arkansas.gov/resources/legal-notices>. Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than November 10, 2019. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-320-6266.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4501892045**

Michael Crump, Director  
Division of Youth Services