

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.

Act 1255 of the Regular Session

As Engrossed: H2/28/05 S3/10/05

A Bill

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HOUSE BILL 1710

4  
5 By: Representatives J. Martin, *Flowers*

6 By: *Senator Malone*  
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9 **For An Act To Be Entitled**

10 AN ACT TO ENSURE THE CONTINUITY OF EDUCATIONAL  
11 SERVICES TO FOSTER CHILDREN; AND FOR OTHER  
12 PURPOSES.  
13

14 **Subtitle**

15 TO ENSURE THE CONTINUITY OF EDUCATIONAL  
16 SERVICES TO FOSTER CHILDREN.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 1 is amended  
22 to add an additional section to read as follows:

23 9-27-103. Continuity of educational services to foster children.

24 (a)(1)(A) It is the intent of the General Assembly that children in  
25 foster care:

26 (i) Are entitled to the same opportunities to meet  
27 the academic achievement standards to which all children are held;

28 (ii) Shall be assisted so that they are able to  
29 remain in their schools;

30 (iii) Shall be placed in the least restrictive  
31 education placement; and

32 (iv) Shall have the same access to academic  
33 resources, services, and extracurricular enrichment activities as all other  
34 children.

35 (B) Decisions regarding the education of children in



1 foster care are to be based on the best interests of the children.

2 (2)(A) The following individuals who are directly involved in  
3 the care, custody, and education of foster children *should* work together to  
4 ensure continuity of educational services to foster children, including, but  
5 not limited to:

6 (i) Educators;

7 (ii) The Department of Human Services;

8 (iii) The Department of Education;

9 (iv) The circuit courts presiding over the foster  
10 care cases;

11 (iv) Providers of services to foster children;

12 (v) Attorneys;

13 (v) Court-appointed special advocates; and

14 (iv) Parents, guardians, or any person appointed by  
15 the court.

16 (B) The individuals in subdivision (a)(2)(A) shall ensure  
17 the continuity of educational services so that foster children:

18 (i) Remain in their schools of current enrollment  
19 whenever possible;

20 (ii) Are moved to new schools in a timely manner  
21 when it is determined to be necessary, appropriate, and in their best  
22 interests under this section;

23 (iii) Participate in the appropriate educational  
24 programs; and

25 (iv) Have access to the academic resources,  
26 services, and extracurricular enrichment activities that are available to all  
27 pupils.

28 (b)(1) Foster children shall have continuity in their educational  
29 placements.

30 (2) The Department of Human Services shall consider continuity  
31 of educational services and school stability in making foster placement  
32 decisions.

33 (3) The local school district shall allow the foster child to  
34 remain in the child's current school and continue his or her education *unless*  
35 the court finds that:

36 (A) The placement *is not* in the child's best *interest*; and

1 (B) It conflicts with any other provision of current law,  
2 excluding the residency requirement pursuant to § 6-18-202.

3 (4) To the extent reasonable and practical, the school  
4 district is encouraged to work out a plan for transportation for the child to  
5 remain in the child's current school.

6 (5) Except for emergencies, prior to making a recommendation to  
7 move a child from his or her current school, the Department of Human Services  
8 shall provide the following with a written explanation that states the basis  
9 for the recommended school change and how it serves the child's best  
10 interest:

11 (A) The foster child;

12 (B) The child's attorney ad litem;

13 (C) The court-appointed special advocate, if appointed;

14 and

15 (D) Parents, guardians, or any person appointed by the  
16 court.

17 (c)(1) Every school district shall identify a foster care liaison.

18 (2) The school district shall forward the name of each foster  
19 care liaison and contact information to the Special Education Section of the  
20 Department of Education at the beginning of each school year.

21 (3) The foster care liaison shall:

22 (A) Ensure and facilitate the timely school enrollment of  
23 foster children; and

24 (B)(i) Assist foster children when transferring schools by  
25 ensuring the transfer of credits, records, grades, and any other relevant  
26 school records.

27 (ii) Expedite the transfer of records when a foster  
28 child changes school placement, the foster care liaison in the new school  
29 shall request within three (3) school days from the foster care liaison in  
30 the child's previous school, the child's education record as defined by the  
31 Department of Education's regulation.

32 (iii) The foster care liaison from the previous  
33 school shall provide all relevant school records to the new school within ten  
34 (10) school days of receipt of the request under subdivision (c)(3)(C)(ii) of  
35 this section.

36 (d)(1) If a foster child is subject to a school enrollment change,

1 then the foster child's caseworker shall contact the school district foster  
2 care liaison within two (2) business days, and the new school must  
3 immediately enroll the foster child even if the foster child is unable to  
4 produce any required clothing or required records, including, but not limited  
5 to, academic records, medical records, or proof of residency.

6 (2) The Department of Human Services shall provide all known  
7 information to the school district that would impact the health and safety of  
8 the child being enrolled or others in the school.

9 (e)(1) A school district shall recognize the rights of a foster parent  
10 to make education decisions for a foster child pursuant to the Individuals  
11 with Disabilities Education Act, 20 U.S.C. § 1400 et seq., if the foster  
12 parent is qualified.

13 (2) A foster parent may have educational rights with respect to  
14 consenting to the individualized educational program and related services if  
15 the court has specifically limited the educational rights of the parent and  
16 the child is in foster care.

17 (f) The grades of a child in foster care may not be lowered due to  
18 absences from school because of:

19 (1) A change in the child's school enrollment;

20 (2) The child's attendance at a dependency-neglect court  
21 proceeding; or

22 (3) The child's attendance at court-ordered counseling or  
23 treatment.

24 (g) Each school district shall accept credit coursework when the  
25 student demonstrates that he or she has satisfactorily completed the  
26 appropriate education placement assessment.

27 (h) If a child completes the graduation requirements of his or her  
28 school district while being detained in a juvenile detention facility or  
29 committed to the Division of Youth Services of the Department of Human  
30 Services, the school district that the child last attended before the child's  
31 detention or commitment shall issue the child a diploma.

32 (i) Nothing in this section shall be interpreted to be in conflict  
33 with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et  
34 seq., and regulations promulgated thereunder.

35 (j) Notwithstanding any of the provisions of this section, if it is in  
36 the best interest of the child, a foster child may be placed in a nonpublic

1 school, including a private, parochial, or home school as long as no state or  
2 federal funding is used for such placement.

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/s/ J. Martin

APPROVED: 3/29/2005

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