

1 State of Arkansas *As Engrossed: H3/9/17 S3/30/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1855

4

5 By: Representative Davis

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## For An Act To Be Entitled

8

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE

9

CONCERNING SCHOOL CHOICE FOR FOSTER CHILDREN; AND FOR

10

OTHER PURPOSES.

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## Subtitle

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TO AMEND PROVISIONS OF THE ARKANSAS CODE

15

CONCERNING SCHOOL CHOICE FOR FOSTER

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CHILDREN.

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

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21 *SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended*  
22 *to add an additional section to read as follows:*

23 *6-18-232. School choice for children in foster care.*

24 *(a) As used in this section, "foster parent" means the person or*  
25 *entity having custody or charge of a foster child.*

26 *(b)(1)(A) A foster parent or the foster child, if the foster child is*  
27 *over eighteen (18) years of age, may request the Department of Human Services*  
28 *to approve the transfer of the foster child to another public school or*  
29 *public school district.*

30 *(B) Before making the request under subdivision (b)(1)(A)*  
31 *of this section, the foster parent shall comply with the requirements*  
32 *concerning school of origin under 42 U.S.C. §§ 671 and 675, as they existed*  
33 *on January 1, 2017, the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq.,*  
34 *as it existed on January 1, 2017, and § 9-28-113.*

35 *(2)(A) The Department of Human Services shall approve the*  
36 *transfer request under subdivision (b)(1) of this section if the Department*



1 of Human Services determines that the transfer is in the best interest of the  
2 foster child.

3 (B) In determining whether the transfer is in the best  
4 interest of the foster child, the Department of Human Services shall consider  
5 whether other children who reside in the foster home attend the public school  
6 or public school district to which the foster parent or the foster child, if  
7 the foster child is over eighteen (18) years of age, is requesting the foster  
8 child to transfer.

9 (c) If the Department of Human Services approves a request to transfer  
10 under subdivision (b)(2) of this section as being in the best interest of the  
11 foster child, a public school or public school district, upon request of a  
12 foster parent or the foster child, if the foster child is over eighteen (18)  
13 years of age, shall allow a foster child to transfer to the public school or  
14 public school district unless the public school or public school district  
15 demonstrates that:

16 (1) The public school or public school district has reached the  
17 maximum student-to-teacher ratio allowed under federal law, state law, rules  
18 for standards of accreditation, or other applicable rule or regulation; or

19 (2)(A) Approving the transfer would conflict with a provision of  
20 an enforceable desegregation court order or a public school district's court-  
21 approved desegregation plan regarding the effects of past racial segregation  
22 in student assignment.

23 (B) If a public school district claims a conflict under  
24 subdivision (c)(2)(A) of this section, the public school district shall  
25 immediately submit proof from a federal court to the Department of Education  
26 that the public school district has a genuine conflict under an active  
27 desegregation order or active court-approved desegregation plan with the  
28 provisions of this section.

29 (d)(1) A request to transfer under subsection (c) of this section  
30 shall be:

31 (A) Made on a form approved by the Department of  
32 Education; and

33 (B) Postmarked no later than May 1 of the year in which  
34 the student seeks to begin the fall semester at the public school district.

35 (2)(A) By July 1 of the school year in which the student seeks  
36 to transfer under this section, the superintendent of the public district

1 shall notify the foster parent or the foster child, if the foster child is  
2 over eighteen (18) years of age, in writing as to whether the foster child's  
3 application has been accepted or rejected.

4 (B)(i) If the application is rejected, the superintendent  
5 of the public school district shall state in the notification letter the  
6 reason for rejection.

7 (ii) If the application is accepted, the  
8 superintendent of the public school district shall state in the notification  
9 letter a reasonable deadline by which the foster child shall enroll in the  
10 public school district and after which the acceptance notification is null.

11 (e)(1) A foster child whose transfer is rejected by the public school  
12 district may request a hearing before the State Board of Education to  
13 reconsider the transfer.

14 (2) A request for a hearing before the state board shall be in  
15 writing and shall be postmarked no later than ten (10) days after the foster  
16 parent or the foster child, if the foster child is over eighteen (18) years  
17 of age, receives a notice of rejection of the transfer.

18 (3) If the state board overturns the rejection of the transfer  
19 on appeal, the state board shall notify the foster parent or the foster  
20 child, if the foster child is over eighteen (18) years of age, and public  
21 school district of the basis for the state board's decision.

22 (f) A transfer approved under this section shall remain in effect  
23 until the foster child:

24 (1) Graduates from high school; or

25 (2) Is approved for another transfer under this section, the  
26 Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, the Public  
27 School Choice Act of 2015, § 6-18-1901 et seq., or any other law that allows  
28 a transfer.

29 (g) A public school district to which a foster child transfers under  
30 this section shall accept credits toward graduation that were awarded by  
31 another public school district.

32 (h)(1) Except as provided in subdivision (h)(3) of this section, the  
33 foster child or the foster parent is responsible for the transportation of  
34 the foster child to and from the public school to which the foster child  
35 transferred under this section.

36 (2) The public school district may enter into a written

1 agreement with the foster parent or the foster child, if the foster child is  
2 over eighteen (18) years of age, to provide the transportation.

3 (3) Nothing in this subsection affects the the obligation of a  
4 public school district or child welfare agency to provide a foster child  
5 transportation to his or her school of origin under the Every Student  
6 Succeeds Act, 20 U.S.C. § 6301 et seq., § 9-28-113, or other law.

7 (i) For purposes of determining a public school district's state aid,  
8 a foster child who transfers under this section shall be counted as a part of  
9 the average daily membership of the public school district where the foster  
10 child is enrolled.

11 (j) This section does not affect the right of a foster child to remain  
12 in his or her school of origin under 42 U.S.C. §§ 671 and 675, as they  
13 existed on January 1, 2017, the Every Student Succeeds Act, 20 U.S.C. § 6301  
14 et seq., as it existed on January 1, 2017, § 6-18-202, § 6-20-504, § 9-28-  
15 113, or other law.

16 (k) The Department of Education shall promulgate rules to implement  
17 this section.

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19 SECTION 2. Arkansas Code § 6-18-1906(b)(1)(C), concerning the  
20 numerical net maximum limit on school choice transfers under the Public  
21 School Choice Act of 2015, is amended to read as follows:

22 (C) A student eligible to transfer to a nonresident  
23 district under § 6-15-430(c)(1), the Arkansas Opportunity Public  
24 School Choice Act of 2004, § 6-18-227, 6-18-232, or § 6-21-812 shall  
25 not count against the cap of three percent (3%) of the resident or  
26 nonresident district.

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28 /s/Davis

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31 **APPROVED: 04/06/2017**