

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1710

By: Representative J. Martin

For An Act To Be Entitled

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

Subtitle

TO ENSURE THE CONTINUITY OF EDUCATIONAL
SERVICES TO FOSTER CHILDREN.

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

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

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

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

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

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

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

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

(B) Decisions regarding the education of children in
foster care are to be based on the best interests of the children.

(2)(A) The following individuals who are directly involved in



the care, custody, and education of foster children shall work together to ensure continuity of educational services to foster children, including, but not limited to:

- (i) Educators;
- (ii) The Department of Human Services;
- (iii) The Department of Education;
- (iv) The circuit courts presiding over the foster care cases;
- (iv) Providers of services to foster children;
- (v) Attorneys;
- (v) Court-appointed special advocates; and
- (vi) Parents or others holding the educational rights of the child.

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

- (i) Remain in their schools of current enrollment whenever possible;
- (ii) Are moved to new schools in a timely manner when it is determined to be necessary, appropriate, and in their best interests under this section;
- (iii) Participate in the most appropriate educational programs; and
- (iv) Have access to the academic resources, services, and extracurricular enrichment activities that are available to all pupils.

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

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

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

- (A) The placement is in the child's best interest; and
- (B) A plan for transportation can be worked out with the school district.

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

(A) The foster child;

(B) The child's attorney ad litem;

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

and

(D) The parent or the person holding the educational rights for the child.

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

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

(3) The foster care liaison shall:

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

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

(ii) Expedite the transfer of records when a foster child changes school placement, the foster care liaison in the new school shall request within five (5) business days from the foster care liaison in the child's previous school the child's records, including, but not limited to, the following:

(a) Grades;

(b) Classes;

(c) Credits;

(d) Immunizations;

(e) Individualized education programs or 504 Plans, if a plan exists; and

(f) Permanent records.

(iii) The foster care liaison from the previous school shall provide all relevant school records to the new school within five (5) business days of receipt of the request under subdivision

1 (c)(3)(C)(ii) of this section.

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

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

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

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

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

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

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

24 (3) The child's attendance at activities related to a
 25 dependency-neglect court order.

26 (g) Each school district shall accept for credit coursework
 27 satisfactorily completed by a student who attends an accredited or approved
 28 educational program, including the following:

29 (1) A public school;

30 (2) A juvenile court school;

31 (3) A school in a juvenile detention facility;

32 (4) A school at the Division of Youth Services of the Department
 33 of Human Services, or its designee;

34 (5) A nonsectarian school or agency; or

35 (6) An educational program under a state agency.

36 (h) If a child completes the graduation requirements of his or her

1 school district while being detained, the school district that the child last
2 attended before the child's detention shall issue the child a diploma.

3 (i) The court may join in the foster care proceeding any entity that
4 the court determines has failed to meet the legal obligations to provide
5 services to the child.

6 (j) Nothing in this section shall be interpreted to be in conflict
7 with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et
8 seq., and regulations promulgated thereunder.