

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.

State of Arkansas

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

85th General Assembly

A Bill

Regular Session, 2005

HOUSE BILL 1710

By: Representatives J. Martin, *Flowers*

By: *Senator Malone*

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.



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

5 (i) Educators;
6 (ii) The Department of Human Services;
7 (iii) The Department of Education;
8 (iv) The circuit courts presiding over the foster
9 care cases;
10 (iv) Providers of services to foster children;
11 (v) Attorneys;
12 (v) Court-appointed special advocates; and
13 (iv) Parents, guardians, or any person appointed by
14 the court.

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

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

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

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

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

35 (A) The placement *is not* in the child's best *interest*; and
36 (B) It conflicts with any other provision of current law,

excluding the residency requirement pursuant to § 6-18-202.

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

(5) 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) Parents, guardians, or any person appointed by the court.

(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 three (3) school days from the foster care liaison in the child's previous school, the child's education record as defined by the Department of Education's regulation.

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

(d)(1) If a foster child is subject to a school enrollment change, then the foster child's caseworker shall contact the school district foster

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

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

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

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

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

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

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

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

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

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

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

34 (j) Notwithstanding any of the provisions of this section, if it is in
35 the best interest of the child, a foster child may be placed in a nonpublic
36 school, including a private, parochial, or home school as long as no state or

federal funding is used for such placement.

/s/ J. Martin