

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/14/05

A Bill

HOUSE BILL 2604

5 By: Representative Key
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For An Act To Be Entitled

9 AN ACT TO PROTECT THE EDUCATIONAL ENVIRONMENT OF
10 CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF
11 HUMAN SERVICES; TO AUTHORIZE THE DEPARTMENT OF
12 HUMAN SERVICES TO COMMUNICATE WITH A CHILD'S
13 SCHOOL ON CUSTODY-RELATED MATTERS THAT MIGHT
14 AFFECT THE CHILD'S ABILITY TO LEARN; AND FOR
15 OTHER PURPOSES.
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Subtitle

17 AN ACT TO AUTHORIZE THE DEPARTMENT OF
18 HUMAN SERVICES TO COMMUNICATE WITH A
19 CHILD'S SCHOOL CONCERNING MATTERS
20 RELATED TO THE CHILD'S ABILITY TO LEARN.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended
27 to add an additional section to read as follows:

28 9-28-411. Foster children and educational issues.

29 (a) The Department of Human Services and the local school districts
30 shall work together for the best interests of any child placed in the custody
31 of the department.

32 (b) By the next business day after the department exercises a seventy-
33 two-hour hold on a child or a court places custody of a child with the
34 department, the department shall inform the child's current school regardless
35 of whether or not the child remains in the current school that:

36 (1) The department has exercised a seventy-two-hour hold on the



1 child; or

2 (2) The court has placed custody of the child with the
3 department.

4 (c) By the next business day after a foster child transfers to a new
5 placement, the department shall notify the child's current school that the
6 foster child has transferred to a new placement.

7 (d) By the next business day after the department comes to reasonably
8 believe that a foster child has experienced a traumatic event, the department
9 may notify the child's school counselor that the department reasonably
10 believes that the foster child has experienced a traumatic event.

11 (e) By the next business day after the department knows through an
12 investigation or any ongoing protective services case that a foster child has
13 experienced a traumatic event, the department may notify the child's school
14 counselor of the traumatic event that the department has knowledge of through
15 an investigation or an ongoing protective services case.

16 (f) When appropriate, the school counselor may share with the
17 principal and the child's teachers any information reported to the counselor
18 under subsection (d) or (e) of this section.

19 (g)(1) For a child in the custody of the department, the department or
20 its designee, who may be a foster parent, shall be the decision maker for all
21 general educational matters for the child, subject to limitation only by the
22 court having jurisdiction of the custody matter.

23 (2) For education matters under the Individuals with
24 Disabilities Education Act, 20 U.S.C. § 1400 et seq., a foster parent may be
25 the decision maker for a child in the custody of the department.

26 (h) All school districts shall provide timely notice to the department
27 and shall allow the department to participate in all meetings and conferences
28 pertaining to a child in the custody of the department, including meetings
29 under federal laws, such as the Rehabilitation Act of 1973, 29 U.S.C. § 720
30 et seq., and the Individuals with Disabilities Education Act, 20 U.S.C. §
31 1400 et seq.

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33 /s/ Key
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