

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1694

5 By: Representative C. Fite  
6 By: Senator E. Cheatham  
7

## For An Act To Be Entitled

9 AN ACT TO ALLOW SCHOOL DISTRICT ENROLLMENT BY FOSTER  
10 CHILDREN; TO ALLOW THE PAYMENT OF STATE FOUNDATION  
11 FUNDING AID FOR FOSTER CHILDREN; TO ENSURE CONTINUITY  
12 OF EDUCATIONAL SERVICES FOR FOSTER CHILDREN; AND FOR  
13 OTHER PURPOSES.  
14  
15

## Subtitle

16 TO ALLOW SCHOOL DISTRICT ENROLLMENT BY  
17 FOSTER CHILDREN; TO ALLOW THE PAYMENT OF  
18 STATE FOUNDATION FUNDING; AND TO ENSURE  
19 CONTINUITY OF EDUCATION.  
20  
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 6-18-202(b), concerning transfers to a  
26 school district, is amended to read as follows:

27 (b)(1) The public schools of any school district in this state shall be  
28 open and free through completion of the secondary program to all persons in  
29 this state between five (5) and twenty-one (21) years of age whose parents,  
30 foster parents, legal guardians, or other persons having lawful control of  
31 the person under an order of a court reside within the school district and to  
32 all persons between those ages who have been legally transferred to the  
33 district for education purposes.

34 (2) For purposes of this section, a student may use the  
35 residential address of a legal guardian, person having legal, lawful control  
36 of the student under order of a court, or person standing in loco parentis



1 only if the student resides at the same residential address and if the  
 2 guardianship or other legal authority is not granted solely for educational  
 3 needs or school attendance purposes.

4 (3) Any school district may require a parent, foster parent,  
 5 legal guardian, or other person in loco parentis who enrolls a student in a  
 6 school district to sign a statement under oath attesting to his or her  
 7 residential address or to provide other proof that a student is a resident of  
 8 the school district as defined by this section.

9 (4) A foster child may remain enrolled in a school district in  
 10 this state under § 9-28-113 even if the foster home or placement is located  
 11 outside the boundaries of the school district.

12  
 13 SECTION 2. Arkansas Code § 6-20-502(1), concerning the definition of a  
 14 "child living in a foster home", is amended to read as follows:

15 (1)(A) "Child living in a foster home" means a school-age child  
 16 in this state ~~living in the residence of the guardian or the residence of a~~  
 17 ~~foster family home or child care facility when the Department of Human~~  
 18 ~~Services has custody of the child or when the child has been placed in a~~  
 19 ~~foster family home or child care facility by a circuit court or a juvenile~~  
 20 ~~division of a circuit court, or when the child has been placed in a family~~  
 21 ~~care and training home by the department~~ who is in the custody of the  
 22 Department of Human Services and placed in a licensed or approved foster  
 23 home, shelter, or facility or an exempt child welfare agency, as defined  
 24 under § 9-28-402.

25 (B) "~~Child care facility~~ living in a foster home" ~~shall~~  
 26 does not include a school-age child living in any unit of the human  
 27 development centers operated by the department or its successor;

28  
 29 SECTION 3. Arkansas Code § 6-20-504(a), concerning children living in  
 30 foster homes, is amended to read as follows:

31 (a) ~~For the purpose of the education of a school-age child in this~~  
 32 ~~state, the residence of a child living in a foster home shall be the school~~  
 33 ~~district of the residence of the foster family home or child care facility in~~  
 34 ~~which the child resides.~~ A school district shall ensure the continuity of  
 35 educational services for a child living in a foster home so that the child:

36 (1) Can remain in his or her school of origin in the state, if

1 it is in the child's best interest;

2 (2) Is moved to a new school in this state in a timely manner  
 3 when it is necessary, appropriate, and in the best interest of the child  
 4 under § 9-28-113;

5 (3) Can participate in the appropriate educational programs; and

6 (4) Has access to the academic resources, services, and  
 7 extracurricular enrichment activities that are available to all students.

8  
 9 SECTION 4. Arkansas Code § 6-20-2303(3)(C), concerning the definitions  
 10 for the Public School Funding Act of 2003, is amended to add a new  
 11 subdivision to read as follows:

12 (vi) Students who are enrolled in a public school  
 13 operated by the school district and who have been placed by the Department of  
 14 Human Services in a licensed or approved foster home, shelter, or facility or  
 15 an exempt child welfare agency as defined under § 9-28-402, if:

16 (a) The student was enrolled in the school  
 17 district prior to placement;

18 (b) The foster home or other placement is  
 19 located within the boundaries of the school district;

20 (c) The juvenile division of the circuit court  
 21 with jurisdiction over a dependency-neglect action concerning the child has  
 22 issued an order allowing the child to attend school in the school district;  
 23 or

24 (d) Enrollment in the school district is  
 25 necessary to ensure continuity of educational services under § 9-28-113.

26  
 27 SECTION 5. Arkansas Code § 9-27-332(a)(2), concerning disposition of  
 28 families found to be in need of services, is amended to read as follows:

29 (2)(A) If it is in the best interest of the juvenile, transfer  
 30 custody of juvenile family members to another licensed agency responsible for  
 31 the care of juveniles or to a relative or other individual.

32 (B) If it is in the best interest of the juvenile and  
 33 because of acts or omissions by the parent, guardian, or custodian, removal  
 34 is necessary to protect the juvenile's health and safety, transfer custody to  
 35 the department.

36 (C) ~~All juveniles in shelters or awaiting foster care~~

1 ~~placement who are in the custody of the department are "homeless children and~~  
 2 ~~youth" as defined under 42 U.S.C. § 11434a(2), as in effect on February 1,~~  
 3 2005 A juvenile in the custody of the department is "awaiting foster care  
 4 placement", as that term is used in the definition of "homeless children and  
 5 youths" in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11434a(2),  
 6 if the juvenile:

7 (i) Is placed in a shelter, facility, or other  
 8 short-term placement with a plan of moving the juvenile within ninety (90)  
 9 days;

10 (ii) Is transferred under an emergency placement  
 11 change order to protect the juvenile's health or welfare;

12 (iii) Is placed in a provisional foster home as  
 13 defined by § 9-28-402;

14 (iv) Has experienced three (3) or more placements  
 15 within a twelve-month period; or

16 (v) Is placed in a regular foster home or other  
 17 placement that is not directly related to the permanency planning goal  
 18 identified in the case plan required under § 9-28-111;

19  
 20 SECTION 6. Arkansas Code § 9-27-334(a)(2), concerning disposition of  
 21 dependent-neglected juveniles, is amended to read as follows:

22 (2)(A) If it is in the best interest of the juvenile, transfer  
 23 custody of the juvenile to the Department of Human Services, to another  
 24 licensed agency responsible for the care of juveniles, or to a relative or  
 25 other individual.

26 (B) If the court grants custody of the juvenile to the  
 27 department, the juvenile shall be placed in a licensed or approved foster  
 28 home, shelter, or facility or an exempt child welfare agency as defined at §  
 29 9-28-402(12).

30 (C) ~~All juveniles in shelters or awaiting foster care~~  
 31 ~~placement who are in the custody of the department are "homeless children and~~  
 32 ~~youth" as defined at 42 U.S.C. § 11434a(2), as in effect on February 1, 2005~~  
 33 A juvenile in the custody of the department is "awaiting foster care  
 34 placement", as that term is used in the definition of "homeless children and  
 35 youths" in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11434a(2),  
 36 if the juvenile:

1                   (i) Is placed in a shelter, facility, or other  
 2 short-term placement with a plan of moving the juvenile within ninety (90)  
 3 days;

4                   (ii) Is transferred under an emergency placement  
 5 order to protect the juvenile’s health or welfare;

6                   (iii) Is placed in a provisional foster home as  
 7 defined by § 9-28-402;

8                   (iv) Has experienced three (3) or more placements  
 9 within a twelve-month period; or

10                   (v) Is placed in a regular foster home or other  
 11 placement that is not directly related to the permanency planning goal  
 12 identified in the case plan required under § 9-28-111;

13  
 14           SECTION 7. Arkansas Code § 9-28-113(a) and (b), concerning the  
 15 continuity of educational services for foster children, are amended to read  
 16 as follows:

17           (a)(1)(A) It is the intent of the General Assembly that each child in  
 18 foster care is:

19                   (i) Entitled to the same opportunities to meet the  
 20 academic achievement standards to which all children are held;

21                   (ii) Assisted so that the child can remain in his or  
 22 her ~~current~~ school of origin;

23                   (iii) Placed in the least restrictive educational  
 24 placement; and

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

27           (B) Decisions regarding the education of a child in foster  
 28 care shall be based on what is in the best interest of the child.

29           (2)(A) Individuals directly involved in the care, custody, and  
 30 education of a foster child shall work together to ensure continuity of  
 31 educational services to the foster child, including without limitation:

32                   (i) Educators;

33                   (ii) The Department of Human Services;

34                   (iii) The Department of Education;

35                   (iv) The circuit court presiding over the foster  
 36 care case;

1 (v) Providers of services to the foster child;  
 2 (vi) Attorneys;  
 3 (vii) Court-appointed special advocates; and  
 4 (viii) Parents, guardians, or any persons appointed  
 5 by the court.

6 (B) The individuals in subdivision (a)(2)(A) of this  
 7 section shall ensure the continuity of educational services so that a foster  
 8 child:

9 (i) Can remain in his or her ~~current~~ school of of  
 10 origin whenever possible;

11 (ii) Is moved to a new school in a timely manner  
 12 when it is necessary, appropriate, and in the best interest of the child  
 13 under this section;

14 (iii) Can participate in the appropriate educational  
 15 programs; and

16 (iv) Has access to the academic resources, services,  
 17 and extracurricular enrichment activities that are available to all students.

18 (b)(1) A foster child shall have continuity in his or her educational  
 19 placements.

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

23 (3) The school district shall allow the foster child to remain  
 24 in the child's ~~current~~ school of of origin and continue the child's education  
 25 unless the court finds that the placement:

26 (A) Is not in the best interest of the child; and

27 (B) Conflicts with any other provision of current law,  
 28 excluding the residency requirement under § 6-18-202.

29 (4)(A) The school district will work with the Department of  
 30 Human Services to develop a transportation plan to ensure continuity of  
 31 educational services, to the extent reasonable and practical.

32 (B) The school district is encouraged to arrange for  
 33 transportation for the child to enable him or her to remain in his or her  
 34 ~~current~~ school of of origin ~~if reasonable and practical.~~

35 (C) The school district shall provide transportation for  
 36 the child if reasonable and practical and if an additional expense will not

1 be imposed on the district.

2 (5) Except for emergencies, before making a recommendation to move a  
 3 child from his or her ~~current~~ school of origin, the Department of Human  
 4 Services shall state the basis for the recommended school change and how it  
 5 serves the best interest of the child in a written statement to the  
 6 following:

- 7 (A) The foster child;
- 8 (B) The child's attorney ad litem;
- 9 (C) The court-appointed special advocate, if appointed;

10 and

- 11 (D) Parents, guardians, or any person appointed by the

12 court.

13 (6)(A) If the court transfers custody of a child to the  
 14 Department of Human Services, the court shall issue an order containing the  
 15 following determinations regarding the educational issues of the child and  
 16 whether the parent or guardian of the child may:

- 17 (i) Have access to the child's school records;
- 18 (ii) Obtain information on the current placement of  
 19 the child, including the name and address of the child's foster parent or  
 20 provider, if the parent or guardian has access to the child's school records;

21 and

- 22 (iii) Participate in school conferences or similar  
 23 activities at the child's school.

24 (B) If the court transfers custody of a child to the  
 25 Department of Human Services, the court may appoint an individual to consent  
 26 to an initial evaluation of the child and serve as the child's surrogate  
 27 parent under the Individuals with Disabilities Education Act, 20 U.S.C. §  
 28 1400 et seq., as in effect on February 1, 2007.

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