

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

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

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

(iv) 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 should work together to ensure continuity of educational services to foster children, including, but not limited to:

(i) Educators;

(ii) The Department of Health and Human Services;

(iii) The Department of Education;

(iv) The circuit courts presiding over the foster care cases;

(v) Providers of services to foster children;

(vi) Attorneys;

(vii) Court-appointed special advocates; and

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

(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 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 Health and 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 unless the court finds that:
 - (A) The placement is not in the child's best interest; and
 - (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 Health and Human Services shall provide to the following 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 the 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)(a) Expedite the transfer of records.
 - (b) When a foster child changes school placement, the foster care liaison in the new school shall request the child's education record, as defined by the Department of Education's regulation, from the foster care liaison in the child's previous school within three (3) school days.
 - (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)(b) 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 care liaison within two (2) business days, and the new school must immediately enroll the foster child even if the foster child is unable to produce any required clothing or required records, including, but not limited to:

(A) Academic records;

(B) Medical records; or

(C) Proof of residency.

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

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

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

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

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

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

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

(g) Each school district shall accept credit course work when the child demonstrates that he or she has satisfactorily completed the appropriate education placement assessment.

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

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

(j) Notwithstanding any of the provisions of this section, if it is in the best interests of the child, a foster child may be placed in a nonpublic school, including a private, parochial, or home school as long as no state or federal funding is used for such placement.

History. Acts 2005, No. 1255, § 1.