

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
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As Engrossed: H3/9/17 S3/30/17

# A Bill

HOUSE BILL 1855

By: Representative Davis

## For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING SCHOOL CHOICE FOR FOSTER CHILDREN; AND FOR  
OTHER PURPOSES.

### Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING SCHOOL CHOICE FOR FOSTER  
CHILDREN.

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

*SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended to add an additional section to read as follows:*

*6-18-232. School choice for children in foster care.*

*(a) As used in this section, "foster parent" means the person or entity having custody or charge of a foster child.*

*(b)(1)(A) A foster parent or the foster child, if the foster child is over eighteen (18) years of age, may request the Department of Human Services to approve the transfer of the foster child to another public school or public school district.*

*(B) Before making the request under subdivision (b)(1)(A) of this section, the foster parent shall comply with the requirements concerning school of origin under 42 U.S.C. §§ 671 and 675, as they existed on January 1, 2017, the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq., as it existed on January 1, 2017, and § 9-28-113.*

*(2)(A) The Department of Human Services shall approve the transfer request under subdivision (b)(1) of this section if the Department*



of Human Services determines that the transfer is in the best interest of the foster child.

(B) In determining whether the transfer is in the best interest of the foster child, the Department of Human Services shall consider whether other children who reside in the foster home attend the public school or public school district to which the foster parent or the foster child, if the foster child is over eighteen (18) years of age, is requesting the foster child to transfer.

(c) If the Department of Human Services approves a request to transfer under subdivision (b)(2) of this section as being in the best interest of the foster child, a public school or public school district, upon request of a foster parent or the foster child, if the foster child is over eighteen (18) years of age, shall allow a foster child to transfer to the public school or public school district unless the public school or public school district demonstrates that:

(1) The public school or public school district has reached the maximum student-to-teacher ratio allowed under federal law, state law, rules for standards of accreditation, or other applicable rule or regulation; or

(2)(A) Approving the transfer would conflict with a provision of an enforceable desegregation court order or a public school district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment.

(B) If a public school district claims a conflict under subdivision (c)(2)(A) of this section, the public school district shall immediately submit proof from a federal court to the Department of Education that the public school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan with the provisions of this section.

(d)(1) A request to transfer under subsection (c) of this section shall be:

(A) Made on a form approved by the Department of Education; and

(B) Postmarked no later than May 1 of the year in which the student seeks to begin the fall semester at the public school district.

(2)(A) By July 1 of the school year in which the student seeks to transfer under this section, the superintendent of the public district

shall notify the foster parent or the foster child, if the foster child is over eighteen (18) years of age, in writing as to whether the foster child's application has been accepted or rejected.

(B)(i) If the application is rejected, the superintendent of the public school district shall state in the notification letter the reason for rejection.

(ii) If the application is accepted, the superintendent of the public school district shall state in the notification letter a reasonable deadline by which the foster child shall enroll in the public school district and after which the acceptance notification is null.

(e)(1) A foster child whose transfer is rejected by the public school district may request a hearing before the State Board of Education to reconsider the transfer.

(2) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after the foster parent or the foster child, if the foster child is over eighteen (18) years of age, receives a notice of rejection of the transfer.

(3) If the state board overturns the rejection of the transfer on appeal, the state board shall notify the foster parent or the foster child, if the foster child is over eighteen (18) years of age, and public school district of the basis for the state board's decision.

(f) A transfer approved under this section shall remain in effect until the foster child:

(1) Graduates from high school; or

(2) Is approved for another transfer under this section, the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, the Public School Choice Act of 2015, § 6-18-1901 et seq., or any other law that allows a transfer.

(g) A public school district to which a foster child transfers under this section shall accept credits toward graduation that were awarded by another public school district.

(h)(1) Except as provided in subdivision (h)(3) of this section, the foster child or the foster parent is responsible for the transportation of the foster child to and from the public school to which the foster child transferred under this section.

(2) The public school district may enter into a written

agreement with the foster parent or the foster child, if the foster child is over eighteen (18) years of age, to provide the transportation.

(3) Nothing in this subsection affects the the obligation of a public school district or child welfare agency to provide a foster child transportation to his or her school of origin under the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq., § 9-28-113, or other law.

(i) For purposes of determining a public school district's state aid, a foster child who transfers under this section shall be counted as a part of the average daily membership of the public school district where the foster child is enrolled.

(j) This section does not affect the right of a foster child to remain in his or her school of origin under 42 U.S.C. §§ 671 and 675, as they existed on January 1, 2017, the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq., as it existed on January 1, 2017, § 6-18-202, § 6-20-504, § 9-28-113, or other law.

(k) The Department of Education shall promulgate rules to implement this section.

SECTION 2. Arkansas Code § 6-18-1906(b)(1)(C), concerning the numerical net maximum limit on school choice transfers under the Public School Choice Act of 2015, is amended to read as follows:

(C) A student eligible to transfer to a nonresident district under § 6-15-430(c)(1), the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, 6-18-232, or § 6-21-812 shall not count against the cap of three percent (3%) of the resident or nonresident district.

/s/Davis