

# Students and Foster Care

This Act requires the state department of elementary and secondary education to ensure specific criteria are implemented in every school district about the enrollment and educational success of foster care children.

If a foster care student transfers before or during the school year, the Act requires the receiving school to initially honor placement of the student in educational courses and programs based on the student's previous enrollment or educational assessments from the sending school, provide comparable services to a foster care student with disabilities based on their current Individualized Education Program, and make reasonable accommodations and modifications to address the needs of incoming foster care students with disabilities, subject to an existing 504 or Title II Plan, to provide equal access to education. The receiving district may conduct subsequent evaluations to ensure appropriate placements.

A school may waive the prerequisites or other preconditions for placement in a course or program and must waive specific courses required for graduation if similar course work has been satisfactorily completed at another school or provide reasonable justification for denying such a waiver. If a waiver is not granted, the receiving school must provide an alternative means of acquiring the required course work so that graduation may occur on time.

Submitted as:

Missouri

[HB1577 \(Truly Agreed to and Finally Passed\)](#)

Status: Enacted into law in 2012.

## Suggested State Legislation

(Title, enacting clause, etc.)

- 1           Section 1. [*Short Title.*] An Act relating to foster care students in elementary and secondary  
2 education.  
3
- 4           Section 2. [*Requirements.*]
- 5           (a) In order to remove barriers to educational success imposed on foster care children because  
6 of frequent moves, the department of elementary and secondary education shall ensure that the  
7 following criteria are implemented in every school district in this state regarding enrollment of foster  
8 care children:
- 9                   (1) Facilitate the timely enrollment of foster care children and ensure that they are not  
10 placed at a disadvantage due to difficulty in the transfer of education records from the previous  
11 school district or districts or variations in entrance and age requirements;
- 12                   (2) Facilitate the student placement process through which foster care children are not  
13 disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course  
14 content or assessment;
- 15                   (3) Facilitate the qualification and eligibility for enrollment, educational programs,  
16 and participation in extracurricular academic, athletic, and social activities;
- 17                   (4) Facilitate the on-time graduation of foster care children;
- 18                   (5) Provide for the promulgation and enforcement of administrative rules  
19 implementing the provisions of this section;

1 (6) Provide for the uniform collection and sharing of information between and among  
2 schools, foster care children, and their families under this section;

3 (7) Promote flexibility and cooperation between the educational system, foster  
4 parents, and the foster care student in order to achieve educational success for the student.

5 (b) For purposes of this section, the following terms shall mean:

6 (1) "Education records", those official records, files, and data directly related to a  
7 foster care student and maintained by the school or local education agency, including but not limited  
8 to records encompassing all the material kept in the student's cumulative folder such as general  
9 identifying data, records of attendance and of academic work completed, records of achievement and  
10 results of evaluative tests, health data, disciplinary status, test protocols, and individualized  
11 education programs;

12 (2) "Extracurricular activities", a voluntary activity sponsored by the school.  
13 Extracurricular activities include, but are not limited to, preparation for and involvement in public  
14 performances, contests, athletic competitions, demonstrations, displays, and club  
15 30 activities;

16 (3) "Foster care child", a school-aged child enrolled in kindergarten through twelfth  
17 grade who is residing in a foster care setting in this state;

18 (4) "Transition":

19 (A) The formal and physical process of transferring from school to school; or

20 (B) The period of time in which a foster care student moves from one school  
21 to another school.

22  
23 Section 3. [*Transfers of students in foster care.*]

24 (a) When a foster care student transfers before or during the school year, the receiving school  
25 shall initially honor placement of the student in educational courses based on the student's  
26 enrollment in the sending school or educational assessments conducted at the sending school if the  
27 courses are offered. Course placement includes but is not limited to honors, international  
28 baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing  
29 the student's academic program from the previous school and promoting placement in academically  
30 and career challenging courses shall be paramount when considering placement. This requirement  
31 does not preclude the receiving school from performing subsequent evaluations to ensure appropriate  
32 placement and continued enrollment of the student in the course.

33 (b) The receiving school shall initially honor placement of a foster care student in educational  
34 programs based on current educational assessments conducted at the sending school or participation  
35 or placement in like programs in the sending school. Such programs include, but are not limited to  
36 gifted and talented programs and English as a second language (ESL). This requirement does not  
37 preclude the receiving school from performing subsequent evaluations to ensure appropriate  
38 placement of the student.

39 (c) In compliance with the federal requirements of the Individuals with Disabilities Education  
40 Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving school shall initially provide  
41 comparable services to a foster care student with disabilities based on his or her current  
42 Individualized Education Program (IEP). In compliance with the requirements of Section 504 of the  
43 Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities  
44 Act, 42 U.S.C.A. Sections 12131-12165, the receiving school shall make reasonable  
45 accommodations and modifications to address the needs of incoming foster care students with  
46 disabilities, subject to an existing 504 or Title II Plan, to provide the foster care student with equal  
47 access to education. This requirement does not preclude the receiving school from performing  
48 subsequent evaluations to ensure appropriate placement of the student.

1 (d) Schools shall have flexibility in waiving course or program prerequisites, or other  
2 preconditions for placement in courses or programs offered at the school.  
3

4 Section 4. [*Facilitation of graduation.*]

5 (a) In order to facilitate the on-time graduation of foster care children, schools shall  
6 incorporate the following procedures:

7 (1) Schools shall waive specific courses required for graduation if similar course  
8 work has been satisfactorily completed in another school or shall provide reasonable justification for  
9 denial. If a waiver is not granted to a foster care student who would qualify to graduate from the  
10 sending school, the receiving school shall provide an alternative means of acquiring required course  
11 work so that graduation may occur on time;

12 (2) Receiving schools shall accept:

13 (A) Exit or end-of-course exams required for graduation from the sending  
14 school; or

15 (B) National norm-referenced achievement tests; or

16 (C) Alternative testing, in lieu of testing requirements for graduation in the  
17 receiving school.

18 If such alternatives cannot be accommodated by the receiving school for a foster care student  
19 transferring in his or her senior year, the provisions of subsection 5 of this section shall apply.  
20

21 Section 5. [*Recognition of graduation requirements from the sending school.*]

22 (a) If a foster care student transferring at the beginning or during his or her senior year is  
23 ineligible to graduate from the receiving school after all alternatives have been considered, the  
24 sending and receiving schools shall ensure the receipt of a diploma from the sending school, if the  
25 student meets the graduation requirements of the sending school.  
26

27 Section 6. [*Severability.*] Insert severability clause.

28 Section 7. [*Repealer.*] Insert repealer clause.

29 Section 8. [*Effective Date.*] Insert effective date.  
30  
31