

FIRST REGULAR SESSION

# HOUSE BILL NO. 419

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STREAM (Sponsor), DIECKHAUS, LAUER, HOUGHTON,  
CARLSON, KIRKTON AND ATKINS (Co-sponsors).

1306L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to foster care students.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be  
2 known as section 160.1990, to read as follows:

**160.1990. 1. In order to remove barriers to educational success imposed on foster  
2 care children because of frequent moves, the department of elementary and secondary  
3 education shall ensure that the following criteria are implemented in every school district  
4 in this state regarding enrollment of foster care children:**

5       **(1) Facilitate the timely enrollment of foster care children and ensure that they are  
6 not placed at a disadvantage due to difficulty in the transfer of education records from the  
7 previous school district or districts or variations in entrance and age requirements;**

8       **(2) Facilitate the student placement process through which foster care children are  
9 not disadvantaged by variations in attendance requirements, scheduling, sequencing,  
10 grading, course content or assessment;**

11       **(3) Facilitate the qualification and eligibility for enrollment, educational programs,  
12 and participation in extracurricular academic, athletic, and social activities;**

13       **(4) Facilitate the on-time graduation of foster care children;**

14       **(5) Provide for the promulgation and enforcement of administrative rules  
15 implementing the provisions of this section;**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended  
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

20 2. For purposes of this section, the following terms shall mean:

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

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

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

33 (4) "Transition":

34 (a) The formal and physical process of transferring from school to school; or

35 (b) The period of time in which a foster care student moves from one school to  
36 another school.

37 3. (1) When a foster care student transfers before or during the school year, the  
38 receiving school shall initially honor placement of the student in educational courses based  
39 on the student's enrollment in the sending school or educational assessments conducted at  
40 the sending school if the courses are offered. Course placement includes but is not limited  
41 to honors, international baccalaureate, advanced placement, vocational, technical and  
42 career pathways courses. Continuing the student's academic program from the previous  
43 school and promoting placement in academically and career challenging courses shall be  
44 paramount when considering placement. This requirement does not preclude the receiving  
45 school from performing subsequent evaluations to ensure appropriate placement and  
46 continued enrollment of the student in the course.

47 (2) The receiving school shall initially honor placement of a foster care student in  
48 educational programs based on current educational assessments conducted at the sending  
49 school or participation or placement in like programs in the sending school. Such  
50 programs include, but are not limited to gifted and talented programs and English as a  
51 second language (ESL). This requirement does not preclude the receiving school from  
52 performing subsequent evaluations to ensure appropriate placement of the student.

53           **(3) In compliance with the federal requirements of the Individuals with Disabilities**  
54 **Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving school shall initially**  
55 **provide comparable services to a foster care student with disabilities based on his or her**  
56 **current Individualized Education Program (IEP). In compliance with the requirements**  
57 **of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the**  
58 **Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving school**  
59 **shall make reasonable accommodations and modifications to address the needs of incoming**  
60 **foster care students with disabilities, subject to an existing 504 or Title II Plan, to provide**  
61 **the foster care student with equal access to education. This requirement does not preclude**  
62 **the receiving school from performing subsequent evaluations to ensure appropriate**  
63 **placement of the student.**

64           **(4) Schools shall have flexibility in waiving course or program prerequisites, or**  
65 **other preconditions for placement in courses or programs offered at the school.**

66           **4. In order to facilitate the on-time graduation of foster care children, schools shall**  
67 **incorporate the following procedures:**

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

74           **(2) Receiving schools shall accept:**

75           **(a) Exit or end-of-course exams required for graduation from the sending school;**  
76 **or**

77           **(b) National norm-referenced achievement tests; or**

78           **(c) Alternative testing, in lieu of testing requirements for graduation in the**  
79 **receiving school.**

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

84           **5. If a foster care student transferring at the beginning or during his or her senior**  
85 **year is ineligible to graduate from the receiving school after all alternatives have been**  
86 **considered, the sending and receiving schools shall ensure the receipt of a diploma from**  
87 **the sending school, if the student meets the graduation requirements of the sending school.**