

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

# HOUSE BILL NO. 1577

## 96TH GENERAL ASSEMBLY

5395L.01T

2012

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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;**

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.**

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.

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.**

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