



Missouri Department of Elementary and Secondary Education

— Making a positive difference through education and service —

Date: September 30, 2009

To: School Administrators

From: Kris Morrow, Assistant General Counsel

Re: Foster Care Education Bill of Rights

Senate Bill 291 (2009) created sections 167.018 and 167.019, RSMo, otherwise known as the "Foster Care Education Bill of Rights." These laws require public school districts and child-placing agencies to ensure foster children don't fall through the cracks when it comes to receiving an education.

§ 167.018, RSMo

Section 167.018, RSMo, requires each school district to designate a staff member as "the educational liaison" for children in foster care. Acting in an advisory capacity, the educational liaison is required to:

1. Ensure and facilitate the proper educational placement, enrollment in school and checkout from school of foster children;
2. Assist foster care students when transferring from one school or district to another, by ensuring proper transfer of credits, records and grades;
3. Request school records of a foster care student pursuant to section 167.022, within two (2) business days of a foster care student's placement in a school; and
4. Submit school records of foster care students within three (3) business days of receiving a request for a foster care student's records.

§ 167.019, RSMo

Section 167.019, RSMo, requires a child-placing agency, as defined in section 210.481, RSMo, to promote the educational stability of foster children. The child-placing agency must take into consideration the foster child's school attendance area when placing the child. This section further defines the right of foster children in regard to their continuing education:

1. A foster child has the right to remain enrolled in and attend his or her school of origin or to return to a previously attended school in an adjacent district.
2. The school district shall accept for credit full or partial course work satisfactorily completed by a foster care student while attending a public school, non-public school, or non-sectarian school in accordance with district policy or procedure.

3. A foster care student's school district of residence shall issue a diploma to a foster care student under the jurisdiction of the juvenile court providing the student completes the district's graduation requirements.
4. A school district shall ensure that if a foster care student is absent from school because of a change in placement made by a court or child placing agency, or because of a verified court-appearance or court-ordered activity, the grades and credits of the foster care student shall be calculated as of the date the student left school, and the student's grades shall not be lowered as a consequence of the absence.
5. Subject to federal law, school districts shall permit access of foster care student records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by a juvenile officer or by law and to assist with the school transfer and placement of a student.

Transportation

The transportation of foster care students to school is not addressed in the Foster Care Education Bill of Rights or in other law. On June 13, 2006, the Department of Social Services, Children's Division, issued a Memorandum regarding changes to section 211.032, RSMo, permitting a foster child to remain in the same school at the time of placement. The Department of Elementary and Secondary Education provided the Children's Division with transportation options a child-placement agency team can take into consideration when placing a foster child, including:

1. The school bus of the foster child's school district of origin travels to the home of the foster parent to pick up the child. These miles would be considered eligible miles for the school district of origin to include in their allowable cost for state aid;
2. The foster parent provides transportation and receives reimbursement for mileage from the school district of origin. School districts can include this as an allowable cost for state aid;
3. The foster parent meets the school bus at the boundary line of the school district of origin;
4. The school district of origin contracts with an individual besides the foster parent to transport the child to the child's school of origin; or
5. The foster parent transports the foster child to the child's school of origin with no reimbursement for mileage from any school district.

Please note that the law does not require schools to provide reimbursement as described above.