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SB 1205: foster children; education; best interest

Sponsor: Senator Kaiser, LD 2

Transmitted to the Governor

Overview

Creates timeframe, transportation and arbitration requirements for the best interest educational placement determination of a foster child.

History

The Department of Child Safety (DCS) must supervise, advise and cooperate with all child welfare agencies. To that end, DCS must establish rules, regulations and standards for: 1) licensing of child welfare agencies and foster homes; 2) classifications of foster homes; and 3) investigations, reports and studies on the disposition of children and foster home placement ([A.R.S. § 8-503](#)).

DCS may place a child in a licensed foster home for care or adoption. The child must be placed in the least restrictive type of placement available, consistent with their best interests. The best interest of the child must consider the proximity of the placement home to the child's current school or school district. A foster child has the right to attend community, school and religious services and activities of their choice to the extent appropriate, as discussed with the child's placement worker and caseworker and based on caregiver ability if transportation is available. The foster child also has a right to go to school and receive an education that fits their age and individual needs (A.R.S. §§ [8-514](#), [8-529](#)).

DCS must make available prescribed information on a semiannual basis, including: 1) the number of children placed in DCS care, custody and control; 2) the number of children being served in-home and out-of-home; and 3) the total number of reports received ([A.R.S. § 8-526](#)).

School districts and charter schools may give enrollment preference to and reserve capacity for children in foster care (A.R.S. §§ [15-184](#), [15-816.01](#)).

Provisions

1. Requires, within five days after entering foster care or changing placement, the child (if appropriate), the child's caseworker, the child's parent, guardian, custodian, caregiver or foster parent and representatives from the local education agency (LEA) or child's school of origin to determine if it is in the child's best interest to remain in their school of origin. (Sec. 2)
2. Stipulates the decision must be based on all factors relating to the child's best interest, including:
 - a) consideration of the child's unique educational needs;
 - b) appropriateness of the current educational setting; and
 - c) the proximity to the child's enrolled school at the time of placement. (Sec. 2)
3. Directs DCS to ensure transportation for the child during the determination process. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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4. Includes the new educational institution in the determination process if it is determined the school of origin is not in the child's best interest. (Sec. 2)
5. Requires, within two days after it is determined that a change of placement is in the child's best interest, the new educational institution to enroll the child. (Sec. 2)
6. Instructs, within two days after notice of the change in educational placement, the school of origin to transfer the child's education records to the new educational institution. (Sec. 2)
7. Mandates a child be immediately enrolled in the new educational institution even if the child does not possess normally required enrollment records or owes outstanding fines or fees to the school of origin. (Sec. 2)
8. Instructs DCS and the educational agency to ensure a child receives transportation to the educational institution determined to be in the child's best interest, including a charter school or educational institution located outside of the child's current school district. (Sec. 2)
9. Allows DCS to coordinate with and enter into necessary information sharing, data sharing and financial agreements with the Arizona Department of Education (ADE) and LEAs. (Sec. 2)
10. Authorizes a school district to cross school district boundaries when transporting a student. (Sec. 2)
11. Permits DCS or the educational agency, if either cannot transport the child, to provide financial assistance to the child's caregiver or other approved adult for transportation. (Sec. 2)
12. Requires DCS and ADE to adopt an arbitration process to promptly resolve disputes between DCS, LEAs and ADE regarding a child's transportation to a school determined to be in the child's best interest. (Sec. 2)
13. Specifies the arbitration process must:
 - a) ensure the child's transportation to the school of origin or current educational placement if a prior determination has been made until the dispute has been resolved; and
 - b) resolve a dispute within 10 business days after receipt. (Sec. 2)
14. Mandates DCS include, in the prescribed information it must make available on a semiannual basis, information regarding the best interest educational placement determinations of foster children, including:
 - a) the number of determinations conducted;
 - b) the number of children who entered foster care and did not receive a determination; and
 - c) each determination's final outcome. (Sec. 1)
15. Makes a technical change. (Sec. 1)