

SENATE BILL 496

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1 and Title 49, Chapter 6, relative to the education of children in foster care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 37-1-130(a)(2)(B)(i), is amended by deleting the existing subsection and by substituting instead the following:

(i) Any child placed in the custody of the department of children's services shall become a resident of the county in which such child is placed by the department. The board of education of each local school system shall assign the student to a public school pursuant to § 49-6-3102.

SECTION 2. Tennessee Code Annotated Section 49-6-902, is amended by adding the following language as subsection (c):

(c) Upon written request from the department of children's services, LEAs shall provide the department of children's services all school records for a child in custody of the department of children's services or receiving foster care services. These records may include but are not limited to, a copy of the child's report card, notice of school attendance, names of teachers, class schedules, standardized test scores, and any other records customarily available to parents. LEAs shall not charge the department of children's services any cost for the records, even in instances where a debt or restitution is owed to the school by the student. The release of the records to the department of children's services shall not waive or reduce any debt or restitution owed to the school. The student's records shall be made available to the department of children's services no later than five (5) business days from the date the LEA received the records request from the department.

SECTION 3. Tennessee Code Annotated Section 49-6-3102(a)(1) and (2), are amended by deleting the word “child”, wherever it appears, and by substituting instead the word “student”.

SECTION 4. Tennessee Code Annotated Section 49-6-3102, is amended by adding the following as a new, appropriately designated subsection (c) and by numbering subsequent subsections accordingly:

(c) Pursuant to 42 U.S.C. § 675, any student placed in the custody of the department of children’s services shall remain enrolled in the same public school the student attended prior to entering custody. The department of children’s services shall decide if the student’s school is in the student’s best interest. If the department of children’s services determines that enrollment in the public school, which the student attended prior to entering care, is not in the student’s best interest, the student shall be enrolled in the local school system where the student is placed or where the parent resides.

SECTION 5. Tennessee Code Annotated Section 49-6-3201(a), is amended by deleting the existing subsection in its entirety and by substituting instead the following:

(a) Both parents, if living, or the parent, guardian, legal custodian, guardian ad litem or attorney of any student assigned pursuant to part 31 of this chapter who is dissatisfied with the assignment of the student may, within ten (10) days of the order making the assignment, make written application to the board for a hearing before the board as to the reasonableness of the assignment and asking for a transfer to another school.

SECTION 6. Tennessee Code Annotated Section 49-6-3201(b) and (d), are amended by deleting the word “child”, wherever it appears, and by substituting instead the word “student”.

SECTION 7. This act shall take effect on July 1, 2013, the public welfare requiring it.