

REFERENCE TITLE: foster children; educational support

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2542**

Introduced by  
Representatives Jones: Gillette, Marshall, Smith; Senators Gonzales,  
Wadsack

AN ACT

AMENDING SECTION 8-530.04, ARIZONA REVISED STATUTES; RELATING TO CHILD  
WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-530.04, Arizona Revised Statutes, is amended  
3 to read:

4 8-530.04. Educational placement; best interest of child;  
5 transportation; individualized support and  
6 intervention plan

7 A. Within five days after a child enters foster care or if a  
8 child's placement changes, the child, if appropriate, the child's  
9 caseworker, the child's parent, guardian, custodian, caregiver or foster  
10 parent and representatives from the local education agency or the child's  
11 school of origin shall determine if it is in the child's best interest to  
12 remain in the child's school of origin. The decision shall be based on  
13 all factors relating to the child's best interest, including consideration  
14 of the child's unique educational needs, appropriateness of the current  
15 educational setting and the proximity to the school in which the child is  
16 enrolled at the time of placement. The department shall ensure  
17 transportation for the child during the best interest educational  
18 placement determination process. If it is determined that the school of  
19 origin is not in the best interest of the child, the new educational  
20 institution shall be included in the determination process.

21 B. Within two days after it is determined that a change of  
22 educational placement is in the best interest of the child, the new  
23 educational institution shall enroll the child and the child's school of  
24 origin shall transfer the child's education records to the child's new  
25 educational institution within two days after notice of the child's change  
26 in educational placement. A child shall be immediately enrolled in the  
27 new educational institution even if the child does not possess the records  
28 normally required for enrollment in the child's new educational  
29 institution or owes any outstanding fines or fees to the school of origin.

30 C. The department OF CHILD SAFETY and THE educational agency shall  
31 jointly ensure that a child receives transportation to the educational  
32 institution determined to be in the child's best interest, including a  
33 charter school or educational institution located outside of the child's  
34 current school district. In ensuring a child receives transportation to  
35 the educational institution determined to be in the child's best interest,  
36 the department OF CHILD SAFETY may coordinate with the department of  
37 education and local education agencies and enter into necessary  
38 information sharing, data sharing and financial agreements. A school  
39 district may cross school district boundaries when transporting a student  
40 pursuant to this section. The department OF CHILD SAFETY or THE  
41 educational agency may provide financial assistance to the child's  
42 caregiver or other approved adult for transportation if the department OF  
43 CHILD SAFETY and the child's new educational institution are unable to  
44 transport the child.

1           D. WITHIN FIFTEEN DAYS AFTER A CHILD ENTERS FOSTER CARE OR ENROLLS  
2 IN A NEW EDUCATIONAL INSTITUTION, THE CHILD'S CASEWORKER, THE CHILD'S  
3 PARENT, GUARDIAN, CUSTODIAN, CAREGIVER OR FOSTER PARENT AND  
4 REPRESENTATIVES FROM THE LOCAL EDUCATION AGENCY SHALL ASSESS THE CHILD'S  
5 UNIQUE NEEDS FOR INDIVIDUALIZED SUPPORT AND INTERVENTION. THE LOCAL  
6 EDUCATION AGENCY SHALL IMPLEMENT AN INDIVIDUALIZED SUPPORT AND  
7 INTERVENTION PLAN FOR THE CHILD. THE INDIVIDUALIZED SUPPORT AND  
8 INTERVENTION PLAN MAY INCLUDE ANY OF THE FOLLOWING:  
9           1. SCREENING AND REFERRAL FOR MENTAL OR BEHAVIORAL HEALTH SERVICES.  
10           2. ENGAGING THE CHILD IN SOCIAL, SPORTS AND ACADEMIC ACTIVITIES AT  
11 THE EDUCATIONAL INSTITUTION.  
12           3. TUTORING SERVICES.  
13           4. REMEDIAL INSTRUCTION.  
14           E. THE LOCAL EDUCATION AGENCY SHALL CONSIDER THE INDIVIDUALIZED  
15 SUPPORT AND INTERVENTION PLAN PRESCRIBED BY SUBSECTION D OF THIS SECTION  
16 WHEN DETERMINING WHETHER TO REFER A CHILD FOR AN EVALUATION TO DETERMINE  
17 IF THE CHILD IS ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.  
18           F. IF THE LOCAL EDUCATION AGENCY BELIEVES A CHILD HAS A DISABILITY,  
19 THE LOCAL EDUCATION AGENCY SHALL REFER THE CHILD FOR AN INITIAL EVALUATION  
20 FOR SPECIAL EDUCATION SERVICES. THE LOCAL EDUCATION AGENCY MAY NOT USE  
21 THE IMPLEMENTATION OF AN INDIVIDUALIZED SUPPORT AND INTERVENTION PLAN TO  
22 DELAY A CHILD'S EVALUATION FOR SPECIAL EDUCATION SERVICES.