



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: May 12, 2017

Re: SB 0632

Signed: May 2, 2017

Effective: November 1, 2017

Topic: Education Compact for Students in State Care Act

Summary: SB 0632 creates the Education Compact for Students in State Care Act. The Act creates the following requirements for districts when a student is placed in state custody:

- Sending districts must “make every effort to ensure timely delivery” of student records. Notwithstanding, sending districts must produce records within 3 days of a receiving district’s request for records.
- Sending districts must make FERPA protected records (attendance, testing, special education, grades, etc.) available to DHS and OJA representatives.
- Receiving districts must accept power of attorney forms or DHS out-of-home placement agreements for enrollment.
- Receiving districts must enroll and place students upon arrival.
- Receiving districts must verbally notify the student’s parent, guardian, or custodian about immunization exemptions. Students have 30 days from enrollment to obtain or begin any necessary immunizations.
- Receiving districts must initially place students in courses based on the sending district’s placement. Receiving districts can perform their own placement evaluations later.



- Receiving districts must initially provide services in accordance with any existing IEP.* Receiving districts must subsequently perform their own special education evaluations.
- Receiving districts must automatically enroll HS students in the core curriculum and then determine, with the parent/guardian/custodian, whether the college prep/work ready curriculum is more appropriate. HS students who were already accepted into OHLAP must be given the opportunity to complete OHLAP requirements.
- Receiving districts may waive any unique board graduation requirements to permit the student to graduate on time.

The Act also creates an advisory committee, but no duties for the committee are specified.

No changes are anticipated for any district policy or procedure. Residency officers, homeless liaisons, and records custodians should particularly be made aware of these changes.

* Although the law only specifies that the district is required to provide services in accordance with any existing IEP, the firm suggests that the district should also continue to follow any existing Section 504 Plan.