

Senate File 152 - Enrolled

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1 1 SENATE FILE 152
1 2
1 3 AN ACT
1 4 RELATING TO ADMINISTRATIVE AND PLANNING REQUIREMENTS INVOLVING
1 5 CHILDREN FOR WHOM THE DEPARTMENT OF HUMAN SERVICES HAS
1 6 RESPONSIBILITY UNDER STATE OR FEDERAL LAW.
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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 DIVISION I
1 11 TRANSITION PLANNING
1 12 Section 1. Section 232.2, subsection 4, paragraph f, Code
1 13 2009, is amended to read as follows:
1 14 f. (1) When a child is sixteen years of age or older, a
1 15 written transition plan of services which, based upon an
1 16 assessment of the child's needs, would assist the child in
1 17 preparing for the transition from foster care to adulthood.
1 18 The written transition plan of services and needs assessment
1 19 shall be developed with a focus on the services, other
1 20 support, and actions necessary to facilitate the child's
1 21 successful entry into adulthood. The transition plan shall be
1 22 personalized at the direction of the child and shall be
1 23 developed with the child present, honoring the goals and
1 24 concerns of the child, and shall address the following areas
1 25 of need when the child becomes an adult, including but not
1 26 limited to all of the following:
1 27 (a) Education.
1 28 (b) Employment services and other workforce support.
1 29 (c) Health and health care coverage.
1 30 (d) Housing.
1 31 (e) Relationships, including local opportunities to have a
1 32 mentor.
1 33 (f) If the needs assessment indicates the child is
1 34 reasonably likely to need or be eligible for services or other
1 35 support from the adult service system upon reaching age
2 1 eighteen, the transition plan shall provide for the child's
2 2 application for adult services.
2 3 (2) The transition plan shall be considered a working
2 4 document and shall be reviewed and updated for each permanency
2 5 hearing by the court or other formal case permanency plan
2 6 review. The transition plan shall also be reviewed and
2 7 updated during the ninety calendar-day period preceding the
2 8 child's eighteenth birthday and during the ninety calendar-day
2 9 period immediately preceding the date the child is expected to
2 10 exit foster care, if the child remains in foster care after
2 11 the child's eighteenth birthday. The transition plan may be
2 12 reviewed and updated more frequently.
2 13 (3) The transition plan shall be developed and reviewed by
2 14 the department in collaboration with a child-centered
2 15 transition team. The transition team shall be comprised of

2 16 the child's caseworker and persons selected by the child,
2 17 persons who have knowledge of services available to the child,
2 18 and any person who may reasonably be expected to be a service
2 19 provider for the child when the child becomes an adult or to
2 20 become responsible for the costs of services at that time,
~~2 21 including.~~ If the child is reasonably likely to need or be
2 22 eligible for adult services, the transition team membership
2 23 shall include representatives from the adult services system.
2 24 The adult services system representatives may include but are
2 25 not limited to the administrator of county general relief
2 26 under chapter 251 or 252 or of the central point of
2 27 coordination process implemented under section 331.440. The
2 28 membership of the transition team and the meeting dates for
2 29 the team shall be documented in the transition plan.

2 30 (4) The final transition plan shall specifically identify
2 31 how the need for housing will be addressed.

2 32 (5) If the child is interested in pursuing higher
2 33 education, the transition plan shall provide for the child's
2 34 participation in the college student aid commission's program
2 35 of assistance in applying for federal and state aid under
3 1 section 261.2.

3 2 ~~(2)~~ (6) If the needs assessment indicates the child is
3 3 reasonably likely to need or be eligible for services or other
3 4 support from the adult service system upon reaching age
3 5 eighteen, the transition plan shall be reviewed and approved
3 6 by the transition committee for the area in which the child
3 7 resides, in accordance with section 235.7, before the child
3 8 reaches age seventeen and one-half. The transition
3 9 committee's review and approval shall be indicated in the case
3 10 permanency plan.

3 11 ~~(3)~~ (7) Provision for the department or a designee of the
3 12 department on or before the date the child reaches age
3 13 eighteen to provide to the child a certified copy of the
3 14 child's birth certificate and to facilitate securing a federal
3 15 social security card. The fee for the certified copy that is
3 16 otherwise chargeable under section 144.13A, 144.46, or 331.605
3 17 shall be waived by the state or county registrar.

3 18 DIVISION II

3 19 EDUCATION=RELATED REQUIREMENTS, RELATIVE 3 20 PLACEMENT, AND SIBLING CONSIDERATIONS

3 21 Sec. 2. Section 232.2, subsection 4, Code 2009, is amended
3 22 by adding the following new paragraph:

3 23 NEW PARAGRAPH. m. Documentation of the educational
3 24 stability of the child while in foster care. The
3 25 documentation shall include but is not limited to all of the
3 26 following:

3 27 (1) Evidence there was an evaluation of the
3 28 appropriateness of the child's educational setting while in
3 29 placement and of the setting's proximity to the educational
3 30 setting in which the child was enrolled at the time of
3 31 placement.

3 32 (2) An assurance either that the department coordinated
3 33 with appropriate local educational agencies to identify how
3 34 the child could remain in the educational setting in which the
3 35 child was enrolled at the time of placement or, if it was
4 1 determined it was not in the child's best interest to remain
4 2 in that setting, that the affected educational agencies would

4 3 immediately and appropriately enroll the child in another
4 4 educational setting during the child's placement and ensure
4 5 that the child's educational records were provided for use in
4 6 the new educational setting. For the purposes of this
4 7 subparagraph, "local educational agencies" means the same as
4 8 defined in the federal Elementary and Secondary Education Act
4 9 of 1965, section 9101, as codified in 20 U.S.C. section
4 10 7801(26).

4 11 Sec. 3. NEW SECTION. 232.84 TRANSFER OF CUSTODY ==
4 12 NOTICE TO ADULT RELATIVES.

4 13 1. For the purposes of this section, unless the context
4 14 otherwise requires, "agency" means the department, juvenile
4 15 court services, or a private agency.

4 16 2. Within thirty days after the entry of an order under
4 17 this chapter transferring custody of a child to an agency for
4 18 placement, the agency shall exercise due diligence in
4 19 identifying and providing notice to the child's grandparents,
4 20 aunts, uncles, adult siblings, and adult relatives suggested
4 21 by the child's parents, subject to exceptions due to the
4 22 presence of family or domestic violence.

4 23 3. The notice content shall include but is not limited to
4 24 all of the following:

4 25 a. A statement that the child has been or is being removed
4 26 from the custody of the child's parent or parents.

4 27 b. An explanation of the options the relative has under
4 28 federal, state, and other law to participate in the care and
4 29 placement of the child on a temporary or permanent basis. The
4 30 options addressed shall include but are not limited to
4 31 assistance and support options, options for participating in
4 32 legal proceedings, and any options that may be lost by failure
4 33 to respond to the notice.

4 34 c. A description of the requirements for the relative to
4 35 serve as a foster family home provider or other type of care
5 1 provider for the child and the additional services, training,
5 2 and other support available for children receiving such care.

5 3 d. Information concerning the option to apply for kinship
5 4 guardianship assistance payments.

5 5 Sec. 4. NEW SECTION. 234.4 EDUCATION OF CHILDREN IN
5 6 DEPARTMENTAL PROGRAMS.

5 7 If the department of human services has custody or has
5 8 other responsibility for a child based upon the child's
5 9 involvement in a departmental program involving foster care,
5 10 preadoption or adoption, or subsidized guardianship placement
5 11 and the child is subject to the compulsory attendance law
5 12 under chapter 299, the department shall fulfill the
5 13 responsibilities outlined in section 299.1 and other
5 14 responsibilities under federal and state law regarding the
5 15 child's school attendance. As part of fulfilling the
5 16 responsibilities described in this section, if the department
5 17 has custody or other responsibility for placement and care of
5 18 a child and the child transfers to a different school during
5 19 or immediately preceding the period of custody or other
5 20 responsibility, within the first six weeks of the transfer
5 21 date the department shall assess the student's degree of
5 22 success in adjusting to the different school.

5 23 Sec. 5. NEW SECTION. 280.29 ENROLLMENT OF CHILDREN IN
5 24 FOSTER CARE == TRANSFER OF EDUCATIONAL RECORDS.

5 25 In order to facilitate the educational stability of
5 26 children in foster care, a school district, upon notification
5 27 by an agency of the state that a child in foster care is
5 28 transferring into the school district, shall provide for the
5 29 immediate and appropriate enrollment of the child. A school
5 30 district or an accredited nonpublic school, upon notification
5 31 by an agency of the state that a child in foster care is
5 32 transferring from the school district or accredited nonpublic
5 33 school to another school district or accredited nonpublic
5 34 school, shall promptly provide for the transfer of all of the
5 35 educational records of the child not later than five school
6 1 days after receiving the notification.

6 2 Sec. 6. Section 282.1, subsection 3, Code 2009, is amended
6 3 to read as follows:

6 4 3. Lives in a juvenile detention center, ~~foster care~~
~~6 5 facility,~~ or residential facility in the district.

6 6 Sec. 7. Section 282.19, Code 2009, is amended to read as
6 7 follows:

6 8 282.19 CHILD LIVING IN SUBSTANCE ABUSE OR FOSTER CARE
6 9 FACILITY PLACEMENT.

6 10 1. A child who is living in a ~~licensed child foster care~~
~~6 11 facility as defined in section 237.1, or in a facility that~~
6 12 provides residential treatment as "facility" is defined in
6 13 section 125.2, which is located in a school district other
6 14 than the school district in which the child resided before
6 15 ~~receiving foster care~~ entering the facility may enroll in and
6 16 attend an accredited school in the school district in which
6 17 the child is living.

6 18 2. A child who is living in a licensed individual or
6 19 agency child foster care facility, as defined in section
6 20 237.1, or in an unlicensed relative foster care placement,
6 21 shall remain enrolled in and attend an accredited school in
6 22 the school district in which the child resided and is enrolled
6 23 at the time of placement, unless it is determined by the
6 24 juvenile court or the public or private agency of this state
6 25 that has responsibility for the child's placement that
6 26 remaining in such school is not in the best interests of the
6 27 child. If such a determination is made, the child may attend
6 28 an accredited school located in the school district in which
6 29 the child is living and not in the school district in which
6 30 the child resided prior to receiving foster care.

6 31 3. The instructional costs for students who do not require
6 32 special education shall be paid as provided in section 282.31,
6 33 subsection 1, paragraph "b" or for students who require
6 34 special education shall be paid as provided in section 282.31,
6 35 subsections 2 or 3.

7 1 Sec. 8. Section 282.29, Code 2009, is amended to read as
7 2 follows:

7 3 282.29 CHILDREN PLACED BY DISTRICT COURT.

7 4 Notwithstanding section 282.31, subsection 1, a child who
7 5 has been identified as requiring special education, who has
7 6 been placed in a facility, ~~or~~ or other placement by the
7 7 district court, and for whom parental rights have been
7 8 terminated by the district court, shall be provided special
7 9 education programs and services on the same basis as the
7 10 programs and services are provided for children requiring
7 11 special education who are residents of the school district in

7 12 which the child has been placed. The special education
7 13 instructional costs shall be paid as provided in section
7 14 282.31, subsection 2 or 3.

7 15 Sec. 9. Section 282.31, subsection 1, paragraph b,
7 16 subparagraph (1), Code 2009, is amended to read as follows:

7 17 (1) A child who lives in a facility or other placement
7 18 pursuant to section 282.19, and who does not require special
7 19 education and who is enrolled in the educational program of

7 20 the district of residence at the time the child is placed,
7 21 shall be included in the basic enrollment of the school
7 22 district in which the child is enrolled. A child who lives in
7 23 a facility or ~~home~~ other placement pursuant to section 282.19,
7 24 and who does not require special education and who is not
7 25 enrolled in the educational program of the district of
7 26 residence of the child, shall be included in the basic
7 27 enrollment of the school district in which the facility or
7 28 ~~home~~ other placement is located.

7 29 Sec. 10. Section 282.31, subsection 2, paragraph a, Code
7 30 2009, is amended to read as follows:

7 31 a. The actual special education instructional costs
7 32 incurred for a child who lives in a facility or other
7 33 placement pursuant to section 282.19 or for a child who is
7 34 placed in a facility or home pursuant to section 282.29, who
7 35 requires special education and who is not enrolled in the
8 1 educational program of the district of residence of the child
8 2 but who receives an educational program from the district in
8 3 which the facility, ~~or~~ home, or other placement is located,
8 4 shall be paid by the district of residence of the child to the
8 5 district in which the facility, ~~or~~ home, or other placement is
8 6 located, and the costs shall include the cost of
8 7 transportation.

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8 11 JOHN P. KIBBIE
8 12 President of the Senate

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8 16 PATRICK J. MURPHY
8 17 Speaker of the House

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8 19 I hereby certify that this bill originated in the Senate and
8 20 is known as Senate File 152, Eighty-third General Assembly.

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8 24 MICHAEL E. MARSHALL
8 25 Secretary of the Senate

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8 26 Approved _____, 2009

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8 30 CHESTER J. CULVER
8 31 Governor