



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

OPINION NO. 85-13

January 21, 1985

Honorable John W. "Bill" Ramsey
Representative, District 12
406 East Graham Street
Prairie Grove, Arkansas 72753

Dear Rep. Ramsey:

This is in response to your opinion request wherein you posed the following question:

"If a handicapped school-aged child resides in a foster home in school district "A" and the child's parents reside in school district "B", under Act 828 of 1981 (taking into account Act 815 of 1981 and Public Law 94-142) is the child eligible to attend school district "A"?"

Act 815 of 1981, Ark. Stat. Ann. 80-738 et. seq. (Supp. 1983) and Act 828 of 1981, Ark. Stat. Ann. 80-1501 (Supp. 1983) provide in pertinent part as follows:

(a) Hereafter, for the purposes of the education of a schoolage child in this State, the residence of a child living in a foster home shall be the school district of the residence of the foster family home or child care facility in which the child resides.

Ark. Stat. Ann. 80-741 (Supp. 1983).

The public schools of any school district in this State shall be open and free through completion of the secondary program, to all persons between the ages of six (6) and twenty-one (21) years who are domiciled in the district or, in the case of minors, whose parents or legal guardians are domiciled in the district, or to all persons between these ages who have been legally transferred to the district for education purposes.

Ark. Stat. Ann. 80-1501 (Supp. 1983).

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In response to your inquiry, it is the opinion of this office that the handicapped child in question would be eligible to attend the school district wherein his foster parents reside.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General C. R. McNair, III.

Sincerely,


STEVE CLARK
Attorney General

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