AMENDMENT NO.______ Calendar No.______

Purpose: To amend title I of the Elementary and Secondary Education Act of 1965 to provide for the educational stability of children in foster care, and for other purposes.


(no.)__________________________

To amend the Elementary and Secondary Education Act of 1965.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. FRANKEN

Viz:

1 On page 61, line 8, strike "licensed." and insert "licensed; and".

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3 On page 61, between lines 8 and 9, insert the following:

4 "(L) describes how the State and State educational agency will comply with the requirements of section 1601, and the State's plan to ensure such compliance.

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1 On page 75, line 11, strike the period and insert ";
2 and".

3 On page 75, between lines 11 and 12, insert the follow-
4 ing:
5 "(C) in the case of a State report card,
6 shall include the data described in paragraph
7 (3)(B)(viii) disaggregated by status as a child
8 in foster care, except that such disaggregation
9 shall not be required in a case in which the
10 number of students in a category is insufficient
11 to yield statistically reliable information or the
12 results would reveal personally identifiable in-
13 formation about an individual student.

14 On page 76, line 23, insert "and by status as a child
15 in foster care, except that disaggregation based on status
16 as a child in foster care shall not be required in a case
17 in which the number of students in a category is insuffi-
18 cient to yield statistically reliable information or the re-
19 sults would reveal personally identifiable information
20 about an individual student" before the semicolon.

21 On page 93, line 7, strike "licensed." and insert "li-
22 censed; and".
On page 93, between lines 7 and 8, insert the following:

“(10) comply with the requirements of section 1601 that relate to the local educational agency and describe the local educational agency’s plan to ensure such compliance.

Beginning on page 101, strike line 16 and all that follows through page 102, line 9 and insert the following:

“(3) Reservation for homeless children and youth and other at-risk children.—

“(A) Funds for homeless children and youth and other at-risk children.— A local educational agency shall reserve such funds as are necessary under this part to serve—

“(i) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

“(ii) children in local institutions for neglected children;

“(iii) if appropriate, children in local institutions for delinquent children, and
neglected or delinquent children in community day programs; and

“(iv) children in foster care (as defined in section 1602), including providing points of contact (as described in section 1601(d)) in local educational agencies for child welfare agencies and children in foster care.”.

On page 253, between lines 17 and 18, insert the following:

PART F—EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE

SEC. 1601. EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

(a) IN GENERAL.—Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this title, is further amended by adding at the end the following:

“PART F—EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE

“SEC. 1601. EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

“(a) Obligations To Collaborate With Child Welfare Agencies.—
"(1) IN GENERAL.—Each State educational agency receiving assistance under part A shall collaborate with the State child welfare agency to develop and implement a plan to ensure that the following occurs, for each child in the State, when the child moves to a new school attendance area as a result of being placed in foster care (as described in section 1603(1)), changing foster care placements, or leaving foster care:

"(A) ATTENDANCE AT A SCHOOL OF ORIGIN.—

"(i) IN GENERAL.—The child enrolls or remains in the child’s school of origin, unless a determination is made that it is in the child’s best interest to attend a different school.

"(ii) LIMITATION.—A child who leaves foster care shall only be entitled to remain in the child’s school of origin for the remainder of the school year.

"(B) IMMEDIATE ENROLLMENT.—When a determination is made regarding the school that it is in the best interest of a child in foster care to attend, the child shall be immediately enrolled in such school, even if the child is unable
to produce records normally required for enrollment, such as previous academic records, immunization and medical records, a birth certificate, guardianship records, proof of residency, or other documentation.

"(C) RECORDS TRANSFER.—Any records ordinarily kept by a school, including records of immunizations, health screenings, and other required health records, academic records, birth certificates, evaluations for special services or programs, and any individualized education programs (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), regarding a child in foster care shall be—

"(i) maintained so that the records involved are available, in a timely fashion, when a child in foster care enters a new school; and

"(ii) immediately transferred to the enrolling school, even if the child owes fees or fines or was not withdrawn from previous schools in conformance with local withdrawal procedures.
“(2) IMPLEMENTATION.—Each State educational agency receiving assistance under part A shall ensure that the plan described in paragraph (1) is implemented by the local educational agencies in the State.

“(b) CREDIT TRANSFER AND DIPLOMAS.—Each State that receives assistance under part A shall have policies for ensuring that—

“(1) a child in foster care who is changing schools can transfer school credits and receive partial credits for coursework satisfactorily completed while attending a prior school or educational program;

“(2) a child in foster care is afforded opportunities to recover school credits lost due to placement instability while in foster care; and

“(3) a child in foster care who has changed secondary schools can receive a secondary school diploma either from one of the schools in which the child was enrolled or through a State-issued secondary school diploma system, consistent with State graduation requirements.

“(e) TRANSPORTATION.—Not later than 1 year after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the State edu-
eational agency shall enter into an agreement with the
State agency responsible for administering the State plans
under parts B and E of title IV of the Social Security
Act to ensure that children in foster care, and children
leaving foster care, who are attending their schools of ori-
gin receive transportation to and from those schools, in
accordance with subsection (a)(1) and with section
475(1)(G) of the Social Security Act (42 U.S.C.
675(1)(G)). The agreement shall include a description of
the following:

“(1) How foster care maintenance payments
will be used to help fund the transportation of chil-
dren in foster care to their schools of origin.

“(2) How children who leave foster care will re-
ceive transportation to maintain their enrollment in
their schools of origin for the remainder of the aca-
demic year, if remaining in their schools of origin is
in their best interests.

“(d) POINTS OF CONTACT.—

“(1) LOCAL EDUCATIONAL AGENCIES.—A State
that receives assistance under part A shall ensure
that each local educational agency in the State des-
ignates an individual employed by the agency to
serve as a point of contact for the child welfare
agencies responsible for children in foster care en-
rolled in the local educational agency and to oversee the implementation of the local educational agency requirements under this section. A local educational agency's point of contact shall not be the individual designated as its local educational agency liaison under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, unless such individual has the capacity, resources, and time to perform both roles.

"(2) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving assistance under part A shall designate an individual to serve as a point of contact for child welfare agencies and to oversee the implementation of the State educational agency requirements under this section. A State educational agency's point of contact shall not be the individual designated as the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act, unless such individual has the capacity, resources, and time to perform both roles.

"SEC. 1602. DEFINITIONS.

"In this part:

"(1) CHILD IN FOSTER CARE.—The term 'child in foster care' means a child whose care and place-
ment is the responsibility of the agency that admin-
isters a State plan under part B or E of title IV of
the Social Security Act (42 U.S.C. 621 et seq., 670
et seq.), without regard to whether foster care main-
tenance payments are made under section 472 of the
Social Security Act (42 U.S.C. 672) on behalf of the
child.

"(2) School attendance area.—The term
'school attendance area' has the meaning given the
term in section 1113(a)(2).

"(3) School of origin.—The term 'school of
origin' means, with respect to a child in foster care,
any of the following:

"(A) The public school in which the child
was enrolled prior to entry into foster care.

"(B) The public school in which the child
is enrolled when a change in foster care place-
ment occurs.

"(C) The public school the child attended
when last permanently housed, as such term is
used in section 722(g)(3)(G) of the McKinney-
Vento Homeless Assistance Act (42 U.S.C.
11432(g)(3)(G)), if such child was eligible for
assistance under such Act before the child be-
came a child in foster care."
(b) **GUIDANCE.**—Not later than 90 days after the date of enactment of this Act, the Secretary, in collaboration with the Secretary of Health and Human Services, is directed to issue guidance on the implementation of part F of title I of the Elementary and Secondary Education Act of 1965, including how State and local agencies will work together to ensure that transportation for children in foster care is provided to the school of origin.

On page 866, line 13, insert "and" after the semi-colon.

On page 866, strike lines 17 through 19.