

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.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

(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 “li-
2 censed; and”.

3 On page 61, between lines 8 and 9, insert the fol-
4 lowing:

5 “(L) describes how the State and State
6 educational agency will comply with the require-
7 ments of section 1601, and the State’s plan to
8 ensure such compliance.

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

3 On page 75, between lines 11 and 12, insert the fol-
4 lowing:

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”.

1 On page 93, between lines 7 and 8, insert the fol-
2 lowing:

3 “(10) comply with the requirements of section
4 1601 that relate to the local educational agency and
5 describe the local educational agency’s plan to en-
6 sure such compliance.

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

9 “(3) RESERVATION FOR HOMELESS CHILDREN
10 AND YOUTH AND OTHER AT-RISK CHILDREN.—

11 “(A) FUNDS FOR HOMELESS CHILDREN
12 AND YOUTH AND OTHER AT-RISK CHILDREN.—

13 A local educational agency shall reserve such
14 funds as are necessary under this part to
15 serve—

16 “(i) homeless children who do not at-
17 tend participating schools, including pro-
18 viding educationally related support serv-
19 ices to children in shelters and other loca-
20 tions where children may live;

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

23 “(iii) if appropriate, children in local
24 institutions for delinquent children, and

1 neglected or delinquent children in commu-
2 nity day programs; and

3 “(iv) children in foster care (as de-
4 fined in section 1602), including providing
5 points of contact (as described in section
6 1601(d)) in local educational agencies for
7 child welfare agencies and children in fos-
8 ter care.”.

9 On page 253, between lines 17 and 18, insert the fol-
10 lowing:

11 **PART F—EDUCATIONAL STABILITY OF CHILDREN**
12 **IN FOSTER CARE**

13 **SEC. 1601. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**
14 **TER CARE.**

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

19 **“PART F—EDUCATIONAL STABILITY OF**
20 **CHILDREN IN FOSTER CARE**

21 **“SEC. 1601. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**
22 **TER CARE.**

23 **“(a) OBLIGATIONS TO COLLABORATE WITH CHILD**
24 **WELFARE AGENCIES.—**

1 “(1) IN GENERAL.—Each State educational
2 agency receiving assistance under part A shall col-
3 laborate with the State child welfare agency to de-
4 velop and implement a plan to ensure that the fol-
5 lowing occurs, for each child in the State, when the
6 child moves to a new school attendance area as a re-
7 sult of being placed in foster care (as described in
8 section 1603(1)), changing foster care placements,
9 or leaving foster care:

10 “(A) ATTENDANCE AT A SCHOOL OF ORI-
11 GIN.—

12 “(i) IN GENERAL.—The child enrolls
13 or remains in the child’s school of origin,
14 unless a determination is made that it is in
15 the child’s best interest to attend a dif-
16 ferent school.

17 “(ii) LIMITATION.—A child who leaves
18 foster care shall only be entitled to remain
19 in the child’s school of origin for the re-
20 mainder of the school year.

21 “(B) IMMEDIATE ENROLLMENT.—When a
22 determination is made regarding the school that
23 it is in the best interest of a child in foster care
24 to attend, the child shall be immediately en-
25 rolled in such school, even if the child is unable

1 to produce records normally required for enroll-
2 ment, such as previous academic records, im-
3 munization and medical records, a birth certifi-
4 cate, guardianship records, proof of residency,
5 or other documentation.

6 “(C) RECORDS TRANSFER.—Any records
7 ordinarily kept by a school, including records of
8 immunizations, health screenings, and other re-
9 quired health records, academic records, birth
10 certificates, evaluations for special services or
11 programs, and any individualized education pro-
12 grams (as defined in section 602 of the Individ-
13 uals with Disabilities Education Act (20 U.S.C.
14 1401)), regarding a child in foster care shall
15 be—

16 “(i) maintained so that the records in-
17 volved are available, in a timely fashion,
18 when a child in foster care enters a new
19 school; and

20 “(ii) immediately transferred to the
21 enrolling school, even if the child owes fees
22 or fines or was not withdrawn from pre-
23 vious schools in conformance with local
24 withdrawal procedures.

1 “(2) IMPLEMENTATION.—Each State edu-
2 cational agency receiving assistance under part A
3 shall ensure that the plan described in paragraph
4 (1) is implemented by the local educational agencies
5 in the State.

6 “(b) CREDIT TRANSFER AND DIPLOMAS.—Each
7 State that receives assistance under part A shall have poli-
8 cies for ensuring that—

9 “(1) a child in foster care who is changing
10 schools can transfer school credits and receive par-
11 tial credits for coursework satisfactorily completed
12 while attending a prior school or educational pro-
13 gram;

14 “(2) a child in foster care is afforded opportuni-
15 ties to recover school credits lost due to placement
16 instability while in foster care; and

17 “(3) a child in foster care who has changed sec-
18 ondary schools can receive a secondary school di-
19 ploma either from one of the schools in which the
20 child was enrolled or through a State-issued sec-
21 ondary school diploma system, consistent with State
22 graduation requirements.

23 “(c) TRANSPORTATION.—Not later than 1 year after
24 the date of enactment of the Elementary and Secondary
25 Education Reauthorization Act of 2011, the State edu-

1 cational agency shall enter into an agreement with the
2 State agency responsible for administering the State plans
3 under parts B and E of title IV of the Social Security
4 Act to ensure that children in foster care, and children
5 leaving foster care, who are attending their schools of ori-
6 gin receive transportation to and from those schools, in
7 accordance with subsection (a)(1) and with section
8 475(1)(G) of the Social Security Act (42 U.S.C.
9 675(1)(G)). The agreement shall include a description of
10 the following:

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

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

19 “(d) POINTS OF CONTACT.—

20 “(1) LOCAL EDUCATIONAL AGENCIES.—A State
21 that receives assistance under part A shall ensure
22 that each local educational agency in the State des-
23 ignates an individual employed by the agency to
24 serve as a point of contact for the child welfare
25 agencies responsible for children in foster care en-

1 rolled in the local educational agency and to oversee
2 the implementation of the local educational agency
3 requirements under this section. A local educational
4 agency's point of contact shall not be the individual
5 designated as its local educational agency liaison
6 under section 722(g)(1)(J)(ii) of the McKinney-
7 Vento Homeless Assistance Act, unless such indi-
8 vidual has the capacity, resources, and time to per-
9 form both roles.

10 “(2) STATE EDUCATIONAL AGENCIES.—Each
11 State educational agency receiving assistance under
12 part A shall designate an individual to serve as a
13 point of contact for child welfare agencies and to
14 oversee the implementation of the State educational
15 agency requirements under this section. A State
16 educational agency's point of contact shall not be the
17 individual designated as the State's Coordinator for
18 Education of Homeless Children and Youths under
19 section 722(d)(3) of the McKinney-Vento Homeless
20 Assistance Act, unless such individual has the capac-
21 ity, resources, and time to perform both roles.

22 **“SEC. 1602. DEFINITIONS.**

23 “In this part:

24 “(1) CHILD IN FOSTER CARE.—The term ‘child
25 in foster care’ means a child whose care and place-

1 ment is the responsibility of the agency that admin-
2 isters a State plan under part B or E of title IV of
3 the Social Security Act (42 U.S.C. 621 et seq., 670
4 et seq.), without regard to whether foster care main-
5 tenance payments are made under section 472 of the
6 Social Security Act (42 U.S.C. 672) on behalf of the
7 child.

8 “(2) SCHOOL ATTENDANCE AREA.—The term
9 ‘school attendance area’ has the meaning given the
10 term in section 1113(a)(2).

11 “(3) SCHOOL OF ORIGIN.—The term ‘school of
12 origin’ means, with respect to a child in foster care,
13 any of the following:

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

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

19 “(C) The public school the child attended
20 when last permanently housed, as such term is
21 used in section 722(g)(3)(G) of the McKinney-
22 Vento Homeless Assistance Act (42 U.S.C.
23 11432(g)(3)(G)), if such child was eligible for
24 assistance under such Act before the child be-
25 came a child in foster care.”.

1 (b) GUIDANCE.—Not later than 90 days after the
2 date of enactment of this Act, the Secretary, in collabora-
3 tion with the Secretary of Health and Human Services,
4 is directed to issue guidance on the implementation of part
5 F of title I of the Elementary and Secondary Education
6 Act of 1965, including how State and local agencies will
7 work together to ensure that transportation for children
8 in foster care is provided to the school of origin.

9 On page 866, line 13, insert “and” after the semi-
10 colon.

11 On page 866, strike lines 17 through 19.