

AMENDMENT NO. I/2 Calendar No. \_\_\_\_\_

Purpose: To assure educational stability for children in foster care.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**S.** \_\_\_\_\_

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

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 Beginning on page 60, strike line 20 and all that fol-  
2 lows through line 10 on page 61 and insert the following:

3 “(K) the steps a State educational agency  
4 will take to ensure collaboration with the State  
5 agency responsible for administering the State  
6 plans under parts B and E of title IV of the  
7 Social Security Act (42 U.S.C. 621 et seq., 670  
8 et seq.) to ensure the educational stability of  
9 children in foster care, including assurances  
10 that—

11 “(i) any such child enrolls or remains  
12 in such child’s school of origin, unless a

1 determination is made that it is in not in  
2 such child's best interest to attend the  
3 school of origin;

4 “(ii) when a determination is made  
5 that it is not in such child's best interest  
6 to remain in the school of origin, the child  
7 shall be immediately enrolled in a new  
8 school, even if the child is unable to  
9 produce records normally required for en-  
10 rollment;

11 “(iii) the enrolling school shall imme-  
12 diately contact the school last attended by  
13 any such child to obtain in a timely man-  
14 ner relevant academic and other records;

15 “(iv) the local educational agency and  
16 State or local child welfare agency shall  
17 collaborate and, by not later than 1 year  
18 after the date of enactment of the Every  
19 Child Achieves Act of 2015, develop and  
20 implement clear written procedures gov-  
21 erning how transportation to maintain chil-  
22 dren in foster care in their school of origin  
23 when in their best interest will be provided,  
24 arranged, and funded for the duration of

1 the time in foster care, which procedures  
2 shall—

3 “(I) acknowledge that children in  
4 foster care needing transportation to  
5 the school of origin will promptly re-  
6 ceive transportation in a cost-effective  
7 manner and in accordance with sec-  
8 tion 475(1)(G) of the Social Security  
9 Act (42 U.S.C. 675(1)(G)); and

10 “(II) ensure that, if there are ad-  
11 ditional costs incurred in providing  
12 transportation to maintain children in  
13 foster care in their schools of origin,  
14 the local educational agency will pro-  
15 vide transportation to the school of  
16 origin if—

17 “(aa) the local child welfare  
18 agency agrees to reimburse the  
19 local educational agency for the  
20 cost of such transportation;

21 “(bb) the local educational  
22 agency agrees to pay for the cost  
23 of such transportation; or

24 “(cc) the local educational  
25 agency and the local child welfare

1 agency agree to share the cost of  
2 such transportation;

3 “(v) the State—

4 “(I) will encourage local edu-  
5 cational agencies to designate 1 of the  
6 agency’s employees to serve as a point  
7 of contact for the child welfare agen-  
8 cies responsible for children in foster  
9 care enrolled in their school districts,  
10 who will oversee the implementation  
11 of the local educational agency’s re-  
12 sponsibilities as described in this sub-  
13 paragraph; and

14 “(II) will require a local edu-  
15 cational agency to designate such a  
16 contact if the corresponding child wel-  
17 fare agency notifies the local edu-  
18 cational agency, in writing, that the  
19 agency has designated an employee to  
20 serve as a point of contact for the  
21 local educational agency, except that,  
22 for any high-need local educational  
23 agency, as defined in section 2201(b),  
24 the point of contact for children in  
25 foster care may not be the same per-

1 son as the local educational agency li-  
2 aison for homeless children and  
3 youths under section 722(g)(1)(J)(ii)  
4 of the McKinney-Vento Homeless As-  
5 sistance Act. (42 U.S.C.  
6 11432(1)(J)(ii)); and

7 “(vi) the State educational agency will  
8 designate an employee to serve as a point  
9 of contact for child welfare agencies and to  
10 oversee implementation of the State agency  
11 responsibilities required under this sub-  
12 paragraph, and such point of contact shall  
13 not be the State’s Coordinator for Edu-  
14 cation of Homeless Children and Youths  
15 under section 722(d)(3) of the McKinney-  
16 Vento Homeless Assistance Act (42 U.S.C.  
17 11432(d)(3)); and

18 Beginning on page 215, strike line 16 and all that  
19 follows through line 22 on page 218 and insert the fol-  
20 lowing.

1 **SEC. 1013. REPORT ON IMPLEMENTATION OF EDU-**  
2 **CATIONAL STABILITY OF CHILDREN IN FOS-**  
3 **TER CARE.**

4 Not later than 3 years after the date of enactment  
5 of this Act, the Secretary of Education and the Secretary  
6 of Health and Human Services shall submit to the appro-  
7 priate committees of Congress a report on the implemen-  
8 tation of section 1111(c)(1)(K) of the Elementary and  
9 Secondary Education Act of 1965 (20 U.S.C.  
10 6311(c)(1)(K)), including the progress made and the re-  
11 maining barriers.

12 On page 601, between lines 6 and 7, insert the fol-  
13 lowing:

14 **SEC. 10005A. DEFINITION OF HOMELESS CHILD OR YOUTH.**

15 (a) **IN GENERAL.**—Section 725(2)(B)(i) of the  
16 McKinney-Vento Homeless Assistance Act (42 U.S.C.  
17 11434a(2)(B)(i)) is amended by striking “or are awaiting  
18 foster care placement;”.

19 (b) **EFFECTIVE DATE.**—The amendment made by  
20 subsection (a) shall take effect beginning on the date that  
21 is 2 years after the date of enactment of this Act.