

114TH CONGRESS
1ST SESSION

S. 1639

To amend the Elementary and Secondary Education Act of 1965 to assure educational stability for children in foster care, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2015

Mr. FRANKEN (for himself, Mr. GRASSLEY, Mrs. MURRAY, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act of 1965 to assure educational stability for children in foster care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Education Stability
5 for Foster Youth Act”.

6 **SEC. 2. EDUCATIONAL STABILITY FOR FOSTER CHILDREN.**

7 (a) STATE PLANS.—Section 1111(b) of the Elemen-
8 tary and Secondary Education Act of 1965 (20 U.S.C.
9 6311) is amended by adding at the end the following:

1 “(11) ENSURING COLLABORATION FOR CHIL-
2 DREN IN FOSTER CARE.—Each State plan shall de-
3 scribe the steps a State educational agency will take
4 to ensure collaboration with the State agency re-
5 sponsible for administering the State plans under
6 parts B and E of title IV of the Social Security Act
7 (42 U.S.C. 621 et seq., 670 et seq.) to ensure the
8 educational stability of children in foster care, in-
9 cluding assurances that—

10 “(A) any such child is enrolled or remains
11 in such child’s school of origin unless a deter-
12 mination is made that it is not in such child’s
13 best interest to attend the school of origin,
14 which decision shall be based on all factors re-
15 lating to the best interest of the child, including
16 consideration of the appropriateness of the cur-
17 rent educational setting and the proximity to
18 the school in which the child is enrolled at the
19 time of placement;

20 “(B) when a determination is made that it
21 is not in the best interest of such child to re-
22 main in the school of origin, such child is imme-
23 diately enrolled in a new school, even if such
24 child is unable to produce records normally re-
25 quired for enrollment;

1 “(C) the enrolling school shall immediately
2 contact the school last attended by any such
3 child to obtain relevant academic and other
4 records; and

5 “(D) the State educational agency will des-
6 ignate an employee to serve as a point of con-
7 tact for child welfare agencies and to oversee
8 implementation of the State agency responsibil-
9 ities required under this subparagraph, and
10 such point of contact shall not be the State’s
11 Coordinator for Education of Homeless Chil-
12 dren and Youths under section 722(d)(3) of the
13 McKinney-Vento Homeless Assistance Act (42
14 U.S.C. 11432(d)(3)).”.

15 (b) LOCAL PLANS.—Section 1112(c)(1) of the Ele-
16 mentary and Secondary Education Act of 1965 (20 U.S.C.
17 6311(c)(1)) is amended—

18 (1) in subparagraph (N), by striking “and”
19 after the semicolon;

20 (2) in subparagraph (O), by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(P)(i) collaborate with the State or local
24 child welfare agency and, by not later than 1
25 year after the date of enactment of the Edu-

1 cation Stability for Foster Youth Act, develop
2 and implement clear written procedures gov-
3 erning how transportation to maintain children
4 in foster care in their school of origin when in
5 their best interest will be provided, arranged,
6 and funded for the duration of the time in fos-
7 ter care, which procedures shall—

8 “(I) acknowledge that children in fos-
9 ter care needing transportation to the
10 school of origin will promptly receive trans-
11 portation in a cost-effective manner and in
12 accordance with section 475(1)(G) of the
13 Social Security Act (42 U.S.C. 675(1)(G));
14 and

15 “(II) ensure that, if there are addi-
16 tional costs incurred in providing transpor-
17 tation to maintain children in foster care
18 in their schools of origin, the local edu-
19 cational agency will provide transportation
20 to the school of origin if—

21 “(aa) the local child welfare
22 agency agrees to reimburse the local
23 educational agency for the cost of
24 such transportation;

1 “(bb) the local educational agen-
2 cy agrees to pay for the cost of such
3 transportation; or

4 “(cc) the local educational agency
5 and the local child welfare agency
6 agree to share the cost of such trans-
7 portation; and

8 “(ii) designate a point of contact if the
9 corresponding child welfare agency notifies the
10 local educational agency, in writing, that the
11 agency has designated an employee to serve as
12 a point of contact for the local educational
13 agency.”.

14 **SEC. 3. REPORT ON IMPLEMENTATION OF EDUCATIONAL**
15 **STABILITY OF CHILDREN IN FOSTER CARE.**

16 Not later than 2 years after the date of enactment
17 of this Act, the Secretary of Education and the Secretary
18 of Health and Human Services shall submit to the appro-
19 priate committees of Congress a report on the implemen-
20 tation of sections 1111(b)(11) and 1112(c)(1)(P) of the
21 Elementary and Secondary Education Act of 1965 (20
22 U.S.C. 6311(b)(11) and 6312(c)(1)(P)), including the
23 progress made and the remaining barriers.

1 **SEC. 4. DEFINITION OF HOMELESS CHILD OR YOUTH.**

2 (a) IN GENERAL.—Section 725(2)(B)(i) of the
3 McKinney-Vento Homeless Assistance Act (42 U.S.C.
4 11434a(2)(B)(i)) is amended—

5 (1) by inserting “or” before “are abandoned”;

6 and

7 (2) by striking “or are awaiting foster care
8 placement;”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect on the date that is 1 year
11 after the date of enactment of this Act.

12 (c) APPLICATION.—

13 (1) IN GENERAL.—Notwithstanding subsection
14 (b), for a covered State, the amendment made by
15 subsection (a) shall apply on the date that is 2 years
16 after such date of enactment.

17 (2) DEFINITION.—In this subsection, the term
18 “covered State” means a State that has a statutory
19 law that defines or describes the phrase “awaiting
20 foster care placement”, for purposes of a program
21 under subtitle B of title VII of the McKinney-Vento
22 Homeless Assistance Act (42 U.S.C. 11431 et seq.).

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