

112TH CONGRESS
2D SESSION

H. R. 5876

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

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2012

Mr. DAVIS of Illinois (for himself and Ms. BASS of California) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Elementary and Secondary Education Act of 1965 to provide 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 “Increasing Educational
5 Stability for Children in Foster Care Act”.

1 **SEC. 2. STATE AND LOCAL EDUCATIONAL AGENCY PLAN**
2 **AND REPORT REQUIREMENTS.**

3 (a) STATE PLAN.—Section 1111(b)(8) of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 6311(b)(8)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (D);

8 (2) by redesignating subparagraph (E) as sub-
9 paragraph (F); and

10 (3) by inserting after subparagraph (D), the
11 following:

12 “(E) how the State educational agency will
13 comply with the requirements of part J and the
14 State’s plan to ensure such compliance; and”.

15 (b) STATE REPORT CARD.—Section 1111(h)(1)(C) of
16 the Elementary and Secondary Education Act of 1965 (20
17 U.S.C. 6311(h)(1)(C)) is amended—

18 (1) in clause (i), by striking “and status as eco-
19 nomically disadvantaged,” and inserting “status as
20 economically disadvantaged, and status as a child in
21 foster care (defined in section 1602(1)),”; and

22 (2) in clause (vi), by inserting before the semi-
23 colon the following: “(disaggregated by status as a
24 child in foster care (defined in section 1602(1)), ex-
25 cept that such disaggregation shall not be required
26 in a case in which the number of students in such

1 category is insufficient to yield statistically reliable
2 information or the results would reveal personally
3 identifiable information about an individual stu-
4 dent)”.
5

6 (c) STATE REPORT TO SECRETARY.—Section
7 1111(h)(4) of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 6311(h)(4)) is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (F);

11 (2) in subparagraph (G), by striking the period
12 and inserting “; and”; and

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

14 “(H) beginning not later than school year
15 2012–2013, information on the achievement of
16 students and the graduation rates described in
17 clauses (i) and (vi) of paragraph (1)(C), respec-
18 tively, including the disaggregated results for
19 the category of students with status as a child
20 in foster care (defined in section 1602(1)).”.

21 (d) LOCAL EDUCATIONAL AGENCY PLAN.—Section
22 1112(b)(1) of the Elementary and Secondary Education
23 Act of 1965 is amended—

24 (1) by striking “and” at the end of subpara-
graph (P);

1 (2) in subparagraph (Q), by striking the period
2 and inserting “; and”; and

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

4 “(R) how the local educational agency will
5 comply with the requirements of part J that re-
6 late to the local educational agency and describe
7 the local educational agency’s plan to ensure
8 such compliance.”.

9 (e) RESERVATION FOR HOMELESS CHILDREN AND
10 YOUTH AND OTHER AT-RISK CHILDREN.—Section
11 1113(c)(3) of the Elementary and Secondary Education
12 Act of 1965 is amended—

13 (1) by striking “and” at the end of subpara-
14 graph (B);

15 (2) in subparagraph (C), by striking the period
16 and inserting “; and”; and

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

18 “(D) children in foster care (defined in
19 section 1602(1)), including by designating an
20 individual employed by the agency to serve as
21 a point of contact, as described in 1601(d)(1),
22 for the child welfare agencies responsible for
23 such children enrolled in the local educational
24 agency.”.

1 **SEC. 3. EDUCATIONAL STABILITY OF CHILDREN IN FOSTER**
2 **CARE.**

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

7 **“PART J—EDUCATIONAL STABILITY OF**
8 **CHILDREN IN FOSTER CARE**

9 **“SEC. 1601. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**
10 **TER CARE.**

11 “(a) OBLIGATIONS TO COLLABORATE WITH CHILD
12 WELFARE AGENCIES.—

13 “(1) IN GENERAL.—Each State educational
14 agency receiving assistance under part A shall col-
15 laborate with the State child welfare agency to de-
16 velop and implement a plan to ensure that the fol-
17 lowing occurs, for each child in the State, when the
18 child moves to a new school attendance area as a re-
19 sult of being placed in foster care (as described in
20 section 1602(1)), changing foster care placements,
21 or leaving foster care:

22 “(A) ATTENDANCE AT A SCHOOL OF ORI-
23 GIN.—

24 “(i) IN GENERAL.—The child enrolls
25 or remains in the child’s school of origin,
26 unless a determination is made that it is in

1 the child’s best interest to attend a dif-
2 ferent school.

3 “(ii) LIMITATION.—A child who leaves
4 foster care shall only be entitled to remain
5 in the child’s school of origin for the re-
6 mainder of the school year.

7 “(B) IMMEDIATE ENROLLMENT.—When a
8 determination is made regarding the school that
9 it is in the best interest of a child in foster care
10 to attend, the child shall be immediately en-
11 rolled in such school, even if the child is unable
12 to produce records normally required for enroll-
13 ment, such as previous academic records, im-
14 munization and medical records, a birth certifi-
15 cate, guardianship records, proof of residency,
16 or other documentation.

17 “(C) RECORDS TRANSFER.—Any records
18 ordinarily kept by a school, including records of
19 immunizations, health screenings, and other re-
20 quired health records, academic records, birth
21 certificates, evaluations for special services or
22 programs, and any individualized education pro-
23 grams (as defined in section 602 of the Individ-
24 uals with Disabilities Education Act (20 U.S.C.

1 1401)), regarding a child in foster care shall
2 be—

3 “(i) maintained so that the records in-
4 volved are available, in a timely fashion,
5 when a child in foster care enters a new
6 school; and

7 “(ii) immediately transferred to the
8 enrolling school, even if the child owes fees
9 or fines or was not withdrawn from pre-
10 vious schools in conformance with local
11 withdrawal procedures.

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

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

20 “(1) a child in foster care who is changing
21 schools can transfer school credits and receive par-
22 tial credits for coursework satisfactorily completed
23 while attending a prior school or educational pro-
24 gram;

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

4 “(3) a child in foster care who has changed sec-
5 ondary schools can receive a secondary school di-
6 ploma either from one of the schools in which the
7 child was enrolled or through a State-issued sec-
8 ondary school diploma system, consistent with State
9 graduation requirements.

10 “(c) TRANSPORTATION.—Not later than 1 year after
11 the date of enactment of the Increasing Educational Sta-
12 bility for Children in Foster Care Act, the State edu-
13 cational agency shall enter into an agreement with the
14 State agency responsible for administering the State plans
15 under parts B and E of title IV of the Social Security
16 Act to ensure that children in foster care, and children
17 leaving foster care, who are attending their schools of ori-
18 gin receive transportation to and from those schools, in
19 accordance with subsection (a)(1) and with section
20 475(1)(G) of the Social Security Act (42 U.S.C.
21 675(1)(G)). The agreement shall include a description of
22 the following:

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

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

6 “(d) POINTS OF CONTACT.—

7 “(1) LOCAL EDUCATIONAL AGENCIES.—A State
8 that receives assistance under part A shall ensure
9 that each local educational agency in the State des-
10 ignates an individual employed by the agency to
11 serve as a point of contact for the child welfare
12 agencies responsible for children in foster care en-
13 rolled in the local educational agency and to oversee
14 the implementation of the local educational agency
15 requirements under this section. A local educational
16 agency’s point of contact shall not be the individual
17 designated as its local educational agency liaison
18 under section 722(g)(1)(J)(ii) of the McKinney-
19 Vento Homeless Assistance Act, unless such indi-
20 vidual has the capacity, resources, and time to per-
21 form both roles.

22 “(2) STATE EDUCATIONAL AGENCIES.—Each
23 State educational agency receiving assistance under
24 part A shall designate an individual to serve as a
25 point of contact for child welfare agencies and to

1 oversee the implementation of the State educational
2 agency requirements under this section. A State
3 educational agency’s point of contact shall not be the
4 individual designated as the State’s Coordinator for
5 Education of Homeless Children and Youths under
6 section 722(d)(3) of the McKinney-Vento Homeless
7 Assistance Act, unless such individual has the capac-
8 ity, resources, and time to perform both roles.

9 **“SEC. 1602. DEFINITIONS.**

10 “In this part:

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

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

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

6 “(C) The public school the child attended
7 when last permanently housed, as such term is
8 used in section 722(g)(3)(G) of the McKinney-
9 Vento Homeless Assistance Act (42 U.S.C.
10 11432(g)(3)(G)), if such child was eligible for
11 assistance under such Act before the child be-
12 came a child in foster care.”.

21 SEC. 4. AMENDMENT TO MCKINNEY-VENTO HOMELESS AS-
22 SISTANCE ACT.

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- 1 awaiting foster care placement” and inserting “or are
- 2 abandoned in hospitals;”.

