

114TH CONGRESS
1ST SESSION

H. R. 3087

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 HOUSE OF REPRESENTATIVES

JULY 16, 2015

Mr. DANNY K. DAVIS of Illinois (for himself and Ms. BASS) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, 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 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”.

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

2 (a) STATE PLANS.—Section 1111(b) of the Elemen-
3 tary and Secondary Education Act of 1965 (20 U.S.C.
4 6311) is amended by adding at the end the following:

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

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

24 “(B) when a determination is made that it
25 is not in the best interest of such child to re-
26 main in the school of origin, such child is imme-

diately enrolled in a new school, even if such child is unable to produce records normally required for enrollment;

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

“(D) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State’s Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3)).”.

(b) LOCAL PLANS.—Section 1112(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(1)) is amended—

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

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

(3) by adding at the end the following:

1 “(P)(i) collaborate with the State or local
2 child welfare agency and, by not later than 1
3 year after the date of enactment of the Edu-
4 cation Stability for Foster Youth Act, develop
5 and implement clear written procedures gov-
6 erning how transportation to maintain children
7 in foster care in their school of origin when in
8 their best interest will be provided, arranged,
9 and funded for the duration of the time in fos-
10 ter care, which procedures shall—

11 “(I) acknowledge that children in fos-
12 ter care needing transportation to the
13 school of origin will promptly receive trans-
14 portation in a cost-effective manner and in
15 accordance with section 475(4)(A) of the
16 Social Security Act (42 U.S.C. 675(4)(A));
17 and

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

24 “(aa) the local child welfare
25 agency agrees to reimburse the local

1 educational agency for the cost of
2 such transportation;

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

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

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

16 **SEC. 3. REPORT ON IMPLEMENTATION OF EDUCATIONAL**
17 **STABILITY OF CHILDREN IN FOSTER CARE.**

18 Not later than 2 years after the date of enactment
19 of this Act, the Secretary of Education and the Secretary
20 of Health and Human Services shall submit to Congress
21 a report on the implementation of sections 1111(b)(11)
22 and 1112(c)(1)(P) of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 6311(b)(11) and
24 6312(c)(1)(P)), including the progress made and the re-
25 maining 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 by striking “or are awaiting
5 foster care placement;”.

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

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