

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 5
OFFERED BY MS. BASS OF CALIFORNIA**

Page 211, line 13, strike the final quotation marks and period at the end.

Page 211, after line 13, insert the following:

1 **“Subpart 6—Educational Stability of Children in**
2 **Foster Care**
3 **“SEC. 1261. EDUCATIONAL STABILITY OF CHILDREN IN FOS-**
4 **TER CARE.**
5 “(a) OBLIGATIONS TO COLLABORATE WITH CHILD
6 WELFARE AGENCIES.—
7 “(1) IN GENERAL.—Each State educational
8 agency receiving assistance under this title shall, in
9 consultation with the State agency responsible for
10 administering the State plans under parts B and E
11 of title IV of the Social Security Act (42 U.S.C. 621
12 et seq., 670 et seq.), develop and implement a plan
13 to ensure that the following occurs, for each child in
14 the State, when the child moves to a new school at-
15 tendance area as a result of being placed in foster

1 care (as described in section 1262(1)), changing fos-
2 ter care placements, or leaving foster care:

3 “(A) ATTENDANCE AT A SCHOOL OF ORI-
4 GIN.—

5 “(i) IN GENERAL.—The child enrolls
6 or remains in the child’s school of origin,
7 unless a determination is made that it is in
8 the child’s best interest to attend a dif-
9 ferent school.

10 “(ii) LIMITATION.—A child who leaves
11 foster care shall only be entitled to remain
12 in the child’s school of origin for the re-
13 mainder of the school year.

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

24 “(C) RECORDS TRANSFER.—Any records
25 ordinarily kept by a school, including records of

1 immunizations, health screenings, and other re-
2 quired health records, academic records, birth
3 certificates, evaluations for special services or
4 programs, and any individualized education pro-
5 grams (as defined in section 602 of the Individ-
6 uals with Disabilities Education Act (20 U.S.C.
7 1401)), regarding a child in foster care shall
8 be—

9 “(i) maintained so that the records in-
10 volved are available, in a timely fashion,
11 when a child in foster care enters a new
12 school; and

13 “(ii) immediately transferred to the
14 enrolling school, even if the child owes fees
15 or fines or was not withdrawn from pre-
16 vious schools in conformance with local
17 withdrawal procedures.

18 “(2) IMPLEMENTATION.—Each State edu-
19 cational agency receiving assistance under this title
20 shall ensure that the plan described in paragraph
21 (1) is implemented by the local educational agencies
22 in the State.

23 “(b) CREDIT TRANSFER AND DIPLOMAS.—Each
24 State that receives assistance under this title shall have
25 policies for ensuring that—

1 “(1) a child in foster care who is changing
2 schools can transfer school credits and receive par-
3 tial credits for coursework satisfactorily completed
4 while attending a prior school or educational pro-
5 gram;

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

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

15 “(c) TRANSPORTATION.—

16 “(1) IN GENERAL.—The local educational agen-
17 cy and State shall, in consultation with the local
18 child welfare agency, develop and within one year of
19 enactment of this act implement clear written proce-
20 dures governing how transportation to maintain chil-
21 dren in foster care in their school of origin when in
22 their best interest will be provided, arranged, and
23 funded for the duration of the time in foster care
24 and through the remainder of the school year in
25 which the children leave foster care. The procedures

1 shall ensure that children needing transportation to
2 the school of origin will promptly receive transpor-
3 tation in a cost effective manner and in accordance
4 with section 475(1)(G) of the Social Security Act
5 (42 U.S.C. 675(1)(G)).

6 “(2) COST OF TRANSPORTATION.—Where the
7 child in foster care remains in the school of origin
8 pursuant to section 475(1)(G) of the Social Security
9 Act (42 U.S.C. 675(1)(G)), and if there are addi-
10 tional costs incurred in providing transportation to
11 maintain children in their schools of origin, the local
12 educational agency will provide transportation to
13 their school of origin if:

14 “(A) the local child welfare agency agrees
15 to reimburse the local educational agency for
16 the cost of such transportation;

17 “(B) the local educational agency agrees to
18 pay for the cost of such transportation; or

19 “(C) the local educational agency and the
20 local child welfare agency agree to share the
21 cost of such transportation.

22 “(3) TRANSPORTATION FOR THE REMAINDER
23 OF THE SCHOOL YEAR.—The local educational agen-
24 cy will provide transportation for the remainder of
25 the academic year in which a child leaves foster care

1 if whomever the child is returned to by the child wel-
2 fare agency requests transportation and remaining
3 in the school of origin is in the child's best interest.

4 “(d) POINTS OF CONTACT.—

5 “(1) LOCAL EDUCATIONAL AGENCIES.—A State
6 that receives assistance under this title shall:

7 “(A) advise each local educational agency
8 in the State of their option to designate an indi-
9 vidual employed by the agency to serve as a
10 point of contact for the child welfare agencies
11 responsible for children in foster care enrolled
12 in the local educational agency and that they
13 must designate such a point of contact if any
14 such local child welfare agency provides written
15 notice it has designated an individual employed
16 by that agency to serve as a point of contact for
17 the local educational agency;

18 “(B) ensure that local educational agency
19 points of contact oversee the implementation of
20 the local educational agency requirements under
21 this section; and

22 “(C) ensure that high needs local edu-
23 cational agencies do not designate the same in-
24 dividual as the point of contact for children in
25 foster care and the local educational agency liai-

1 son under section 722(g)(1)(J)(ii) of the
2 McKinney-Vento Homeless Assistance Act.

3 “(2) STATE EDUCATIONAL AGENCIES.—

4 “(A) Each State educational agency receiv-
5 ing assistance under this title shall designate an
6 individual to serve as a point of contact for
7 child welfare agencies and to oversee the imple-
8 mentation of the State educational agency re-
9 quirements under this section.

10 “(B) A State educational agency’s point of
11 contact shall not be the individual designated as
12 the State’s Coordinator for Education of Home-
13 less Children and Youths under section
14 722(d)(3) of the McKinney-Vento Homeless As-
15 sistance Act.

16 **“SEC. 1262. DEFINITIONS.**

17 “In this subpart:

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

1 Social Security Act (42 U.S.C. 672) on behalf of the
2 child.

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

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

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

11 “(B) The public school in which the child
12 is enrolled when a change in foster care place-
13 ment occurs.

14 “(C) The public school the child attended
15 when last permanently housed, as such term is
16 used in section 722(g)(3)(G) of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C.
18 11432(g)(3)(G)), if such child was eligible for
19 assistance under such Act before the child be-
20 came a child in foster care.

21 **“SEC. 1263. GUIDANCE.**

22 “Not later than 90 days after the date of the enact-
23 ment of this subpart, the Secretary is directed to issue
24 guidance on the implementation of this subpart, including
25 how State and local agencies will work together to ensure

- 1 that transportation for children in foster care is provided
- 2 to the school of origin.”.

