Mr. CORKER], the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1859, a bill to reinstate the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

BILLS AND JOINT RESOLUTIONS

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself and Mr. FRANKEN):

S. 2800. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I rise today to talk about legislation that I introduced with Senator FRANKEN today that is essential to the academic success of millions of vulnerable children and youth.

The Educational Success for Children and Youth Without Homes Act responds to the growing crisis of homelessness in our Nation. The legislation will help homeless children and youth thrive in school, despite the constant moves, trauma, and loss associated with homelessness.

This legislation is needed now more than ever. The economic downturn and foreclosure crisis have had a significant impact on homelessness. Public schools reported a 17-percent increase in the number of homeless students in 2007. In Washington State, the number of homeless students has increased dramatically. For example, the number of homeless students enrolled in Whatcom County Schools increased by 66 percent over the past 2 years; in Evergreen Public Schools, there has been a 56-percent increase over the past 2 years. This fall, many schools face a veritable tidal wave of homelessness. Over one million children and youth are now homeless in our Nation.

The recession has contributed to homelessness and has a devastating impact of students: children who are homeless with their families, and youth who are homeless on their own. This reality was brought starkly to light in the recent New York Times series about runaway and homeless youth. The series found a 40-percent increase in the number of homeless youth living on their own last year, more than double the number in 2003. In conclusion, that "Foreclosures, layoffs, rising food and fuel prices, and inadequate supplies of low-cost housing for families have put Wesleyan families to the extreme, and these pressures have trickled down to teenagers and preteens."

School offers homeless children and youth structure, normalcy, support, and hope—it is a place where they can obtain the skills that they will need to avoid poverty and homelessness as adults. Yet these students face great educational challenges. High mobility, precarious living conditions, and severe poverty combine to create major barriers to school enrollment and regular attendance. Many homeless children and youth lack basic supplies and a reasonable environment where they can do homework. As a result of their circumstances, homeless students often perform below their peers in math and reading and are more likely to be held back.

We must do more to assist these students so they do not continue to be left behind. The Educational Success for Children and Youth Without Homes Act of 2009 would do just that. The bill expands the McKinney-Vento Act's Education for Homeless Children and Youth program. It makes a strong law even stronger by reinforcing and expanding the law's key provisions: school stability, enrollment, and support for academic achievement.

This legislation will enhance the right of homeless children to stay in the same school, so that children who have lost their homes do not also lose their schools. It will assist schools in meeting the challenges of transporting homeless students by increasing the authorized funding level and allowing other Federal funds for educating low-income students to be used for homeless transportation. When staying in the same school is not possible, or not in a child's best interest, the legislation will help the student make a seamless transition to a new school.

This bill will help students like Kyle, a 4th-grade student in Spokane. Due to the instability of homelessness, Kyle moved around with his family most of his life. In fact, he moved eleven times. There were large gaps where he had not gone to school at all, because of his family's frequent moves. Yet although Kyle moved eleven times, the homeless education program in Spokane was able to keep him stable in one school. Because he had the opportunity to attend one school consistently, the school district was able to determine that his academic and behavioral struggles were caused by more than just homelessness. An educational evaluation revealed that he was nearly deaf in both ears. He now has hearing aids in both ears and told his teacher:
“I can hear now, and I am being good. I want to be a crossing guard.”

Yet many more children like Kyle are not receiving the assistance they need due to lack of funding. In fact, only 9 percent of school districts are able to receive funding through the McKinney-Vento program currently. This legislation would increase the authorized funding level, so that more school districts can participate in the homeless education program and reach more children and youth experiencing homelessness.

One of the most successful features of the McKinney-Vento program is the requirement for every school district to designate a liaison for homeless children and youth. Liaisons identify homeless students, ensure their enrollment and attendance, and connect them to community resources. Liaisons are the backbone of this program, the unsung heroes who have become a lifeline for children and youth in crisis. Yet most liaisons do not have the capacity to carry out their required duties; they wear many hats and struggle to meet the growing demands of this population. As a result, too many homeless children and youth are falling through the cracks and missing out on school. The Educational Success for Children and Youth Without Homes Act will strengthen the critical position of homeless liaison by ensuring that liaisons have the time, resources, and training to fulfill their mandated duties.

The Educational Success for Children and Youth Without Homes Act also recognizes the unique needs of certain groups of homeless children: preschool-aged homeless children, and unaccompanied homeless youth.

Young children who are homeless have higher rates of developmental delays and other problems that set them back as they start out life, yet they face numerous barriers to participating in early childhood programs. They miss out on services that can mitigate the harmful effect of homelessness on their development. This legislation will increase homeless children’s participation in preschool programs by requiring public preschool programs to identify and prioritize homeless children for enrollment, and to develop the capacity to serve all identified homeless children.

Unaccompanied homeless youth struggle to go to school without the basic necessities of life or a parent to guide them. We must assist unaccompanied homeless youth to overcome the unique educational challenges related to being without a home and without a parent or guardian. This legislation will help ensure that unaccompanied homeless youth have the supports necessary to stay in school, graduate with their peers, and move on to a brighter future.

The history of litigation under the McKinney-Vento Act makes clear that we must do a better job helping educators learn about homelessness and support them in implementing the law. To this end, the legislation provides funding for technical assistance and training, and requires participation in professional development activities.

I am pleased to be joined by Senator Frankен in cosponsoring this legislation to assist homeless students, and I am honored to cosponsor Senator Franken’s legislation, the Fostering Success in Education Act, to assist students who are in foster care. These bills recognize the similarities, and the differences, between children who are homeless and those who are in foster care. It is our intention to work with our Senate colleagues to ensure that children and youth who are currently served through the McKinney-Vento Act under the category of “awaiting foster care placement” will be transitioned to the Fostering Success in Education program, so that their unique needs may be best met.

As we look forward to the reauthorization of the Elementary and Secondary Education Act, we must recognize that children who do not know where they will sleep at night, or where their next meal will come from, face far greater challenges than simply remembering to do their homework. We must acknowledge that children who bounce between schools with each change of residence have little hope of taking advantage of even the best school programs. The most qualified teacher, or the most exceptional math textbook will not benefit children who are not enrolled in school, not attending regularly, and not assisted to overcome the barriers caused by homelessness. The Educational Success for Children and Youth Without Homes Act builds upon the proven success of the McKinney-Vento Act’s Education of Homeless Children and Youth program, while addressing remaining challenges. It is critical legislation that will help ensure that the homeless children’s needs—not become the homeless adults of tomorrow.

Mr. FRANKEN (for himself and Mrs. MURRAY):

S. 2801. A bill to provide children in foster care with school stability and equal access to educational opportunities; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, a quality education can be as positive counterweight to the abuse, neglect, and instability that children in foster care have experienced. That is why Senator Murray and I are introducing the Fostering Success in Education Act. The act builds on previous Federal efforts to increase the school stability and success of foster children.

The very placement of children in foster care has deprived many children of their opportunity to obtain a decent education. The primary reason is that children in foster care frequently move between foster homes, and often change schools when they move. Research shows that students lose 4 to 6 months of educational progress each time they change schools. It therefore becomes nearly impossible for foster children—whosof foster children multiple times—to make significant educational progress.

Moreover, foster children often change schools in the middle of the school year. When this happens, it is hard for them to catch up with their classmates, since they didn’t learn the material their classmates studied earlier in the year.

Because different schools offer different courses, it is also difficult for foster children to transfer their course credits from prior schools after they move. Many foster children therefore end up repeating courses and even grades.

But what is even more disturbing is that foster children are often segregated from other students, and many foster children fall behind their peers in school, lose hope, and ultimately drop out. Consider, for example, the school experience of Carrie, a 19 year-old young woman in Minnesota, who was placed in foster care in eighth grade. When Carrie moved to her first foster home, she had to transfer to a new school. Being uprooted from her family was difficult enough, but she also had to cope with the transition to her new school—just when she most needed the support of her friends and teachers at her old school. Moreover, because she changed schools in the middle of the school year, she found it difficult to keep up with her classmates in her new school.

There was no need to add further instability to Carrie’s life by making her change schools. Her old school—the one that she had attended since kindergarten—was just 20 minutes away from her foster home. It would have been perfectly reasonable to transport Carrie back to that school.

Over her next 5 years in foster care, Carrie ended up 7 moving between 7 different foster care placements and schools. The schools where she spent most of her time in high school separated her from other children in her community, and from equal education. For example, in ninth grade, Carrie attended a school at a residential treatment facility, where her education consisted of sitting in a classroom with children as young as Carrie was in kindergarten—was just 20 minutes away from her foster home. It would have been perfectly reasonable to transport Carrie back to that school.

Unfortunately, Carrie’s school experience is not unique. Many foster children in Minnesota, and across the
country, have experienced a similar pattern of moving between multiple schools, wasting time in segregated schools, and leaving school without much to show for all their years of education.

Last year, Congress decided that it was time to do something about this situation. Congress enacted the Fostering Connections to Success Act, a child welfare law that, among other things, requires child welfare agencies to collaborate with local education agencies to improve the school stability of foster children.

Child welfare agencies, however, can't go it alone. To fulfill the vision of the Fostering Connections Act, they need the full cooperation of State and local education agencies.

That is why Senator Murray and I have decided to place requirements on State and local education agencies that mirror those required of child welfare agencies in the Fostering Connections Act. For example, our bill requires State and local education agencies to collaborate with child welfare agencies to provide foster children who move to new school districts with the right to attend their schools of origin—or, in other words, the right to attend their former schools or the schools they attended before they were placed in foster care.

If Carrie had this right when she was placed in foster care, she would have been able to remain in the school she had attended since kindergarten. When it's not in the best interest of particular foster children to remain in their schools of origin, our bill requires State and local education agencies to work with child welfare agencies to enroll foster children immediately in new schools.

This is an important element of our bill because foster children often spend weeks out of school as a result of enrollment delays. In addition, our bill provides funding to help school districts and child welfare agencies address the educational needs of foster children, such as funding to provide foster children with transportation back to schools in their former school districts.

Finally, our bill clarifies that foster children have a right to the same educational opportunities as other children in their community. This means, for example, that foster children cannot be made to attend separate schools solely based on the misguided belief that foster children cannot fit in at a regular public school.

In addition to working with Senator Murray on the Fostering Success in Education Act, we have collaborated on a related bill—the Educational Success for Children and Youth Without Homes Act, which Senator Murray introduced earlier today. The Educational Success for Children and Youth Without Homes Act will improve the educational stability of homeless children, who, like foster children, face significant educational challenges because they often move between school districts. While there are many similarities between the protections provided to homeless and foster children in our bills, our bills also address the unique circumstances of each group.

I am grateful to Carrie, and the many other foster and homeless youth who have bravely spoken out about their difficult school experiences. Their efforts will help prevent other children entering foster care or experiencing homelessness in the future from suffering similar situations.

I believe it is time that we listen to these youth and take steps to ensure that we don't deprive homeless and foster children of their right to an equal education. Senator Murray and I therefore plan on working hard in the coming months to achieve the reforms we lay out in the bills we're introducing today, and I would urge my colleagues to support both of these important bills.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fostering Success in Education Act."

(b) TABLE OF CONTENTS.—The table of contents for this Act is the following:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; sense of Congress.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Regulations.
Sec. 6. Effective date.

TITLE I—EDUCATIONAL RIGHTS FOR CHILDREN IN FOSTER CARE

Subtitle A—Required Educational Rights, Protections, and Services for Children in Foster Care

Sec. 101. Required educational rights, protections, and services for children in foster care.

Sec. 102. Remedies; rule of construction.

Sec. 103. Conforming amendments.

Subtitle B—State Foster Care and Education Plan Grants

Sec. 111. State foster care and education plan requirements and grants.

Sec. 112. Subgrant requirements.

Sec. 113. Responsibilities of the Secretary.

Sec. 114. Authorization of appropriations.

TITLE II—SOCIAL SECURITY ACT AMENDMENTS

Sec. 201. Social Security Act amendments.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Educational success is vital to every young person's well being and successful transition to adulthood, and economic stability.

(2) At the end of fiscal year 2007, approximately 500,000 children were in foster care in the United States, with nearly 800,000 children having spent at least some time in foster care in the United States during the year.

(3) Numerous studies have demonstrated that children in foster care fall behind the general student population with respect to test scores, graduation rates, and successful transitions to postsecondary education.

(4) Only one-third of high school students in foster care graduate on time and only 3 percent of such students graduate from college.

(5) On average, children in foster care move to new foster care placements 2 times per year, and often change schools when they move.

(6) Studies indicate that with each school move, children, on average, fall 4 to 6 months behind their classmates. Because foster children often change schools multiple times, it is difficult for them to make significant educational progress.

(7) Children in foster care are frequently denied the ability to remain in the same school as a result of changes in their living situations.

(8) In addition, children in foster care who are required to change schools are frequently denied immediate enrollment in a new school, which results in detrimental disruptions to their education.

(9) Moreover, the enrolling school frequently does not have access to the child's complete and accurate education records, which often results in the child being placed in inappropriate classes and educational settings.

(10) When foster children change schools, they often have difficulties transferring credits from previous schools and meeting the new set of graduation requirements in their new school.

(11) In 2008, Congress enacted the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351), which requires, among other things, child welfare agencies to ensure that a child in foster care remains in the same school after moving to a new placement or, when remaining in the same school is not in the child's best interests, is enrolled in a new school immediately, and that the child's education records are transferred promptly. While the Fostering Connections to Success and Increasing Adoptions Act of 2008 requires child welfare agencies to coordinate with local educational agencies, the local educational agencies must play a critical role in the process. Otherwise, the education provisions of the Act cannot be fully implemented.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) address the unique needs of this population; and

(B) ensure school stability, immediate enrollment, and access to appropriate services; and

(2) such efforts will significantly increase the secondary school graduation rates and improve educational outcomes for children in foster care.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that the educational needs of children in foster care are addressed in a seamless and complete manner by—

(1) requiring the State educational agency of a recipient State to work together with the State child welfare agency to ensure that the educational needs of each child in foster care in the State are being met;

(2) requiring local child welfare agencies and local educational agencies of a recipient State to work together to ensure that the educational needs of each child in foster care in the State are being met;
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(3) ensuring that issues related to stability in education, school attendance, and the proper handling of information, including education records and health records, are coordinated between schools and child welfare agencies; and

(4) ensuring that a coordinated process is utilized to address the best interest and needs of the child with regard to school placements, school attendance, access to appropriate education services, and required supports, including the provision of transportation services to ensure school stability.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD IN FOSTER CARE.—The term "child in foster care" means a child whose care and placement stability is provided by a public agency or a Tribal agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.; 670 et seq.), without regard to whether foster care maintenance payments are made under section 472 of the Social Security Act (42 U.S.C. 672) on behalf of the child.

(2) COURT REPRESENTATIVE.—The term "court representative" means an individual appointed by a court to represent a child in a juvenile court dependency proceeding.

(3) EDUCATION DECISIONMAKER.—The term "education decisionmaker" means—

(A) a parent of a child in foster care; or

(B) a person identified by the dependency court to make education decisions for a child in foster care who is someone other than the child's parent.

(4) EDUCATION RECORDS.—The term "education records" means documents and other materials relating to a child's enrollment and education, including transcripts, reports, plans, evaluations, assessments, and assessments maintained by a local educational agency.

(5) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) ENROLLMENT.—The term "enrollment" means attending classes in a public preschool program, an elementary school, or secondary school and participating fully in the activities of such school or program.

(7) LOCAL CHILD WELFARE AGENCY.—The term "local child welfare agency" means, with respect to a child in foster care, the public agency in the local political subdivision where the child resides, or the tribe or tribal organization, that is responsible for the placement and care of the child.

(8) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) PARENT.—The term "parent" means a biological or adoptive parent or a legal guardian of a child, as determined under applicable State law.

(10) PLACEMENT.—The term "placement" means the current or proposed living situation for a child in foster care, which can include a group home or other congregate care setting.

(11) PUBLIC AGENCY.—The term "public agency" means any State or local government entity.

(12) PUBLIC PRESCHOOL PROGRAM.—The term "public preschool program" means a preschool program funded, administered, or overseen by a State educational agency, local educational agency, or other State agency.

(13) RECIPIENT STATE.—The term "recipient State" means a State that receives funds under section 472 of the Social Security Act (42 U.S.C. 672) on behalf of the child.

(14) SCHOOL OF ORIGIN.—The term "school of origin" means, with respect to a child in foster care, any of the following:

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

(B) The school in which the child is enrolled when a change in foster care placement occurs or is proposed.

(C) The school in which the child is attending when last permanently housed, as such term is used in section 722(g)(3)(G) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(3)(G)).

(15) SCHOOL ATTENDANCE AREA.—The term "school attendance area" has the meaning given the term in section 913(a)(2)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(2)(A)).

(16) SCHOOL SELECTION DECISION.—The term "school selection decision" means a school selection decision as described in section 101(b)(4).

(17) SECONDARY SCHOOL.—The term "secondary school" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.).

(18) SECRETARY.—The term "Secretary" means the Secretary of Education.

(19) SPECIAL EDUCATION AND RELATED SERVICES.—The terms "special education" and "related services" have the meaning given the terms in section 1401 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(20) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(21) STATE CHILD WELFARE AGENCY.—The term "State child welfare agency" means the State agency responsible for administering the programs authorized under subpart I of part B and part E of title IV of the Social Security Act (42 U.S.C. 621 et seq.; 670 et seq.).

(22) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 5. REGULATIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary shall develop, issue, and publish in the Federal Register a notice of proposed rulemaking to implement this title. To the extent possible, in issuing, amending, and repealing any regulations promulgated under this title shall comply with section 553 of title 5, United States Code.

SEC. 6. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act, except that subtitle A, and the amendments made by such subtitle, shall apply with respect to the recipient States that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) on or after the date of enactment of this Act.

TITLE I—EDUCATIONAL RIGHTS FOR CHILDREN IN FOSTER CARE

Subtitle A—Required Educational Rights, Protections, and Services for Children in Foster Care

SEC. 101. REQUIRED EDUCATIONAL RIGHTS, PROTECTIONS, AND SERVICES FOR CHILDREN IN FOSTER CARE.

(a) RIGHTS OF CHILDREN IN FOSTER CARE.—Each recipient State shall ensure that each child in foster care in the State has the following rights:

(1) SCHOOL ATTENDANCE AGENCY.—A child in foster care shall have the right to enroll in, or continue to enroll in, any of the child's schools of origin when the child is placed in foster care and during all subsequent changes in placement (including when the child returns home, as required under subparagraph (B)), it is determined that the school selection decision process that is in the child's best interest to be immediately enrolled in a different school.

(B) RECORDS FOR ACADEMIC DECISIONS.—The education records needed for academic place-
(III) Early Head Start or Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.);
(IV) public charter and magnet schools;
(V) dual credit courses and dual enrollment higher education courses;
(VI) career and technical education programs;
(VII) summer school; and
(VIII) extracurricular activities; and
(II) as appropriate, prioritization in the educational offerings described in clause (I) in accordance with Federal and State law;
(D) being integrated with other students in all schools or programs within a school that are operated, licensed, or funded by a public entity;
(E) attending the elementary school or secondary school that serves the child’s school attendance area, based on the school selection decision for the child;
(F) being integrated with other students in a school in which the child is enrolled, in accordance with this subsection, paragraphs (4)(H) and (5)(D) of subsection (b), and section 475(1)(G)(ii)(II) of the Social Security Act (42 U.S.C. 675(1)(G)(ii)(II));
(G) children with disabilities.—In the case of a child in foster care that receives services under part A or C of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq., 1431 et seq.), nothing in this Act or section 475(1)(G)(ii)(II) of the Social Security Act (42 U.S.C. 675(1)(G)(ii)(II)) shall relieve a local educational agency of the agency’s responsibility to provide the child with transportation as part of such services.
(b) REQUIREMENTS OF EDUCATION SYSTEM FOR CHILD IN FOSTER CARE.—In order to provide each child in foster care with the rights described in subsection (a), each recipient State shall meet the following requirements:
(1) POLICY REVIEW AND REVISION.—
(A) IN GENERAL.—Not more than 120 days after the enactment of this Act, any State or local educational agency in the State that has a school attendance law or other law, regulation, practice, or policy that may prohibit the child’s attendance at a school of origin for a child in foster care or that may prohibit implementation of any other requirement of this title, shall undertake to revise such law, regulation, practice, or policy to ensure that children in foster care—
(i) are afforded the same free, appropriate public education as is provided to other children; and
(ii) receive the protections of this subtitle.
(B) NO DELAY.—Nothing in this subsection shall be construed to permit a State or local educational agency to delay implementation of this Act until such review and revision is completed.
(2) STATE COORDINATOR.—
(A) IN GENERAL.—The State shall designate a coordinator within the State educational agency to be the lead staff member to implement the requirements of this title.
(B) COLLABORATION.—The coordinator shall collaborate with representatives from the State child welfare agency, the State’s program supported under subtitle B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1432 et seq.), and the State child welfare agency that is designated under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1432 et seq.).
(3) RESPONSIBILITIES.—The responsibilities of a coordinator described in subparagraph (A) shall include, at minimum—
(i) ensuring that the requirements of this title and clauses (i)(II), (iii), and (iv) of section 675(1)(G) of the Social Security Act (42 U.S.C. 675(1)(G)) are carried out;
(ii) gathering and making public information on the problems children in foster care face in gaining access to public preschool programs and schools;
(iii) ensuring that the requirements of this title and the educational outcomes of children in foster care are reported to the appropriate State officials and to the Secretary;
(iv) ensuring the success of the programs under this title;
(v) providing technical assistance to local educational agencies and local child welfare agencies on how to comply with this title; and
(vi) monitoring the State’s progress in implementing the requirements of this title and the outcomes of children in foster care.
(b) PROPRIETARY INTERESTS.—The foster care liaison described in clause (i) shall not have a proprietary interest in the placement decision made for the child.
(c) TIMING.—A school selection decision shall be made by the local educational agency that serves the school of origin in which enrollment is sought for a child in foster care, unless the State determines the school selection decision shall be made solely by—
(1) the dependency court, or
(2) the State child welfare agency; or
(3) the local child welfare agency.
(d) INITIATING A SCHOOL SELECTION DECISION.—
(1) IN GENERAL.—Upon a request made in accordance with subparagraph (C), the State child welfare agency shall make a school selection decision for the child, unless the court with dependency jurisdiction believes that a child should remain or enroll in a school of origin.
(2) NO DELAY.—Nothing in this subsection shall be construed to permit a State or local educational agency to delay implementation of this Act until such review and revision is completed.
(3) CHOICE.—The local child welfare agency shall notify the foster care liaison described in paragraph (3) for the local educational agency.
(c) FOSTER CARE LIASON.—
(1) IN GENERAL.—The foster care liaison shall ensure, at minimum, that—
(I) the parents and education decisionmaker of the child in foster care, and the child’s child welfare agency, are informed of the opportunities available to the child under this title;
(II) the child’s educational decisionmaker makes a school selection decision for the child; and
(III) the school program and school that serve the child’s school attendance area are—
(aa) provided to the child;
(bb) programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);
(cc) English as a Second Language programs, including programs under title III of such Act (20 U.S.C. 6881 et seq.); and
(dd) early childhood and preschool programs;
(ii) the parents and education decisionmaker of the child in foster care, and the child’s child welfare agency, are informed of the opportunities available to the child under this title;
(III) the school program and school that serve the child’s school attendance area are—
(aa) provided to the child;
(bb) programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);
(cc) English as a Second Language programs, including programs under title III of such Act (20 U.S.C. 6881 et seq.); and
(dd) early childhood and preschool programs;
(i) ensuring that the requirements of this title and clauses (i)(II), (iii), and (iv) of section 675(1)(G) of the Social Security Act (42 U.S.C. 675(1)(G)) are carried out;
(ii) gathering and making public information on the problems children in foster care face in gaining access to public preschool programs and schools;
(iii) ensuring that the requirements of this title and the outcomes of children in foster care are reported to the appropriate State officials and to the Secretary;
(iv) ensuring the success of the programs under this title;
(v) providing technical assistance to local educational agencies and local child welfare agencies on how to comply with this title; and
(vi) monitoring the State’s progress in implementing the requirements of this title and the outcomes of children in foster care.
(b) PROPRIETARY INTERESTS.—The foster care liaison described in clause (i) shall not have a proprietary interest in the placement decision made for the child.
(c) TIMING.—A school selection decision shall be made by the local educational agency that serves the school of origin in which enrollment is sought for a child in foster care, unless the State determines the school selection decision shall be made solely by—
(1) the dependency court, or
(2) the State child welfare agency; or
(3) the local child welfare agency.
(d) INITIATING A SCHOOL SELECTION DECISION.—
(1) IN GENERAL.—Upon a request made in accordance with subparagraph (C), the State child welfare agency shall make a school selection decision for the child, unless the court with dependency jurisdiction believes that a child should remain or enroll in a school of origin.
(2) NO DELAY.—Nothing in this subsection shall be construed to permit a State or local educational agency to delay implementation of this Act until such review and revision is completed.
(3) CHOICE.—The local child welfare agency shall notify the foster care liaison described in paragraph (3) for the local educational agency.
makes a school selection decision for such child, or appoints another person to initiate or make a school selection decision, the court’s determination shall be binding on all parties, the State educational agency, and the appropriate local educational agency.

(E) SOURCES OF INFORMATION; FACTORS.—
(i) SOURCES OF INFORMATION.—The entity making a school selection decision for a child in foster care shall consider information and factors provided by—
(I) the State child welfare agency, local child welfare agency, State educational agency, local educational agency, or other public agency; and
(ii) individuals who have knowledge about the child’s education, including the child and the parent, educational decisionmaker, foster parent, court representative, and teachers of the child.

(ii) INFORMATION AND FACTORS.—The information and factors described in clause (i) shall include—
(I) the harmful impact of school mobility on the child’s academic progress, achievement, and social and emotional well-being; and
(II) the age of the child;
(iii) the availability of curricular activities that are appropriate, meets the child’s needs and interests, and are accessible to the education decisionmaker, and permanency plan for the child;
(iv) the time remaining in the school year;
(v) the number of previous school changes;
(vi) the child’s connection to the school of origin under section 475(c)(8); and
(vii) the availability of special programs, academically rigorous courses, and extra-curricular activities that are appropriate for the child.

(F) CONSIDERATIONS.—An entity making a school selection decision under this paragraph shall consider the wishes of the child.

(G) DECISIONS.—The costs of transportation to or from a school shall not be a consideration when making a school selection decision.

(H) TRANSPORTATION.—
(i) IN GENERAL.—The local educational agency serving the school of origin in which a child in foster care shall remain or enroll, based on the school selection decision for the child, shall collaborate with the local child welfare agency to ensure that the child is provided transportation to the school of origin in a cost-effective manner and in accordance with section 475(g)(1)(II) of the Social Security Act (42 U.S.C. 675(g)(1)(II)).

(ii) COST OF TRANSPORTATION.—In carrying out clause (i), a local educational agency shall provide the transportation described in such clause for a child in foster care if—
(I) the local child welfare agency reimburses the local educational agency for the cost of such transportation, in accordance with section 475(g)(1)(II) of the Social Security Act (42 U.S.C. 675(g)(1)(II));
(II) the local educational agency agrees to pay for the cost of such transportation; or
(III) the local educational agency and the local child welfare agency agree to the cost of such transportation.

(iii) SCHOOL SELECTION DECISION RESOLUTION.
(A) IN GENERAL.—The State educational agency, or another State agency designated by the State, shall develop and oversee a fair and impartial dispute resolution procedure to provide reviewers with the opportunity to make school selection decisions, except that such procedure shall not be applied to disputes regarding school selection decisions made by a court.

(B) COMPLAINTS AND DISPUTE RESOLUTION.—The dispute resolution procedure described in subparagraph (A) shall include, at a minimum—
(I) a procedural safeguard system to resolve disputes and render prompt school selection decisions;
(II) a written notice of the school selection decision and basis for the decision to the—
(I) parent, educational decisionmaker, and court representative of the child; and
(II) local child welfare agency serving the child;
(iii) a right to appeal a school selection decision, an impartial and prompt review of such decision, and a written determination of the administrative appeal; and
(iv) a right to initiate a dispute under this paragraph that is provided to—
(I) the parent, educational decisionmaker, and court representative of the child; and
(II) a representative from the local child welfare agency or local educational agency serving the child.

(C) SCHOOL SELECTION DISPUTE RESOLUTION.—If a dispute arises over the school selection decision, the child shall remain in the child’s current school until full resolution of the dispute, unless—
(I) the dependency court determines otherwise and selects a different school for the child; or
(ii) the State child welfare agency or local child welfare agency with responsibility for the child’s child’s harmful impact of school mobility on the child’s health, safety, or education or where those needs can best be met;
(iii) the child’s connection to the school of origin;
(iv) the number of previous school changes;
(v) the time remaining in the school year;
(vi) the extent to which the educational program of the school of origin is appropriate, meets the child’s needs and interests, and nurtures the child’s talents; and
(vii) the availability of special programs, academically rigorous courses, and extra-curricular activities that are appropriate for the child;

(D) TRANSPORTATION.—In the case of a dispute under this paragraph regarding a child in foster care, the local educational agency where the child is attending school pending the resolution of the dispute, as determined under subparagraph (C), shall collaborate with the local child welfare agency to ensure transportation for the child in foster care immediately in a public preschool program that is operating at full capacity when enrollment is sought for the child, unless otherwise required by State law; and

(E) SHARING INFORMATION.—
(i) LOCAL EDUCATIONAL AGENCIES AND LOCAL CHILD WELFARE AGENCIES.—A local educational agency or a local child welfare agency with responsibility for a child in foster care shall remain or enroll, based on the school selection decision for the child, shall collaborate with the local child welfare agency to ensure that the child is provided transportation to the school of origin in a cost-effective manner and in accordance with section 475(g)(1)(II) of the Social Security Act (42 U.S.C. 675(g)(1)(II)), and develop policies and practices to meet identified needs.

(ii) COORDINATION AND PROVIDING SERVICES.—For the purposes of applying this paragraph, a reference to a school shall be deemed to include a public preschool program.

(iii) SHARING INFORMATION.—
(I) IN GENERAL.—The State educational agency and local educational agency shall
(B) IMMEDIATE AVAILABILITY.—To ensure a
child in foster care’s immediate enrollment
in a new school (including a preschool pro-
gram), all education records of the child
shall be made available in accordance with
subsection (a)(4). A school sending education
records shall ensure that the records are as
complete and accurate as possible.

(C) COMPLIANCE WITH FERPA.—Education
records of children in foster care shall be—
(i) maintained and provided to other
schools in a manner consistent with section
444 of the General Education Provisions Act
(20 U.S.C. 1414(d)); and
(ii) provided to the child welfare agency or
other child welfare system advocates in a
manner that complies with such section.

(D) EXPEDITED TRANSFER.—Each foster care
liaison described in paragraph (3)(A) and
coordinator described in paragraph (3)(B) within a
State shall work to expedite the transfer of
education records of children in foster care.

(9) TRANSFER OF CREDITS; DIPLOMA.—
(A) IN GENERAL.—The State and each local
educational agency and local child welfare
agency shall ensure that a child in foster care,
including on-time graduation rates, for such
child’s individual education program, as
appropriate, any plan for transition services for a
child in foster care who is changing
school or educational program; and
(iii) a child in foster care who is afforded oppor-
tunities to recover school credits lost due to
placement instability while in foster care.

(B) ELIMINATING BARRIERS.—The State
shall—
(i) cooperate with the implementation of
education-related provisions of the
Elementary and Secondary Education Act of
1965 (20 U.S.C. 675(5)) to provide a child in fos-
ter care with assistance and support in de-
developing a transition plan for aging out of
foster care to independent living;
(ii) a child in foster care is afforded oppor-
tunities to recover school credits lost due to
placement instability while in foster care.

(10) EQUAL ACCESS.—
(A) IN GENERAL.—The State shall collect
valid and reliable information as needed to
determine the educational stability of the child while in foster care
required under subparagraph (G) of section
478(1) of the Social Security Act (42 U.S.C. 675(1)).

(B) CONTENTS.—The local child welfare
agency shall specify in the case plan required
under subparagraph (A) described in subparagraph (A); and
(i) the requirement under subparagraph
(G) of section 478(5) of the Social Security Act
(42 U.S.C. 675(5)) to provide a child in foster
care with assistance and support in develop-
ing a transition plan for aging out of foster
care to independent living;

(ii) the number of such children who re-
mained in the child’s school of origin;

(iii) the number of such children who expe-
rienced enrollment delays; and

(iv) State assessment scores disaggregated
for children in foster care;

(v) secondary school graduation rates,
including on-time graduation rates, for such
child;

(vi) the number of such children who re-
peated grades; and

(vii) the number of such children who—
(I) are eligible for special education and
related services; or

(II) receive services under title I of the Ele-
mentary and Secondary Education Act of
1965 (20 U.S.C. 675(1)).

(B) INFORMATION SHARING.—The State edu-
cational agency and local educational agen-
cies shall collaborate with the State child
welfare agency and local child welfare agen-
cies to collect and share necessary informa-
tion in order to generate such reports.

(c) rule of construction.—Nothing in this sec-
tion, each State educational agency and the
local educational agencies of a recipient State shall collaborate with the State child
welfare agency and local child welfare agen-
cies of such State.

SEC. 102. REMEDIES; RULE OF CONSTRUCTION.

(a) JUDICIAL REMEDIES.—(1) IN GENERAL.—Any party aggrieved by a
finding or decision made under paragraph (5) or (6) of section 101(b), or who otherwise
believes that a right provided under this Act
has been violated, may bring a civil action in
an appropriate district court of the United
States.

(b) FEDERAL JURISDICTION.—The district courts
of the United States shall have jurisdiction
of actions brought under this title without re-
gard to the amount in controversy.

(c) RULE OF CONSTRUCTION.—Nothing in
this title shall be construed to restrict or limit
the rights, procedures, and remedies available
under—
(1) the Constitution;
(2) the McKinney-Vento Homeless Assist-
ance Act (42 U.S.C. 1161 et seq.);
(3) the Fostering Connections to Success
and Related Amendments Act of 2008 (Public
Law 110–315), or the amendments made by
such Act;
(4) section 444 of the General Education
Provisions Act (20 U.S.C. 1414(d));
(5) the Individuals with Disabilities
Education Act (20 U.S.C. 1401 et seq.);
(6) any other Federal or State law pro-
tecting the rights of children in foster care.

SEC. 103. CONFORMING AMENDMENTS.

(a) the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amend-
ed—
(1) in section 111 (20 U.S.C. 6311)—
(I) by striking (b)(2), by adding after subparagraph (K) the following—
‘‘(L) ACCOUNTABILITY FOR CHILDREN IN FOS-
ter care.—The accountability provisions
under paragraph (J) shall ensure that children in
foster care, as defined in section 4 of the Fos-
tering Success in Education Act, are
included in academic assessment, reporting,
accountability system, as required by paragraph
(3)(C)(xi).’’;
and
(II) in subsection (c)—
(i) by striking ‘‘and’’ at the end of
subsection (c); and
(ii) in paragraph (14), by striking the pe-
riod at the end and inserting ‘‘; and’’; and

review and eliminate any barriers to information-sharing with State child welfare agencies and local child welfare agencies, while continuing to protect the privacy in-
terests of children and families, as required by Federal or State law.

(II) in the case of a child with an individ-
ualized education program under section 614
of the Individuals with Disabilities Edu-
cation Act (20 U.S.C. 1414), an alternative
setting described under such plan.

(II) in developing child-
specific case plans.—
(A) IN GENERAL.—Each local educational
agency shall collaborate with the
local child welfare agency’s request, with the
local child welfare agency with respect to
the following to ensure that educational issues for children in foster care are appro-
riately identified and addressed:
(i) The development of the following com-
munity service plan required for children
in foster care:
(I) The written description of the programs
and services which will help the child pre-
pare for independent living required under subpara-
dgraph (D) of section 478(1) of the Social Secu-
rit y Act (42 U.S.C. 675(1)).

(II) The requirement under subparagraph
(H) of section 478(5) of the Social Security Act
(42 U.S.C. 675(5)) to provide a child in foster
care with assistance and support in de-
developing a transition plan for aging out of
foster care to independent living;
(iii) The programs and activities, including
vouchers are coordinated with
other child welfare system advocates in a
manner consistent with section
444 of the General Education Provisions Act
(20 U.S.C. 1414(d)); and
(iv) the foster care liaison described in para-
graph (3)(A) and
coordinator described in paragraph (3)(B) within a
State shall work to expedite the transfer of
education records of children in foster care.

(B) TRANSFER OF CREDITS; DIPLOMA.—
(A) IN GENERAL.—The State and each local
educational agency and local child welfare
agency shall ensure that a child in foster care,
including on-time graduation rates, for such
child’s individual education program, as
appropriate, any plan for transition services for a
child in foster care is afforded oppor-
tunities to recover school credits lost due to
placement instability while in foster care.

(B) ELIMINATING BARRIERS.—The State
shall—
(i) cooperate with the implementation of
education-related provisions of the
Elementary and Secondary Education Act of
1965 (20 U.S.C. 675(5)) to provide a child in fos-
ter care with assistance and support in de-
developing a transition plan for aging out of
foster care to independent living;
(ii) a child in foster care is afforded oppor-
tunities to recover school credits lost due to
placement instability while in foster care.

(C) LOCAL EDUCATIONAL AGENCY ROLE.—
Each local educational agency of the State
shall—
(i) receive services under title I of the Ele-
mentary and Secondary Education Act (42 U.S.C. 675(1)); and
(ii) be entitled to receive other child welfare
agency-based planning that relate to educational issues for a
child in foster care or a child transitioning out of foster care and entering
independent living.

(II) CONTENTS.—The local child welfare
agency shall specify in the case plan required
for children in foster care under parts B and
E of title IV of the Social Security Act the
local educational agency’s role in providing
education-related services which will help the child pre-
pare for independent living.

(ii) in paragraph (14), by striking the pe-
riod at the end and inserting ‘‘; and’’; and

(C) COLLABORATION.—To carry out this sec-
tion, each State educational agency and the
local educational agencies of a recipient
State shall collaborate with the State child
welfare agency and local child welfare agen-
cies of such State.
Secretary shall ratably reduce the amount of grants to States under this subtitle, as determined by the Secretary. "(B) RETENTION.—The amount of a State's allotment under this paragraph for a fiscal year shall not be less than $300,000.

(c) STATE FOSTER CARE AND EDUCATION PLAN GRANTS.

(1) ALLOTMENTS.—Subject to subparagraphs (B) and (C), the Secretary is authorized to make an allotment to each State with an approved State foster care and education plan under this subtitle, as determined by the Secretary, to carry out the title, including the barriers described in section 101(b)(3) of the elementary and secondary education act of 1965 (20 U.S.C. 6311(b)(3)) to which the State child welfare agency, and local child welfare agencies; and

(2) USE OF FUNDS.—A State receiving an allotment under this subtitle shall use—

(i) critical stakeholders in the State educational agency, local educational agencies, the State child welfare agency, and local child welfare agencies; and

(ii) other necessary parties involved with children in foster care.

(3) STATE EDUCATIONAL AGENCY ROLE.—

(1) STATE EDUCATIONAL AGENCY ROLE.—

(A) MINIMUM ALLOTMENTS.—The amount of a State's allotment under this paragraph for a fiscal year shall not be less than $300,000.

(B) RATIVE REDUCTIONS.—In the case of a fiscal year for which the amounts available to carry out this subtitle are not sufficient to award grants to States in the amounts described in subparagraphs (A) and (B), the Secretary shall ratably reduce the amount of all such grants.

(2) RESERVATIONS.—

(A) RESERVATIONS FOR TECHNICAL ASSISTANCE AND EVALUATION.—Of the funds made available to carry out this section, the Secretary shall reserve 0.10 percent of such funds to provide—

(i) technical assistance to States that receive grants under this subtitle; and

(ii) rigorous evaluation of the activities funded with grants under this subtitle in accordance with section 113.

(B) STUDENTS IN TERRITORIES.—Of the funds made available to carry out this section, the Secretary shall reserve 0.10 percent of such funds to be allocated among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. According to their respective need for assistance under this subtitle, as determined by the Secretary.

(C) INDIAN STUDENTS.—Of the funds made available to carry out this section, the Secretary shall reserve 0.10 percent of such funds to the Interior for programs that are for Indian children in foster care.

(D) MINIMUM ALLOTMENTS.—The amount of a State's allotment under this paragraph for a fiscal year shall not be less than $300,000.

(E) STATE FOSTER CARE AND EDUCATION PLAN GRANTS.—

(1) ELIGIBILITY REQUIREMENT.—No State shall receive a grant under this subtitle unless—

(A) the State and the State educational agency will ensure that the requirements of section 101 of the Foster ing Success in Education Act are met; and

(B) the specific responsibilities and procedures undertaken by each applicable agency of the State to meet the requirements of subsections (e) and (f) and subtitle A.

(2) APPROVAL, REVIEW, AND RESUBMISSION.—

(A) DEVELOPMENT AND APPROVAL.—The plan for a State shall be—

(i) developed by the State educational agency, in collaboration with the State child welfare agency; and

(ii) approved by the chief executive officer of the State before submission to the Secretary.

(B) ANNUAL REVIEW.—Each State receiving a grant under this subtitle shall review the plan annually, in collaboration with the State child welfare agency and the State educational agency, to determine the State's compliance with the plan, including a review of the information collected under section 101(b)(12); and

(ii) the progress in eliminating barriers identified under paragraph (3)(B).

(C) RESERVATIONS.—Subject to paragraphs (A) and (B), the Secretary is authorized to make an allotment to each State with an approved State foster care and education plan under this subtitle, as determined by the Secretary, to carry out the title, including the barriers described in section 101(b)(3) of the elementary and secondary education act of 1965 (20 U.S.C. 6311(b)(3)) to which the State child welfare agency, and local child welfare agencies; and

(D) USE OF FUNDS.—A State receiving a grant under this subtitle shall use—

(i) the method by which the State will monitor local educational agencies and other local agencies with responsibility under this title to ensure compliance with this title;

(ii) an analysis of the State and local barriers to meeting the requirements of this title, including the barriers described in paragraphs (8), (9)(B), and (10) of section 101(b), and specific steps taken to eliminate those barriers;

(iii) a description of, and protocol for, how State foster care coordinators described in section 101(b)(3) of the elementary and secondary education act of 1965 (20 U.S.C. 6311(b)(3)) will work collaboratively with State child welfare agencies and local child welfare agencies to implement the purposes of this title;

(iv) detailed procedures for making the school selection decisions for children in foster care in the State in accordance with section 101(b)(4);

(v) clear procedures regarding how transportation to maintain each child in foster care in the appropriate school will be provided, as required under section 101(a) and funded;

(vi) an explanation of how the State will—

(A) ensure transfers of school credits and partial credits for children in foster care who experience multiple school moves; and

(B) eliminate barriers to allowing such children to obtain secondary school diplomas as required under section 101(b)(4); and

(vii) an explanation of how the State will put in place a procedural safeguard system that meets the requirements of section 101(b) and protects the rights of children in foster care, as described in section 101(a), and how such system will—

(i) operate;

(ii) resolve disputes about school stability, immediate, ongoing, and permanent eligibility for services under the title; and

(iii) provide notice to children in foster care, and the parents, educational decision makers, and other responsible parties, of the rights of children under section 101(a) and the processes for obtaining a school selection decision for the child and for resolving disputes under section 101(b); and

(iv) protect the child's rights under section 101(a) during the resolution of any disputes; and

(v) an explanation of how the State has involved, and will continue to involve, individuals representing all critical stakeholders involved with children in foster care, including—

(A) foster parents and other caretakers, caseworkers, court representatives, and judges; and

(B) in the development of policies and procedures about policies and procedures to implement this title.

(i) A description of how training needs relating to children in foster care will be identified and addressed for—

(A) critical stakeholders in the State educational agency, local educational agencies, the State child welfare agency, and local child welfare agencies; and

(ii) other necessary parties involved with children in foster care.

(J) A description of how local educational agencies in the State, in collaboration with local child welfare agencies, will meet the requirements of subparagraphs (A) and (B) and other provisions in this title relating to local educational agencies;

(K) A description of services or policies needed for children in foster care as required under the same challenging student academic achievement standards under section 1111(b)(1) of the elementary and secondary education act of 1965 (20 U.S.C. 6311(b)(1)) to which other children are held, and a description of the steps that will be taken to create and implement those services or policies;

(L) A description of all efforts to promote efficient record maintenance and sharing to further the purposes of this title while protecting confidential rights under section 444 of the General Education Provisions Act (commonly referred to as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g) and other laws;

(M) A description of how immediate enrollment for children in foster care, as required under section 101(a)(5), will be achieved, including how any record requirements in effect as of the date of the plan will be addressed so as to not delay enrollment;

(N) A description of the system that will ensure timely transfer of school credits, school health records of children in foster care and an explanation of how any delay in such transfer will not interfere with immediate enrollment; and

(O) Procedures for periodically monitoring local educational agency compliance with the requirements of this title and for maintaining a complaint management system as required under section 101(b)(12).

(d) USE OF FUNDS.—A State receiving an allotment under this subtitle shall use—

(1) not more than 25 percent of the State's allotment to carry out the State plan under subsection (c), meet the requirements under subsection (e) and (f) of this title, and fund the activities, directly or through grants or contracts, to further the purposes of this title; and

(2) not less than 75 percent of the State's allotment to award subgrants under section 112.

(e) STATE REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY ROLE.—

(A) IN GENERAL.—The State educational agency of a State receiving a grant under this subtitle shall—

(i) the general administration and supervision of programs or activities receiving funds under this subtitle, including the activities described in paragraph (3) and subgrants awarded under section 112; and

(ii) the activities used by the State to carry out this title, whether or not such programs or activities
are receiving assistance under this subtitle; and

(iii) ensuring that the State is in compliance with the requirements under this title.

(B) Review of State Plans.—A State child welfare agency shall collaborate with the State child welfare agency in carrying out the responsibilities under this paragraph.

(2) Public Notice.—If a State receiving a grant under this subtitle shall carry out the following activities:

(A) STAKEHOLDER COUNCIL.—

(i) Establishment.—The State educational agency shall establish a Stakeholder Council (referred to in this paragraph as the "Council") that meets publicly on not less than a semianual basis.

(ii) MEMBERSHIP.—The members of the Council shall include, at a minimum—

(I) a designee from the State educational agency;

(ii) a designee from the State child welfare agency; and

(iii) individuals representing local educational agencies, local child welfare agencies, juvenile courts, court representatives, court appointed special advocates, children in foster care, foster parents, and parents.

(iii) DUTIES.—The Council shall—

(I) review the State's policies, practices, data, and other information regarding the implementation of this title;

(II) review and advise the State on the plan before final approval or resubmission; and

(III) make recommendations regarding procedures and policies for implementing this title.

(VI) make recommendations regarding the next steps the State should take regarding implementation and submit such recommendations to the Secretary with each plan re-submission under subsection (c)(3)(B).

(B) MONITORING.—The State educational agency, in collaboration with the State child welfare agency, shall periodically review local educational agencies and other local agencies with responsibilities under this title to ensure compliance.

(f) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—Each local educational agency in a State receiving a grant under this subtitle shall meet the following requirements:

(1) IN GENERAL.—The local educational agency shall ensure, in coordination with the corresponding local child welfare agency that children in foster care in the school district served by the local educational agency receive all of the rights described in section 101(a)(1) for carrying out, at a minimum, all of the following:

(A) Ensuring that each child in foster care in the school district served by the local educational agency remains in a school of origin or is immediately enrolled in a new school, in accordance with the child’s best interest as required under section 101(a).

(B) Ensuring that written notice has been provided to the parent, education decision-maker, and court representative of the child and the local child welfare agency representing the state to any decisions made by the local educational agency regarding the rights under this title of a child in foster care, including—

(i) an explanation of the basis for the decision;

(ii) the right to appeal the decision; and

(iii) the right of the child to remain in the child’s current school while a dispute is pending.

(C) Ensuring compliance with this title by all schools served by the local educational agency.

(D) Identifying and removing any barriers that exist in schools served by the local educational agency.

(i) barriers identified in the plan under subsection (b)(3)(B);

(ii) barriers to remaining or enrolling in a school of origin, or to enrolling promptly in a new school for a child in foster care if such enrollment is in the child’s best interest; or

(iii) other barriers impeding the rights of a child in foster care.

(E) Ensuring that the schools served by the local educational agency promptly transfer the school credits and partial school credits of children in foster care, and provide children in foster care with access to credit recovery programs or services.

SEC. 112. SUBGRANTS.

(a) IN GENERAL.—The State educational agency shall, in accordance with section 111(b)(2), award subgrants, on a competitive basis, to public agencies, including local educational agencies and local child welfare agencies, on a competitive basis, to the extent permitted by this title, the Secretary shall approve the plan.

(b) DISAPPROVAL.—

(A) IN GENERAL.—If a plan does not meet the requirements described in paragraph (1), the Secretary shall disapprove the plan and provide the State educational agency with specific findings as to what needs to be corrected for approval.

(B) REVIEW PROCESS.—The Secretary shall promulgate regulations establishing a system by which States whose plans are disapproved can appeal such disapproval.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide—

(1) training, support, and technical assistance to a State educational agency receiving a grant to assist the State educational agency in carrying out its responsibilities under this title; and

(2) training, support, and technical assistance to a State that has had the State’s plan described in section 111 disapproved.

(d) SUBMISSION AND DISTRIBUTION.—The Secretary shall—

(1) require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants; and

(2) award such grants not later than the expiration of the 120-day period beginning on such date.

(d) Determination by Secretary.—The Secretary, based on the information received from the States and information gathered by the Secretary under this subtitle and under section 110(b)(11), shall determine the extent to which State educational agencies are ensuring that each child in foster care has access to a free, appropriate public education.

(e) INFORMATION.—

(1) COORDINATION; ENFORCEMENT.—The Secretary shall coordinate the information collection requirements under this subtitle and section 110(b)(12).
(2) DATA COLLECTION AND DISSEMINATION.—
  The Secretary shall—
  (A) directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding the education of children in foster care; and
  (B) require each State receiving a grant under this subtitle to annually provide—
    (i) the information described in section 101(b)(12)(A); and
    (ii) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

(f) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities regarding programs designed to meet the educational needs of elementary and secondary school students who are children in foster care.

(g) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Education and Labor and the Committee on Ways and Means of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of the education of children in foster care, which shall include information on—
  (1) the educational outcomes of children in foster care; and
  (2) the actions of the Secretary and the effectiveness of the programs supported under this title.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the subtitle, $150,000,000 for each of the fiscal years 2011 through 2015.

TITLE II—SOCIAL SECURITY ACT AMENDMENTS

SEC. 201. SOCIAL SECURITY ACT AMENDMENTS.

(a) EDUCATIONAL STABILITY FOR FOSTER CARE CHILDREN.—Section 4751(g) of the Social Security Act (42 U.S.C. 6751(g)) is amended—
  (1) in clause (1)—
    (A) by striking “or” at the end of subclause (I) and inserting “and”; and
    (B) by striking subclause (II), and inserting in its place—
      “(II) in the case of a child who has or will attain the age of 5, the child’s need for medical care has been determined to be urgent or emergent;”;
  (2) by adding at the end the following:—
    “(3) provides that the State agency and local child welfare agencies will collaborate with the State and local educational agencies to collect the data and other information necessary for the implementation of the requirements of clauses (ii)(II), (iii), and (iv) of subparagraph (G) of section 4751 and the provisions of section 101 of the Fostering Success in Education Act; and
    “(4) provides that the State agency and local child welfare agencies have identified staff within the agencies to be the point people with the State and local educational agencies related to educational issues, including the implementation of the requirements of clauses (ii)(II), (iii), and (iv) of subparagraph (G) of section 4751, as well as to coordinate with representatives of child welfare agencies and coordinators to implement the provisions of section 101 of the Fostering Success in Education Act.”;

SEC. 205. AMENDMENT TO FOSTER CARE CHILDREN'S HEALTH INSURANCE PROGRAM.—Section 4752(e) of the Social Security Act (42 U.S.C. 6752(e)) is amended—
  (1) in paragraph (2), by striking “or” at the end of such paragraph and inserting “and”;
  (2) by adding at the end the following:
    “(3) in the case of a child who is in foster care, the child’s need for medical care has been determined to be urgent or emergent.”;

SEC. 206. INCLUSION OF VETERANS.—Section 4753 of the Social Security Act (42 U.S.C. 1395xx) is amended by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively.

By Mr. SPECTER:

S. 2805. A bill to amend the Food and Nutrition Act of 2008 to increase the amount made available to purchase commodities for the emergency food assistance program in fiscal year 2010; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I seek recognition to introduce legislation to deal with the pressing problem of hunger in the United States. The report of the Economic Research Service of the Department of Agriculture on Monday, November 16—3 days ago—disclosed some startling facts about hunger in America. According to the report there are 49 million Americans who experienced hunger last year. Among that number, 17 million were children, and 500,000 of those children were under the age of 6, which is a critical stage in childhood development.

The hunger problem hit disproportionately higher for Hispanics at 27 percent higher and African Americans at 26 percent higher. It is hard to find a sufficiently tough word to describe it—scandalous, outrageous, criminal, repugnant—that in this land of plenty, we should find Americans who are hungry. It is unacceptable to have people hungry anywhere in the world, but right here in our own backyard for this situation to exist is beyond the pale.

Having read the article on the 16th, I contacted the Secretary of Agriculture, Tom Vilsack, discussed the issue with him, and I am now introducing legislation which will add $250 million to the food banks to try to deal with this issue on an emergency basis. It would be my hope that this is the kind of legislation which could be passed very promptly—hopefully, before Christmas of this year during our current session—to take some immediate action to replenish the food banks so people in America are not hungry.

Mr. President, I ask unanimous consent that my full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATORS ARLEN SPECTER—STATEMENT ON THE INTRODUCTION OF LEGISLATION PROVIDING FOR EMERGENCY FOOD RELIEF

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation addressing our nation’s hunger crisis. The United States Department of Agriculture just released its annual report on Household Food Security in the United States. This report finds that 49 million Americans, 17 million of whom are children, experienced food insecurity and hunger in 2008. Poverty is the underlying cause of this problem. While job creation policies to lift people out of poverty are being implemented, Congress must provide immediate relief so that they have access to the nutrition necessary to live a healthy and productive life.

The USDA report contains alarming data on the struggles faced by too many American families. In 2008, 17 million households reported being food insecure, that is to say they lacked access to enough food for an active and healthy life. This is an increase from 13 million households in 2007. In my state of Pennsylvania, 11.2 percent of our households reported being insecure, and 4.2 percent reported very low food security, meaning they were unable to eat at various times over the year.

Of these 49 million Americans who reported hunger, 12 million adults and 5.2 million children reported periods of extreme hunger, possibly going days without eating. The data shows that black and Hispanic households experienced food insecurity at rates far higher than the national average at 26 percent and 27 percent respectively.

Among the 17 million children, nearly half a million under the age of 6 were hungry. This is a critical stage of childhood development that is being undermined by a lack of access to proper nutrition, which is necessary for learning and academic achievement.

Fortunately, Congress has taken steps to address this important issue, appropriating for fiscal year 2010 $9.2 billion for the School Lunch Program and $3.4 billion for the Commodity Supplemental Food Program which provides nutrition assistance to mothers, children and the elderly. The economic stimulus package contained more than $20 billion for nutrition assistance. Yet, this USDA study shows us that more is needed.

That is why I am introducing legislation to double spending on The Emergency Food Assistance Program, or TEFAP, from $250 to $500 million annually. Through TEFAP, the USDA makes commodity and food purchases and then distributes nutrition assistance to states based on need. The numbers show us there is great need.

According to Feeding America, which operates 205 food banks nationwide and in the Commonwealth of Pennsylvania, 99 percent of their food banks experienced an increase in demand during the month of September 2009, and 91 percent of food banks reported unemployment as a critical factor driving the increase in emergency food assistance. Unfortunately 51 percent of these food banks had to turn someone away in the last year. By double spending TEFAP, Congress would significantly increase the amount of food being delivered to local food banks, ensuring that less Americans go hungry.
According to the Department of Agriculture, nearly 27 percent of the 356 billion pounds of available food in America is wasted each year. That is nearly 100 billion pounds of waste, when according to the charity Feeding America only 5 billion pounds of food is needed to eliminate hunger. In a country with such a food abundance, it is criminal that children go to bed hungry. Our country has also developed a network of food assistance providers in place. Government agencies, community food banks, food pantries, soup kitchens, shelters and churches all struggle with the challenge of combating hunger. Let us provide them the resources they need. The legislation I am introducing today will do that and will stem the tide of hunger.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) more than 1 in 7 households in the United States struggled to find enough to eat during 2008; 

(2) poverty is the primary cause of food insecurity and hunger in the United States; 

(3) as of the Economic Research Service of the Department of Agriculture on household food security in the United States found that in 2008, 17,000,000 households were food insecure, an increase from 13,200,000 households in 2007.

(4) the term “low food security” means people being unable to consistently get enough to eat and the term “very low food security” means people being hungry at various times over the year and being unable to eat because of lack of money to purchase food; 

(5) the 17,000,000 food insecure households in the United States are home to 49,000,000 Americans, of whom—

(A) 17,000,000 are children, among whom nearly 5,000,000 in the developmentally critical years under the age of 6 are going hungry; and

(B) 12,000,000 adults and 5,200,000 children reported going hungry, possibly going days without eating; 

(6) good nutrition is necessary for learning and academic achievement; and 

(7) Black and Hispanic households experienced food insecurity at far higher rates (25.7 percent in the case of Black households and 26.9 percent in the case of Hispanic households) versus the national average.

SEC. 2. AVAILABILITY OF COMMODITIES FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM.

Section 2002(a) of the Food and Nutrition Act of 2009 (7 U.S.C. 2002a(a)) is amended—

(1) in subparagraph (B), by striking “and” at the end; 

(2) by redesignating subparagraph (C) as subparagraph (E); 

(3) in subparagraph (E) (as so redesignated)—

(A) by striking “each of fiscal years 2010 through 2012” and inserting “fiscal year 2012”;

(B) by striking “paragraph (B)” and inserting “paragraph (D)”;

(4) by inserting after subparagraph (B) the following:

“(C) for fiscal year 2010, $500,000,000; 

“(D) for fiscal year 2011, $250,000,000, as adjusted in accordance with subparagraph (E); and”;

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 355—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN HAS SYSTEMATICALLY VIOLATED ITS OBLIGATIONS TO UPHOLD HUMAN RIGHTS PROVIDED FOR UNDER ITS CONSTITUTION AND INTERNATIONAL LAW

Mr. LEVIN (for himself, Mr. MCCAIN, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CORRIGHER, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 355

Whereas the 1979 Constitution of the Islamic Republic of Iran guaranteed many citizens certain human rights and fundamental freedoms, which encompass civil and political rights, along with economic, social, and cultural rights;

Whereas the Islamic Republic of Iran is a party to four major United Nations human rights treaties: the Convention on the Rights of the Child (which it ratified on July 13, 1994), the International Convention on the Elimination of All Forms of Racial Discrimination (which it ratified on August 29, 1968), and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both of which it ratified on June 24, 1975);

Whereas the Government of Iran has routinely violated the human rights of its citizens, including—

(1) torture and cruel, inhuman, or degrading treatment or punishment, including flogging, and amputations; 

(2) high incidence and increase in the rate of executions carried out in the absence of due process, including public executions and executions of juvenile offenders; 

(3) stoning as a method of execution and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women’s rights defenders, and continuing discrimination against women and girls; 

(4) increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic, or other minorities; 

(5) increasing, systematic, and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including the continuing closures of media outlets, arrests of journalists, and the censorship or expression in online forums such as blogs and websites; and

(7) severe limitations and restrictions on freedom of religion and belief, including arrest, imprisonment, and lengthy jail sentences for those exercising their right to freedom of religion or belief, including a provision in the proposed draft penal code that sets out a mandatory death sentence for apostasy, the abandoning of one’s faith;

Whereas, since March 9, 2007, Robert Levinson, a United States citizen, has been missing in the Islamic Republic of Iran, and the Government of Iran has provided little information on his whereabouts or assistance in ensuring his safe return to the United States;

Whereas Ja’far Kiani was publicly stoned to death in July 2007 in the Islamic Republic of Iran in contravention of an order from the Head of the Judiciary granting a temporary stay of execution; 

Whereas, since May 2008, Reza Taghavi, a 71-year old Iranian-American, has been imprisoned without a trial or formal charges; 

Whereas, on October 15, 2008, authorities in the Islamic Republic of Iran, Esha Momeni, a graduate student at California State University, Northridge, for her peaceful activities in connection with the women’s rights movement in the Islamic Republic of Iran, and refused to grant her permission to leave Iran for 10 months following her release from prison in November 2008; 

Whereas Iranian-American journalist Roxana Saberi was jailed in January 2009 and sentenced in a closed-door, one-hour trial to eight years in prison for charges of espionage before her release in May 2009; 

Whereas, on June 19, 2009, the United Nations High Commissioner for Human Rights expressed concerns about the increasing number of illegal arrests not in conformity with the law and the illegal use of excessive force in responding to protests following the June 12, 2009, elections, resulting in at least dozens of deaths and hundreds of injuries; 

Whereas the Government of Iran closed the Center for Defenders of Human Rights, headed by Nobel Peace prize winner Shirin Ebadi, in December 2008, and the Association of Iranian Journalists in August 2009, the country’s largest independent association for journalists; 

Whereas, on August 1, 2009, authorities in the Islamic Republic of Iran began a mass trial of over 100 individuals in connection with election protests, most of whom were held incommunicado for weeks, in solitary confinement, with little or no access to their lawyers and families, many of whom showed signs of torture and drugging; 

Whereas, in early October 2009, the judiciary of the Islamic Republic of Iran sentenced four individuals to death after the disputed national election, including providing the individuals adequate access to legal representation during their trials; 

Whereas the Supreme Leader of Iran, Ali Khamenei, issued a statement on October 28, 2009, effectively criminalizing any opposition to the government; 

Whereas the Government of Iran does not allow independent nongovernmental associations and labor unions to perform their role in peacefully defending the rights of all persons; and

Whereas, on November 4, 2009, security forces in the Islamic Republic of Iran used lethal force to disperse hundreds of thousands of protesters, resulting in a number of injuries and arrests, in violation of international standards regarding the proportionate use of force against peaceful demonstrations; 

Whereas the Government of Iran expelled students from universities, particularly over the past two years, in reprisal for their being critical of the government; 

Whereas, since March 9, 2007, the Government of Iran has imposed restrictions on the travel of individuals, including artists and filmmakers since the recent elections, in reprisal for their political views or their criticism of the government, such as those previously imposed on human rights lawyer Abdolfattah Soltani,