November 5, 2015

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable John Kline
Chairman
Committee on Education and the Workforce
United States House of Representatives
Washington, DC 20515

The Honorable Robert Scott
Ranking Member
Committee on Education and the Workforce
United States House of Representatives
Washington, DC 20515


Dear Chairman Alexander and Ranking Member Murray; Chairman Kline and Ranking Member Scott:

The American Bar Association (ABA) has consistently advocated for the educational needs of students in foster care and those who are homeless. I am writing to express our strong support for provisions in the Every Child Achieves Act of 2015 (S. 1177) that will help ensure that the need of these students for school stability and educational success is addressed. The improvements included in S. 1177 will help prevent students in foster care and homeless students from needlessly changing schools and will thus keep these students from falling further and further behind in their education with each move. We urge you to include each of these provisions in the final Elementary and Secondary Education Act Reauthorization bill that you are negotiating.

The ABA has adopted a series of policy resolutions designed to support the educational needs of homeless students and students in foster care. S.1177 addresses many of the specific proposals that are strongly supported by the Association:

- Ensuring students can remain in their same school when they enter foster care and change foster care placements, unless it is not in their best interest;
- Enrolling students in foster care immediately in a new school when a school change is necessary without the typically required records;
- Facilitating the prompt transfer of records when a child in foster care enters a new school;
- Requiring school districts and child welfare agencies to have reciprocal points of contact for students in foster care;
• Requiring local education and child welfare agencies to collaborate to develop and implement a plan for transportation when needed to keep students in foster care in their school of origin; and
• Improving the collection of data on the success of children in foster care, particularly high school graduation rates, to keep abreast of their progress.

In addition, S. 1177 requires a report by the Secretaries of Education and Health and Human Services on the progress made and barriers faced in implementing these important improvements for students in foster care. Recognition of the significant needs of children in foster care in the Early Learning Alignment and Improvement Grants will assist in getting help to these children earlier.

Children who are homeless and children in foster care often have similar needs and face similar challenges, and these provisions carefully prevent overburdening of school systems serving both of these vulnerable groups. States that have adopted provisions similar to those included in S. 1177 have seen students in foster care substantially benefit from school stability and other protections. We look forward to seeing these provisions implemented as quickly as possible. Because of the protections added for all students in foster care, S. 1177 will also remove the reference to “awaiting foster care placement” as a category of students qualifying as homeless under the McKinney-Vento Act.

We ask that you now take steps to ensure that these provisions are included in the final bill. Thank you for your leadership on behalf of students in foster care and students who are homeless.

Sincerely,

Thomas M. Susman