

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 667 Session of 2009

INTRODUCED BY HICKERNELL, BISHOP, BOYD, CARROLL, CAUSER, CUTLER, DENLINGER, FLECK, GEIST, GINGRICH, HENNESSEY, MELIO, MILNE, MURT, MYERS, O'NEILL, PALLONE, PYLE, QUINN, RAPP, REICHLEY, ROCK, SIPTROTH, J. TAYLOR, TRUE, VULAKOVICH AND YOUNGBLOOD, FEBRUARY 27, 2009

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 27, 2009

AN ACT

1 Providing for financial assistance to foster youth and youth  
2 adopted from the foster care system; reducing the long-term  
3 costs for taxpayers by enhancing opportunities for youth who  
4 are or have been in substitute care; assisting youth who are  
5 and have been in substitute care by making college  
6 accessible; and encouraging the adoption of youth from  
7 substitute care by assisting families with the financing of  
8 postsecondary education.

9 The General Assembly finds and declares as follows:

10 (a) Findings.--The General Assembly makes the following  
11 findings and declarations:

12 (1) Children who live in substitute care are abused and  
13 neglected individuals for whom the State has assumed parental  
14 responsibility. Although foster care is designed to reunite  
15 those children when appropriate with their parents, or place  
16 those children with an adoptive family, many children are  
17 neither reunited with their families nor adopted. Many of the  
18 youth who grow up in the system leave unprepared to sustain  
19 themselves independently. As a result, a disproportionate

1 number of former foster youth are homeless, dependent on  
2 public assistance and unemployed. They are much less likely  
3 to enter and complete college than their peers.

4 (2) Nationally and in Pennsylvania, supporting  
5 postsecondary aspirations of citizens results in a great  
6 benefit to the individual and society. In this Commonwealth,  
7 individuals who pursue postsecondary education on average  
8 earn incomes that are two times that of a high school  
9 graduate and over three times higher than an individual  
10 without a high school diploma. In 2003, only 3.3% of the  
11 individuals with a bachelor's degree were unemployed and  
12 under 1% of these individuals relied on any form of public  
13 assistance.

14 (3) In this Commonwealth, there are more than 22,000  
15 youth in foster care. Every year more than 1,000 age out of  
16 foster care.

17 (4) Only 50% of foster youth graduate from high school,  
18 compared to 70% of their peers.

19 (5) While more than 60% of high school graduates enter  
20 college each year, less than 20% of foster youth in this  
21 Commonwealth enroll in college.

22 (6) While the foster youth college enrollment rate is  
23 extremely low, the college drop-out rate for foster youth is  
24 extremely high. Studies show that while few former foster  
25 youth enroll in college, even fewer go on to earn a degree.  
26 One of the critical hurdles for this student population to  
27 overcome is finding the financial resources to fund their  
28 education.

29 (7) Emancipated foster youth, who do not have parents to  
30 rely on for support and guidance, suffer unique disadvantages

1 compared with other students. While many students are  
2 preoccupied with academic pressures, the primary concerns  
3 cited by foster youth are the absence of family support and  
4 the fear of not having any place to go on holidays and school  
5 breaks. Emancipated foster youth need emotional support and  
6 specialized resources from sensitive university staff who  
7 understand the circumstances and pressing needs of foster  
8 youth so that they can successfully complete their education.

9 (8) In Pennsylvania in 2004, of the youth between the  
10 ages of 16 and 21 who were discharged from the child welfare  
11 system, only 77 were adopted. Approximately 4,000 youth in  
12 the child welfare system are still waiting to be adopted.  
13 Many families cite the loss of postsecondary educational  
14 benefits to youth as a barrier to adoption. Youth who are  
15 adopted out of the foster care system face many of the  
16 challenges of emancipated foster youth. While they have found  
17 permanency through a family, they struggle with barriers to  
18 college enrollment and retention. These youth should not have  
19 to choose between a family and a postsecondary education. By  
20 supporting a youth adopted out of foster care in pursuing  
21 postsecondary educational goals, we provide an incentive to  
22 the adoption of youth from the foster care system.

23 (b) Declaration.--The General Assembly finds that youth  
24 emancipated from foster care and adopted from the foster care  
25 system face significant and unique barriers to pursuing higher  
26 education and attaining their full educational capability. To  
27 effectively combat the forces that prevent these youth from  
28 pursuing and completing a postsecondary program, the General  
29 Assembly declares that programs shall be created to provide  
30 targeted outreach to foster youth to encourage college

attendance, assistance to them in applying for college,  
assistance to retain youth in college and financial assistance  
to pay for college so that these youth have the opportunity.

(c) Intent.--The intent of this act is to do all of the  
following:

(1) Provide financial assistance to foster youth and  
youth adopted from the foster care system to overcome the  
financial barriers related to higher education.

(2) Reduce the long-term costs for taxpayers by  
enhancing opportunities for youth who are or have been in  
substitute care.

(3) Assist youth who are and have been in substitute  
care by making college accessible and thus contributing to  
the likelihood of their educational success and economic  
self-sufficiency.

(4) Encourage the adoption of youth from substitute care  
by assisting families with the financing of postsecondary  
education.

The General Assembly of the Commonwealth of Pennsylvania  
hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Fostering  
Independence Through Education Act.

Section 2. Definitions.

The following words and phrases when used in this act shall  
have the meanings given to them in this section unless the  
context clearly indicates otherwise:

"Adoption." Adoptions of youth who have been in the care and  
custody of the county child welfare agency and in substitute  
care.

1 "Agency." The Pennsylvania Higher Education Assistance  
2 Agency.

3 "County agency." The term as defined under 23 Pa.C.S. § 6303  
4 (relating to definitions).

5 "Dependent child." The term as defined under 42 Pa.C.S. §  
6 6302 (relating to definitions).

7 "State postsecondary educational institutions." All State-  
8 owned universities, State-related and State-aided colleges and  
9 universities, trade schools and community colleges.

10 "Substitute care." The term includes any placement  
11 authorized by the court for a dependent child or a child with  
12 dual case management from the dependency and delinquency  
13 systems.

14 Section 3. Tuition waiver.

15 (a) Establishment.--There is established a tuition and fee  
16 waiver program for youth in substitute care before, on or after  
17 the effective date of this section.

18 (b) Award.--The governing bodies of all State postsecondary  
19 educational institutions shall make provisions for institutions  
20 under their respective jurisdictions to award a tuition and fee  
21 waiver for undergraduate courses at State postsecondary  
22 educational institutions for all eligible persons under this  
23 section.

24 (c) Eligibility.--In order to receive a tuition and fee  
25 waiver under this section, a person shall meet all of the  
26 following requirements:

27 (1) Shall be at least 16 years of age but under 23 years  
28 of age and be in or have been in substitute care for no less  
29 than 30 days, including any of the following:

30 (i) Have been placed in substitute care as a

dependent child at any time while 16 years of age or older.

(ii) Have been placed in substitute care and had shared case management through the dependency and delinquency system.

(iii) Have been adopted from the substitute care system as a dependent child.

(iv) Are participating in the tuition and fee waiver program on their 21st birthday, until they reach 23 years of age.

(2) Have graduated from high school or received a general educational development diploma or the equivalent.

(3) Maintained satisfactory progress as defined by the State postsecondary educational institution attended.

(4) Have first applied for all Federal and State grants prior to having the remaining tuition and fees waived.

(d) Accessibility.--The governing bodies of all State postsecondary educational institutions shall work with the agency as well as the Department of Labor and Industry and the Department of Public Welfare to ensure that eligible youth access all available Federal and State grants.

#### Section 4. Outreach.

(a) Duties of Department of Public Welfare.--The Department of Public Welfare, in conjunction with the Department of Education, shall do all of the following:

(1) Prepare information to be disseminated by county agencies and the Department of Education that describes the availability of the program established under this act.

(2) Ensure that identified emancipated foster youth are informed of services and programs under the act of August 31,

1 1971 (P.L.423, No.101), known as the Higher Education Equal  
2 Opportunity Act.

3 (b) Duties of State postsecondary educational  
4 institutions.--State postsecondary educational institutions  
5 shall do all of the following:

6 (1) Assist the Department of Public Welfare and the  
7 Department of Education in the preparation of information  
8 that describes the availability of the program established  
9 under this act.

10 (2) Provide technical assistance to prospective eligible  
11 students in completing admissions applications and financial  
12 aid applications.

13 Section 5. Retention.

14 To improve retention, the governing bodies of all State  
15 postsecondary educational institutions shall do all of the  
16 following:

17 (1) Track the retention rates of students that  
18 voluntarily disclose to the State postsecondary educational  
19 institution their status as a former foster youth.

20 (2) Provide technical assistance and advice on ways in  
21 which to improve the delivery of services to eligible  
22 students.

23 (3) Annually review and identify impediments to  
24 retaining eligible students, including housing for those  
25 emancipated youth living in college dormitories.

26 Section 6. Report.

27 In order to determine the effectiveness of this act, the  
28 Department of Public Welfare, with the assistance of the  
29 Department of Education, shall collect information obtained from  
30 all State postsecondary educational institutions and prepare a

1 report to be submitted annually to the General Assembly that  
2 contains all of the following:

3 (1) Information relating to the participation of  
4 qualified students under this act.

5 (2) Retention rates of those students who are  
6 participating under this act.

7 (3) Identification of impediments to retaining eligible  
8 students.

9 (4) Strategies to address the impediments identified  
10 under paragraph (3).

11 Section 20. Effective date.

12 This act shall take effect in 60 days.