

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 590 Session of 2011

INTRODUCED BY HICKERNELL, AUMENT, BISHOP, BOBACK, BOYD, CAUSER, CUTLER, DENLINGER, FLECK, GEIST, GINGRICH, HARHART, HENNESSEY, JOHNSON, MURT, O'NEILL, PICKETT, PYLE, RAPP, VULAKOVICH AND WAGNER, FEBRUARY 10, 2011

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 10, 2011

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  
20 number of former foster youth are homeless, dependent on

1 public assistance and unemployed. They are much less likely  
2 to enter and complete college than their peers.

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

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

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

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

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

28 (7) Emancipated foster youth, who do not have parents to  
29 rely on for support and guidance, suffer unique disadvantages  
30 compared with other students. While many students are

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

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

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

1 assistance to retain youth in college and financial assistance  
2 to pay for college so that these youth have the opportunity.

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

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

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

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

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

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

20 Section 1. Short title.

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

23 Section 2. Definitions.

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

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

30 "Agency." The Pennsylvania Higher Education Assistance

1 Agency.

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

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

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

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

13 Section 3. Tuition waiver.

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

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

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

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

29 (i) Have been placed in substitute care as a  
30 dependent child at any time while 16 years of age or

1           older.

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

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

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

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

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

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

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

21          Section 4. Outreach.

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

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

28                  (2) Ensure that identified emancipated foster youth are  
29                  informed of services and programs under the act of August 31,  
30                  1971 (P.L.423, No.101), known as the Higher Education Equal

1 Opportunity Act.

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

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

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

12 Section 5. Retention.

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

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

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

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

25 Section 6. Report.

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

1 contains all of the following:

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

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

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

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

10 Section 20. Effective date.

11 This act shall take effect in 60 days.