

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 656 Session of 2013

INTRODUCED BY HICKERNELL, AUMENT, CALTAGIRONE, COHEN, CUTLER, FLECK, GINGRICH, HENNESSEY, MENTZER, MICOZZIE, MILNE, MOUL, O'NEILL, EVERETT AND MURT, FEBRUARY 11, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 11, 2013

AN ACT

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

The General Assembly finds and declares as follows:

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

(1) Children who live in substitute care are abused and neglected individuals for whom the State has assumed parental responsibility. Although foster care is designed to reunite those children when appropriate with their parents, or place those children with an adoptive family, many children are neither reunited with their families nor adopted. Many of the youth who grow up in the system leave unprepared to sustain themselves independently. As a result, a disproportionate 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 individuals 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  
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. Each 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 necessary financial resources for  
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 postsecondary  
8 education programs.

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 postsecondary education. By  
20 supporting 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 postsecondary programs, the General  
29 Assembly declares that programs must be created to provide  
30 targeted outreach to foster youth and youth adopted from the

1 foster care system to encourage college attendance, to assist  
2 them in applying for college admission, to assist in their  
3 retention in college and to provide financial assistance to pay  
4 for college.

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

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

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

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

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

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

22 Section 1. Short title.

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

25 Section 2. Definitions.

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

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

"Agency." The Pennsylvania Higher Education Assistance Agency.

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

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

"Permanent legal custodian." A person to whom legal custody of the child has been given by order of a court pursuant to 42 Pa.C.S. § 6351(a)(2.1) (relating to disposition of dependent child).

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

"Substitute care." The term includes any placement authorized by a court for a dependent child or a child with shared case management through the dependency and delinquency systems.

### Section 3. Tuition waiver.

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

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

(c) Eligibility.--In order to receive a tuition and fee waiver under this section, an individual must meet all of the following requirements:

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

4           (i) Have been placed in substitute care as a  
5 dependent child at any time while 16 years of age or  
6 older.

7           (ii) Have been placed in substitute care and had  
8 shared case management through the dependency and  
9 delinquency systems.

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

12          (iv) Have been placed with a permanent legal  
13 custodian from substitute care as a dependent child.

14          (v) Is participating in the tuition and fee waiver  
15 program on the individual's 21st birthday, until the  
16 individual reaches 23 years of age.

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

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

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

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

28 Section 4. Outreach.

29          (a) Duties of Department of Public Welfare.--The Department  
30 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 section 1738-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

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

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

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

#### Section 5. Retention.

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

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

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

(3) Annually review and identify impediments to retaining eligible students, including housing for those

1       emancipated youth living in college dormitories.

2   Section 6.   Report.

3       In order to determine the effectiveness of this act, the  
4   Department of Public Welfare, with the assistance of the  
5   Department of Education, shall collect information obtained from  
6   all State postsecondary educational institutions and prepare a  
7   report to be submitted annually to the General Assembly that  
8   contains all of the following:

9           (1)   Information relating to the participation of  
10   qualified students under this act.

11          (2)   Retention rates of those students who are  
12   participating under this act.

13          (3)   Identification of impediments to retaining eligible  
14   students.

15          (4)   Strategies to address the impediments identified  
16   under paragraph (3).

17   Section 20.   Effective date.

18       This act shall take effect in 60 days.