

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 569 Session of
2013

INTRODUCED BY TOOHL, STEPHENS, PICKETT, CALTAGIRONE, MOUL,
SAYLOR, MUNDY, BARRAR, MASSER, SCHLOSSBERG, GROVE, V. BROWN,
KORTZ, HEFFLEY, MILLER, HESS, GINGRICH, MURT, FLECK AND
TRUITT, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 8, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 informal hearing and for disposition of dependent child.

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

6 Section 1. Sections 6332 and 6351 of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended by adding
8 subsections to read:

9 § 6332. Informal hearing.

10 * * *

11 (c) School of child in shelter care.--The following shall
12 apply to situations in which a child is placed in shelter care
13 in a new school district:

14 (1) (i) The court shall hold that the child shall
15 remain in the child's original school and that the child
16 shall be a resident of the school district of the
17 original school for purposes of section 1301 of the act

1 of March 10, 1949 (P.L.30, No.14), known as the Public
2 School Code of 1949, unless:

3 (A) the distance between the placement and the
4 original school would make the child's travel time
5 unreasonable; or

6 (B) remaining at the original school would be
7 contrary to the child's safety or well-being.

8 (ii) In making the determination under subparagraph
9 (i), the court shall consider the wishes of the parent
10 and, where appropriate, the wishes of the child.

11 (2) The court shall provide written notice to the local
12 education agency liaison for homeless children and youth at
13 the school the child will be attending stating that the child
14 may be awaiting placement under Title VII, Subtitle B of the
15 Stewart B. McKinney Homeless Assistance Act (Public Law 100-
16 77, 42 U.S.C. § 11431 et seq.). The local education agency
17 liaison may use or disclose the information provided by the
18 court only for the limited purpose of ensuring that the child
19 receives the protections of Title VII, Subtitle B of the
20 Stewart B. McKinney Homeless Assistance Act.

21 (3) Nothing in this subsection shall be read to limit a
22 child's rights under Title VII, Subtitle B of the Stewart B.
23 McKinney Homeless Assistance Act.

24 (d) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection:

27 "Local education agency." As defined in section 9101(26) of
28 the Elementary and Secondary Education Act of 1965 (Public Law
29 89-10, 20 U.S.C. § 7801(26)).

30 "Original school." The school a child attended prior to a

1 transfer of custody or change in placement.

2 § 6351. Disposition of dependent child.

3 * * *

4 (b.2) Required education findings for children placed in
5 temporary legal custody.--The following shall apply to
6 situations in which a child is placed in temporary legal custody
7 in a new school district:

8 (1) The court shall determine whether it is in the
9 child's best interests to remain in the original school.

10 (i) The court's determination in this paragraph may
11 be made during the initial disposition hearing. The issue
12 of the child's best interests may also be brought before
13 the court any time the child is placed in a new school
14 district.

15 (ii) In making the determination in this paragraph,
16 the presumption shall be in favor of maintaining the
17 child in the original school. The court shall consider:

18 (A) The distance from the child's placement to
19 the original school.

20 (B) The child's relationships with other
21 students and faculty at the original school.

22 (C) The quality and appropriateness of
23 programming and curricula at each school.

24 (D) Whether the school is the least restrictive
25 setting available to the child.

26 (E) The child's safety.

27 (F) The wishes of the parent and, where
28 appropriate, the wishes of the child.

29 (2) If the court determines that it is in the best
30 interests of the child to remain in the original school:

1 (i) the child shall be a resident of the school
2 district of the original school for purposes of section
3 1301 of the act of March 10, 1949 (P.L.30, No.14), known
4 as the Public School Code of 1949; and

5 (ii) the child may continue to attend the original
6 school for as long as the court deems appropriate.

7 (3) The county agency that placed the child shall
8 provide or arrange for the provision of the child's
9 transportation to and from school when the need for
10 transportation is due to the placement by the county agency.

11 (4) If the court does not have full information at
12 disposition on the particular placement for the child, the
13 child shall remain a resident of the school district of the
14 original school and shall attend the original school after
15 placement unless the public agency authorized by law to
16 receive and provide care for the child determines that:

17 (i) the distance between the placement and the
18 original school would make the child's travel time
19 unreasonable; or

20 (ii) remaining at the original school would be
21 contrary to the child's safety or well-being.

22 (5) The court shall provide written notice to the local
23 education agency liaison for homeless children and youth at
24 the school the child will be attending stating that the child
25 may be awaiting placement under the Title VII, Subtitle B of
26 the Stewart B. McKinney Homeless Assistance Act (Public Law
27 100-77, 42 U.S.C. § 11431 et seq.). The education agency
28 liaison may use or disclose the information provided by the
29 court only for the limited purpose of ensuring that the child
30 receives the protections of the Stewart B. McKinney Homeless

1 Assistance Act.

2 (6) Nothing in this subsection shall be read to limit a
3 child's rights under the Stewart B. McKinney Homeless
4 Assistance Act.

5 * * *

6 (k) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 "Local education agency." As defined in section 9101(26) of
10 the Elementary and Secondary Education Act of 1965 (Public Law
11 89-10, 20 U.S.C. § 7801(26)).

12 "Original school." The school a child attended prior to a
13 transfer of custody or change in placement.

14 Section 2. This act shall take effect in 60 days.