

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

CHILDREN AND YOUTH
COMMITTEE HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN CAPITOL BUILDING
ROOM 60 EAST WING

MONDAY, OCTOBER 6, 2014
10:32 A.M.

PRESENTATION ON
HOUSE BILL 569
HOUSE BILL 973
EDUCATIONAL STABILITY FOR
CHILDREN IN FOSTER CARE

BEFORE:

HONORABLE GEORGE DUNBAR
HONORABLE FRED KELLER
HONORABLE JOHN LAWRENCE
HONORABLE DAN MOUL
HONORABLE DONNA OBERLANDER
HONORABLE WILL TALLMAN
HONORABLE TARAH TOOHIL
HONORABLE JESSE TOPPER
HONORABLE LOUISE BISHOP, DEMOCRATIC CHAIRWOMAN
HONORABLE STEPHEN KINSEY
HONORABLE STEPHEN MCCARTER
HONORABLE DAN MILLER

* * * * *

*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

ALSO IN ATTENDANCE:

HONORABLE SANDRA MAJOR
HONORABLE ROSEMARY BROWN

COMMITTEE STAFF PRESENT:

GREGORY GRASA
MAJORITY EXECUTIVE DIRECTOR, CHILDREN AND YOUTH
MEREDITH SCHULER
MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT
DONTIE BROOKS
MAJORITY RESEARCH ASSISTANT

ROSEANN CADAU
DEMOCRATIC EXECUTIVE DIRECTOR
VALERIE WHITNEY
DEMOCRATIC RESEARCH ANALYST

I N D E X

TESTIFIERS

* * *

<u>NAME</u>	<u>PAGE</u>
REPRESENTATIVE TARAH TOOHL PRIME SPONSOR OF HOUSE BILL 569.....	7
MAURA MCINERNEY, ESQ. SENIOR STAFF ATTORNEY, EDUCATION LAW CENTER.....	10
JOAN L. BENSO PRESIDENT AND CEO, PA PARTNERSHIPS FOR CHILDREN.....	24
LUCY JOHNSTON-WALSH, J.D., M.S.W. CLINICAL PROFESSOR, PENN STATE DICKINSON SCHOOL OF LAW and DIRECTOR, CHILDREN'S ADVOCACY CLINIC, Testifying on behalf of PA BAR ASSOCIATION'S CHILDREN'S RIGHTS COMMITTEE...	41
LORINE OGURKIS FRIEND OF BRITTANY BULLOCK.....	49
BRITTANY BULLOCK FORMER FOSTER CHILD WHO SPENT NINE YEARS IN CYS PLACEMENT.....	52
MICHELE HAYDT EDUCATION LIAISON, MONROE COUNTY CHILDREN AND YOUTH SERVICES.....	57
KATHERINE M. FITZ-PATRICK, ESQ. DEPUTY GENERAL COUNSEL, MEMBER SERVICES, PA SCHOOL BOARDS ASSOCIATION, and DIRECTOR, PA SCHOOL BOARD SOLICITORS ASSOC.....	63
DEBBIE STAUB, Ph.D. EDUCATION ADVISOR, CASEY FAMILY PROGRAMS.....	69

I N D E X

TESTIFIERS
(cont'd)

* * *

<u>NAME</u>	<u>PAGE</u>
KATHERINE BURDICK, ESQ. EQUAL JUSTICE WORKS FELLOW, sponsored by GREENBERG TRAURIG, LLP, JUVENILE LAW CENTER.....	84

SUBMITTED WRITTEN TESTIMONY

* * *

(See submitted written testimony and handouts online.)

P R O C E E D I N G S

* * *

REPRESENTATIVE MOUL: Welcome to today's hearing of the Children and Youth Committee on education in foster care, a very, very important topic. And we are on a fairly strict time constraint today, so we will go ahead and get started.

My name is State Representative Dan Moul. I come from Adams County and I am pinch-hitting today for Representative Watson, who is a little bit under the weather.

This is going to be a very informative meeting. We have a good list of testifiers today. And I want to remind everyone that we are being recorded or live and if you would silence your cell phones, that would be a very good thing.

Right now, I'd like to ask Ms. Bishop, my Co-Chair today, if you have a few words.

MINORITY CHAIRWOMAN BISHOP: I am grateful that we have the opportunity to be here this morning to address such a critical issue for the entire Commonwealth of Pennsylvania, so I am ready to roll, get started, so that we can get some work done.

REPRESENTATIVE MOUL: And thank you.

And before we hear from our first testifier, if

1 we could just go around the room and introduce ourselves
2 and where we're from, and if you would, please.

3 REPRESENTATIVE TOPPER: Jesse Topper from the
4 78th District, Bedford County.

5 REPRESENTATIVE TOOHL: Good morning.
6 Representative Tarah Toohil, southern Luzerne County,
7 116th.

8 REPRESENTATIVE DUNBAR: Representative Dunbar,
9 Westmoreland County.

10 REPRESENTATIVE TALLMAN: Will Tallman. I share
11 Adams County with Representative Moul, and if we smell like
12 chicken this morning, it's not our fault.

13 REPRESENTATIVE MCCARTER: Steve McCarter, House
14 District 154, Montgomery County and Philadelphia.

15 REPRESENTATIVE MILLER: Dan Miller, 42nd State
16 House District, Allegheny County.

17 REPRESENTATIVE MAJOR: State Representative Sandy
18 Major, Susquehanna and Wayne, Wyoming Counties up in the
19 northeast, and while I'm not a Member of the Committee,
20 Mr. Chair and Madam Chair, this is a very important topic
21 that I wanted to come down and hear some of the testimony.
22 Thank you.

23 MINORITY CHAIRWOMAN BISHOP: Welcome.

24 REPRESENTATIVE KINSEY: Good morning.
25 Representative Kinsey, Philadelphia County.

1 MINORITY CHAIRWOMAN BISHOP: Co-Chair
2 Representative Bishop from Philadelphia County.

3 REPRESENTATIVE MOUL: Okay. Thank you. And with
4 that, I do want to offer Representative Toohil an
5 opportunity to speak being that this is an issue very, very
6 near and dear to your heart.

7 REPRESENTATIVE TOOHL: Yes. Thank you,
8 Mr. Chairman, both Chairs. Thank you both. And Greg Grasa
9 has worked incredibly hard on this, as did Research on both
10 sides.

11 This issue of educational stability is something
12 that is impacting foster children across the Nation but
13 also here in Pennsylvania right now today. Children are
14 getting moved from one foster home to another without the
15 school that they go to being taken into consideration.

16 My background is I grew up in a home where I was
17 the only biological child, but my parents took in over 42
18 foster children. One of my former foster sisters was in my
19 office last week; both of her children are currently in
20 placement in foster care. She's trying to get her life
21 together. And I told her about this bill and I said,
22 Tawny, how many schools did you go to? And she said I went
23 to 13. And I said 13? And so she started listing them.
24 So she wasn't one of the lucky ones that got to stay.

25 She said if I could be there today, she would

1 want to tell all of you legislators that she went to
2 Coughlin, G.A.R., Pittston Area, Crestwood Area, Abington
3 Heights. And she just kept on listing these schools, and
4 she said I didn't have a comfort zone. So when you don't
5 have a family and you don't have stability, you don't have
6 that comfort zone. And she said I regret so much that I
7 did not walk. I see people walking in graduations; I
8 didn't walk in graduation because I didn't feel any
9 connection with the school that I was at because it was the
10 13th school and I didn't know anyone there. And she said
11 that she didn't get to walk. She got her GED; she regrets
12 that terribly. And she said she would have liked to go to
13 the prom.

14 So I want to have all of you keep her in mind
15 today and her two children that are currently in foster
16 care, that she's trying to learn at the age of 24 how to be
17 a mother so she can get those kids out of placement and
18 stop this cycle. So it's a very important hearing. So
19 those legislators that aren't here right now because
20 they're in other meetings, I hope that they watch it on TV
21 so that we can get this started to be some sort of piece of
22 legislation in January.

23 So thank you very much.

24 REPRESENTATIVE MOUL: Thank you, Tarah.

25 Let's go ahead and get started. Our first

1 testifier is Maura McInerney. Did I get that---

2 MS. MCINERNEY: McInerney.

3 REPRESENTATIVE MOUL: McInerney.

4 MS. MCINERNEY: Very close.

5 REPRESENTATIVE MOUL: I took a shot at it. Thank
6 you.

7 MS. MCINERNEY: It means "son of a monk."

8 REPRESENTATIVE MOUL: Okay. If you would, start
9 whenever you're ready.

10 MS. MCINERNEY: Thank you so much for this
11 opportunity to participate in this hearing here today. As
12 Representative Toohil has underscored, this is a critical
13 issue for children in the child welfare system.

14 I am a Senior Staff Attorney at the Education Law
15 center. As many of you know, ELC, or the Education Law
16 Center, represents children who are educationally at risk,
17 that is children who may have disabilities, children of
18 poverty, English language learners, children experiencing
19 homelessness, and of critical importance, children in the
20 child welfare system.

21 Over its 40-year history, the Education Law
22 Center has been committed to improving educational outcomes
23 for children in foster care through legislative
24 initiatives, through litigation strategies. We also serve
25 at the national level. We are a cofounder of the Legal

1 Center for Foster Care and Education that addresses this
2 issue on a national scale; how can we improve educational
3 outcomes for at-risk children in foster care? We're also a
4 cofounder of the National Working Group on Foster Care and
5 Education, again, national organizations that focus their
6 energies and attention on this critical issue.

7 In addition of importance, I am also a very, very
8 vocal participant in this statewide Pennsylvania State
9 Roundtable on Educational Success and Truancy Prevention,
10 and that's a statewide multi-stakeholder group that meets
11 very, very regularly to address educational outcomes for
12 children in foster care.

13 So I'd like to start with what I am seeing on the
14 ground floor, because ELC, in order to ensure a quality
15 education for all children, has an intake line where anyone
16 in the State can call and explain what their issue is with
17 respect to the education of children who are at risk.

18 Over the past eight years, I have received a
19 number of calls concerning kids who just want to stay in
20 the same school. I cannot underscore for you and us how
21 critically important it is to have school stability. It
22 impacts their educational outcomes. It really impacts
23 their life trajectories. And I'd like to give you a few
24 examples of this. In addition, I have attached to my
25 testimony a series of stories from youth across the State

1 who've experienced instability and were unable to stay in
2 the same school. I had one client who had been in 27
3 different schools during her time in foster care.

4 So I'd like to start with Michael. Michael is a
5 youth who was in 12th grade when we intervened in his life.
6 Over middle school, he had been in many, many different
7 schools. When he hit ninth grade, he finally hit his
8 stride and he was able to stay in the same school in 9th,
9 10th, and 11th grades. It made a critical difference for
10 him. He made friends, he had connections there, he learned
11 that he could be successful in school. He said to me
12 school is the only thing that is going right for me. It's
13 the only thing.

14 When these kids are in chaos, when they're moving
15 around from placement to placement, school is often the
16 only thing that remains a source of stability in their
17 lives. He said to me that his school was like home; it was
18 the place he felt safe, he felt wanted. It made a critical
19 difference for him. But in 12th grade he received a notice
20 that he would be disenrolled from school immediately
21 because he had changed foster care placements. He was told
22 that he had to leave; he had to get out.

23 So when he called our office and his caseworker
24 called our office, they needed help. They were facing a
25 disenrollment hearing, and this child just wanted to be

1 able to graduate with his friends. He said if I have to
2 start over again in a new school, entirely different
3 graduation requirements, I will drop out. I don't know
4 what else to do. This is a child who was on track to
5 graduate on time and he had already applied to colleges.
6 So school stability makes a critical difference for these
7 children.

8 In addition, I wanted to share the story of
9 Andrea, who by the age of 16 had been in 11 different
10 schools and she had not been in one school more than two
11 years. In her case it was very difficult to identify that
12 she was a child who happened to have special education
13 needs because she was changing schools so often. She was
14 with different foster parents; no one was identifying what
15 her needs were. When she was finally able to get an
16 advocate in her foster parent who said she has to say in
17 the same school, that's when they were able to identify
18 that she had special education needs and she was able to
19 thrive in that school.

20 And finally, I wanted to share with you the story
21 of Jarrett. Jared was a child who had been in many
22 different schools, had experienced significant trauma in
23 his life. When there were only three weeks left in the
24 semester, he was told that he was changing foster care
25 placements and he had to change schools. He asked if he

1 could stay in the same school just until the end of the
2 semester. He asked if he could take his exams early, but
3 he wasn't able to do so. When he changed schools, he had a
4 grade point average of 3.6 and it plummeted to 1.4. Why?
5 Because he had missing coursework. His education records
6 had not followed him. He then had to retake the courses
7 that he had taken at the prior school.

8 So we know that school instability means a lot
9 for these children. It may mean that they can't graduate
10 on time. We have 500 different school districts; we have
11 500 different school district requirements. It may mean
12 that their needs go unidentified because they're not in one
13 place long enough to determine what they need. And we also
14 know that it often leads to failure.

15 Children in foster care are in educational
16 crisis. Only 50 percent will graduate on time. They are
17 far more likely to have lower standardized test scores.
18 They are much more likely to repeat a grade. They have
19 higher rates of absenteeism in school. They often do not
20 engage. Can you imagine going from one school to another,
21 being in all these different schools? It's very difficult
22 to invest yourself in school, to engage, to feel attached
23 to that school. So we know that school instability is
24 undermining educational success for these children.

25 There are many statistics that have been quoted

1 in my testimony and I also attached for you a national fact
2 sheet on educational outcomes of children in foster care
3 that delineates in great detail the poor academic outcomes
4 of these children, and also that they failed to reach the
5 plateau of higher ed. We have about 17 percent at best
6 that will be applying to community colleges. The
7 graduation rate of children in foster care? Three percent.

8 So we know that there are many reasons for this.
9 It isn't just anecdotal based on my experience, my
10 empirical evidence that tells me that school stability is
11 important, but we have research that backs that up.
12 Research shows that one of the most significant barriers to
13 school success for these children is the high rates of
14 mobility. On average, in one foster care episode, they
15 will change living placements 2.8 times, very likely to
16 change schools. In a two-year period, most children are
17 changing schools and 1/3 of them will change placements
18 five times or more, again, ending up in school changes.

19 The studies that have been done in terms of
20 school changes say that 2.7 times in two years for children
21 in foster care, and we know from the research that children
22 lose between 4 to 6 months of academic progress with each
23 school move. It's very difficult for these children to
24 catch up. They're losing those months of academic
25 progress. They try to make it up. In one study it

1 concluded that if a child had actually change schools five
2 times, it would be almost impossible, virtually impossible
3 for these children to be successful in school.

4 So the negative impact of school stability has a
5 lot of collateral consequences. You have delays in school
6 enrollment, sometimes inappropriate school placements
7 midyear, failure to receive full course credits. We have a
8 lot of kids that have to take the same course over and over
9 again. One child who had been very successful in Spanish
10 II told me that she had to retake Spanish I when she
11 changed schools.

12 So delays in school enrollment, there are many
13 statistics on that. In addition, they face challenges in
14 developing and sustaining relationships when they're in
15 school. Correlatively, educational stability improves
16 academic achievement. In one national study of 1,087
17 foster care alumni, youth who had even one fewer placement
18 change were twice as likely to graduate from high school.
19 Researchers in a subsequent study also underscored the
20 importance of this and they looked at children who changed
21 placements just a few times and then had more school
22 placement changes, et cetera.

23 In addition, we have information with respect to
24 academic achievement. In a Minneapolis study that compared
25 homeless and highly mobile youth, a three-year study of

1 children in grades second through fifth grade, even as the
2 researchers controlled for ethnicity, English as a second
3 language, and attendance, homeless and highly mobile
4 students still scored lower on reading and math than their
5 stable peers.

6 It is precisely because of the importance of
7 school stability that in 1987 we had the McKinney-Vento
8 Act, which ensures school stability for children
9 experiencing homelessness. It says that even if you are
10 changing where you're going in terms of shelters and where
11 you're being housed and you're going from one household to
12 another, you're able to stay in the same school where you
13 were before you became homeless. It's made a critical
14 difference for children experiencing homelessness, and it's
15 precisely why in 2008 Congress enacted the Fostering
16 Connections to Success and Increasing Adoptions Act, which
17 insures school stability for children in the foster care
18 system.

19 Now, that was a huge amendment, as everyone on
20 this Committee knows, to Title IV-E to the Social Security
21 Act that ensured that in the case plan, we are detailing
22 and ensuring that children who are changing placements,
23 that you have taken into account the proximity of the
24 school they are currently attending and tried to find a
25 placement nearby; in addition, if the child is moving, that

1 you coordinate with your local education agency to ensure
2 school stability for those children.

3 We have 30 States that have enacted laws to
4 ensure school stability for children in foster care, and
5 yet in Pennsylvania we have not done that at this time.
6 Prior to the enactment of Fostering Connections, California
7 in 2004 had a law that insured school stability for
8 children in foster care. So I'd like to turn now to
9 talking about what is going on in terms of school stability
10 in Pennsylvania and how can we ensure that these children
11 are able to stay in the same school, that they have the
12 protection of the Fostering Connections Act.

13 You know, in May of 2014 there was a joint letter
14 from HHS and the Department of Education that underscored
15 that the school stability provisions of the Fostering
16 Connections Act were not intended solely for child welfare
17 agencies but that they needed to coordinate with local
18 education agencies to make the protection of school
19 stability a reality.

20 So I think there are several issues that need to
21 be addressed in order to implement the full protection of
22 the Fostering Connections Act. I know from my work on a
23 daily basis working with families, working with children in
24 the child welfare system, caseworkers, with courts, that
25 this is not currently happening for all children. There

1 are pockets across the Commonwealth where school districts
2 are coordinating with their child welfare agencies to try
3 to work these things out, but at the current time, we need
4 to delineate with precision what are the duties and
5 obligations of a child welfare agency, what are the duties
6 and obligations of our courts, and what are the duties and
7 obligations of local education agencies, of school
8 districts in order to make this a reality.

9 So the House Bills that have been proposed to
10 ensure school stability we think are a critical first step
11 to making school stability a reality for children in foster
12 care because they ensure that the case plan mirrors the
13 language of the Fostering Connections Act and does in fact
14 delineate the obligations of child welfare agencies.
15 Similarly, House Bill 569, the proposed amendments to that,
16 to the Judicial Procedure Act, also direct courts to play a
17 critical role in addressing this issue.

18 We would also add that in order to further
19 strengthen the impact and the scope of this legislation
20 that some additional issues should be underscored:

- 21 • Establish a consistent presumption in favor of
22 school stability. If you look at the Federal
23 Guidance, it says that it's so important to
24 make this a child-centered decision and to
25 consider what's in the best interest of the

1 child. It's up to the child welfare system and
2 the courts to do that.

- 3 • Clarify that a change in placement means every
4 time a child changes schools that it includes
5 the school the child attended before they
6 entered the foster care system, as well as the
7 school that the child is currently attending.
- 8 • Ensure immediate enrollment in the new school.
9 And by immediate, the Guidance says we mean
10 immediate, that it happens right away, and to
11 also mirror the fact that our School Code says
12 that it has to be the next day that the child
13 presents for enrollment or within five business
14 days.
- 15 • Revise the legislation to ensure that
16 transportation costs are provided in a prompt
17 manner. And that issue needs to be addressed
18 in coordination with local education agencies.

19
20 I have certainly in my experience seen many
21 instances in which school districts are able to provide
22 transportation at no or minimal cost and they can
23 coordinate with the child welfare agency in order to do
24 that. I urge you to look at the Transportation Brief that
25 was issued by the Legal Center for Foster Care and

1 Education that walks through what other States are doing
2 with regard to transportation and the different options
3 that are available, and also that county child welfare
4 agencies should have latitude in this regard to choose the
5 best way to provide transportation in the most cost-
6 effective manner.

7 But most importantly, I think we need to look at
8 our School Code. We need to ensure school stability
9 through amendments to the Pennsylvania School Code. And
10 there are a few things that I wanted to highlight:

11 Obviously, we want to ensure that school
12 districts are permitting these children to stay in their
13 school of origin or in their current school. Currently,
14 there is no law that requires school districts to do so.
15 Other States have enacted laws that absolutely require it
16 very, very clearly for school districts to ensure school
17 stability to allow them to stay.

18 We also have to address that an educating school
19 district will be authorized to obtain tuition reimbursement
20 from the fostering school district. That's a child
21 accounting issue that needs to be addressed at the
22 regulatory level.

23 We need to ensure immediate enrollment. New
24 Jersey, Arkansas specifically delineated. It means the
25 next day or within three days. Texas and Missouri have

1 adopted laws that talk about education records and ensuring
2 that they are transferred in a prompt manner.

3 We need to ensure transportation to support
4 school stability, ensure that it's provided promptly. We
5 have several States where Education is paying. Maine, New
6 Jersey, Arkansas would be a few examples. Or child welfare
7 pays. I would recommend that we look at making this a
8 collaborative effort to ensure that we're not overtaxing
9 either system but that we're doing this in a cost-effective
10 manner and that we're covering reasonable transportation
11 costs.

12 Also, to address credit transfers, a lot of
13 States have liaisons in our schools to ensure that there's
14 a point of contact for every child in the foster care
15 system. As you know, we have that under the McKinney-Vento
16 Act. We have McKinney-Vento liaisons in every school
17 district. A lot of States, Virginia would be an example --
18 Arkansas, California, Colorado, Texas all require education
19 liaisons. We have them at the child welfare side, right?
20 Every county child welfare agency has an education liaison
21 and we need to have counterparts at the school side.

22 In addition, I would recommend providing access
23 to a State-issued diploma. We have 500 different school
24 districts, all different school district requirements. The
25 only way you can get a State-issued diploma right now is if

1 you're incarcerated. But if you are a child who's in the
2 foster care system and you were bounced around from one
3 school district to another, you're out of luck. Maine has
4 enacted similar legislation to provide access to a child to
5 a State-issued diploma if they cannot meet school district
6 requirements but they meet State standards and State
7 requirements.

8 And finally, I just wanted to underscore the
9 importance of interagency collaboration between school
10 districts and county child welfare agencies.

11 And in conclusion, educational achievement is so
12 critical to a child's well-being and it's just as critical
13 to not only their educational outcomes and their well-being
14 while in foster care but to their life outcomes. We have a
15 high number of students who are not graduating in the
16 foster care system. Those children are eight times more
17 likely to be incarcerated, 50 percent more likely to be
18 homeless or to also be on drugs.

19 So I'd like to leave you with something that
20 Michael had actually said to me. I told him that I was
21 testifying here today and he asked me to just leave you
22 with these thoughts. "Please ensure that a quality
23 education and high school graduation don't remain beyond
24 reach of children in foster care. Please move forward to
25 provide school stability."

1 He is now in college, by the way. I wanted to
2 let you know he was able to stay in the same school
3 because, fortunately, his caseworker and others and the
4 court advocated for him.

5 "Without school stability, I would have dropped
6 out. Without school stability, it would have changed
7 everything for me."

8 Thank you very much.

9 REPRESENTATIVE MOUL: Thank you, Maura. That's a
10 whole lot of information in just a very short amount of
11 time. We certainly do appreciate you testifying here. And
12 what we're going to do so that we can make sure we get all
13 the testifiers in is to hold questions until the end. If
14 you can stick around until then---

15 MS. MCINERNEY: Thank you so much for this
16 opportunity.

17 REPRESENTATIVE MOUL: ---we would certainly
18 appreciate it very much.

19 MS. MCINERNEY: Thank you.

20 REPRESENTATIVE MOUL: I'd like to let the record
21 show that we've also been joined by Representative Fred
22 Keller. And we will have Reps coming in and out as the day
23 continues. There are plenty of hearings and meetings going
24 on around the Capitol today, so some of us have to be in
25 two places at the same time if that's at all possible.

1 Our next testifier is Joan Benson -- or Benso.
2 I'm sorry. My mistake. You'd think after eight years of
3 working with you I wouldn't make such a simple mistake like
4 that.

5 MS. BENSO: That's okay, Representative Mule.
6 It's fine.

7 REPRESENTATIVE MOUL: Touché. If you'll
8 introduce---

9 MS. BENSO: Only because we're friends do I get
10 to tease you that way.

11 REPRESENTATIVE MOUL: If you will introduce
12 yourself and then please---

13 MS. BENSO: Sure. Good morning. Thank you.

14 My name is Joan Benso. I'm the President and CEO
15 of Pennsylvania Partnerships for Children. PPC is a
16 statewide, independent, evidence- and data-driven child
17 advocacy organization. It is our pleasure to be here
18 today, and especially our gratitude to Representatives
19 Toohil and Brown for advancing these important issues. I
20 want to thank Chairwoman Bishop and Representative Moul for
21 presiding over this hearing today.

22 And I will note that this child advocate lobbyist
23 is supposed to be in about nine places today, too, so I
24 will have to leave after my testimony, but I've no doubt
25 Maura could answer any question that I might bring to

1 anyone's mind.

2 Pennsylvania Partnerships for Children has been
3 in business for more than 20 years but we only began to
4 work on child welfare policy reforms about six years ago
5 through our initiative the Porch Light Project, which seeks
6 to reform and ensure all children grow up in families where
7 their needs for safety, permanency, and well-being are met.

8 Our State child welfare efforts are advised by a
9 leadership council that includes a diverse group of State
10 and national experts, including legal and judicial
11 officials, seven county children and youth or human
12 services directors, former foster care youth, resource
13 parents, and a legislator from all four legislative
14 caucuses. Grounded in a partnership is our relationship
15 with Casey Family Programs, the Nation's largest operating
16 foundation focusing on child welfare, and you'll be very
17 lucky to hear from my esteemed colleagues behind us today.

18 Many of you know our work in K-12 education and
19 an early learning and in healthcare or I sure hope you do,
20 so it's just a natural extension of our child welfare work
21 to consider education stability issues. My remarks today
22 will focus on the education challenges children and youth
23 in foster care encounter, ways we can work to improve their
24 education outcomes, and statutory changes we think are
25 necessary to promote educational stability for this

1 valuable population. Again, Representative Toohil and
2 Representative Brown have given us an excellent foundation
3 to begin.

4 Just a little background to start, more than
5 21,000 children and youth lived in foster care during 2013.
6 When they were removed from their families and placed into
7 foster care, they became our collective responsibility, not
8 just to county children and youth administrators. Part of
9 that responsibility also includes ensuring their education
10 success, which requires an additional set of cooperative
11 relationships than a child who is not living in foster
12 care, a partnership between the child welfare agency, the
13 courts, and our public schools. When this cooperation
14 fails, former foster care children and youth can experience
15 a lifetime of negative consequences that diminish their
16 future and we can our communities.

17 We know from research compiled by the National
18 Legal Center for Foster Care and Education that among
19 children and youth in foster care:

- 20 • Only half complete high school by age 18 in
21 comparison to 70 percent of the general
22 population.
- 23 • Half to three-quarters change schools upon
24 entering foster care.
- 25 • A third change schools five times or more.

1 Now, you heard Maura talk about the loss of
2 education attainment in those changes.

- 3 • More than 80 percent of children and youth who
4 are placed in foster care express their desire
5 to attend college or postsecondary education,
6 but only 20 percent who graduate ever get to
7 attend.

8
9 A 2012 research study of Pennsylvania children
10 specifically conducted by the Policy Lab, a research
11 institute at The Children's Hospital of Philadelphia,
12 provided some additional insight. The study followed more
13 than 200 foster care children ages 5 to 8 that entered
14 foster care to determine their education experiences,
15 specifically how changes in placement in foster care
16 impacted their education stability. The study found that,
17 on average, children placed in foster care missed 25 days a
18 year of school and had twice as many absences as children
19 in the same neighborhoods, in the same school district, in
20 the same community as children who never entered foster
21 care, 25 days of school of a 180-day school year calendar.
22 Imagine what you miss if you miss that.

23 The research also indicated that children who
24 experienced more stable foster care placements within 45
25 days of first entering foster care had considerably less

1 absenteeism and fewer school changes when compared to
2 children who continued to experience placement changes in
3 foster care. Children who had stable placements in the
4 first 45 days, the first placement being the best
5 placement, were half as likely to change schools, which
6 means their education stability was much more resolved.

7 In other words, when we're quickly able to place
8 a child stably in foster care, we are very likely to be
9 able to better enhance the likelihood they'll achieve
10 academically. Pennsylvania has made remarkable gains in
11 reducing the number of children who are placed in foster
12 care in our State over the last many years, but it's
13 important to note that last year, in 2013, a third of
14 children who are placed in foster care and lived in foster
15 care between one and two years experienced three or more
16 different out-of-home placements.

17 Now, unfortunately, our State does not collect
18 data on how many school placements that meant so I can't
19 tell you that information. You guys know we love to throw
20 data at you in our shop, but we can't give you that
21 information. It's safe to assume, though, that for many
22 children who experienced a change in foster care placement,
23 they very likely also experienced a change in school
24 placement.

25 We all know that foster care is meant to be

1 temporary. Our goal is to have foster care placement be
2 for the shortest time necessary for a child to safely
3 return home or join another permanent family. When
4 children live in foster care, it's in their best interest
5 to be placed with relatives or kin and maintain consistent
6 engagement with their friends, their school, and their
7 community.

8 School districts are a critical partner to ensure
9 education stability for children living in foster care.
10 However, clear Federal guidance and State guidance to
11 ensure this doesn't really exist. Now, Maura mentioned to
12 you earlier the McKinney-Vento Homeless Assistance Act,
13 which requires education stability only for a portion of
14 children who enter foster care, those who are awaiting
15 placement and are considered homeless. Traditionally,
16 these kids are in short-term emergency shelter.

17 In 2008 the Federal Fostering Connections to
18 Success and Increasing Adoptions Act sought to address
19 education stability for all children in foster care. The
20 statutory requirements were focused on the role of child
21 welfare agencies to coordinate with LEAs to ensure the
22 children remained in the school they attended at their time
23 of placement in foster care unless doing so wouldn't be in
24 the best interest of the child.

25 As recently as this past May, the U.S. Department

1 of Education and the U.S. Department of Human Services sent
2 a letter to State education agencies, child welfare
3 agencies, and local education agencies indicating that
4 Fostering Connections impose specific obligations on both
5 child welfare agencies and LEA and they each played a
6 critical role, but if you look at the attached letter, it's
7 a little squishy.

8 In response to the Federal requirements, DPW -- I
9 guess we can't call it the Pennsylvania Department of Human
10 Services yet, right; it takes 45 days or 60 days for the
11 name change to go into effect -- issued guidance to county
12 agencies to better address the education needs of children
13 they serve. The guidance wonderfully extended beyond
14 Fostering Connections and requires the use of a screening
15 tool to identify needed information by the agency to help
16 ensure children's needs are best met. It does, as Maura
17 mentioned, very helpfully require at least one county child
18 welfare worker be trained and designated as an education
19 liaison to help county staff take appropriate steps to
20 ensure education stability.

21 You will remember that my organization and many
22 others in this room led efforts in 2010 to pass a law
23 called the Foster Care Bill of Rights. That guaranteed
24 kids' rights to education stability.

25 So why do we still have a problem if we have all

1 these rules and laws? Well, despite the ambiguity in
2 guidance, there is some excellent work going on in our
3 State and some work we should consider and think about
4 replicating. For example, in Bucks County the child
5 welfare agency and school districts where most of children
6 are placed, not every school district in the county, have
7 worked very consistently together to ensure the McKinney-
8 Vento provisions. Children usually only miss about one or
9 two days of school when they're placed in foster care
10 because they've taken extra time and attention to make this
11 happen.

12 But the county will tell you that they have a
13 bigger challenge with kids who don't fall under the
14 parameters of McKinney-Vento and we need to do more -- they
15 think the Commonwealth needs to do more -- before we wait
16 for more guidance from the Federal Government.

17 Allegheny County, often a leader in child welfare
18 reform in our Nation, was able to secure some private
19 funding to develop data- and information-sharing
20 agreements. Right now these agreements exist with 13 of
21 the 43 school districts in Allegheny County, again, the
22 school districts that have the largest percent of children
23 in placement and foster care, and the Allegheny County
24 Intermediate Unit.

25 These agreements support research while

1 protecting student privacy and, with parental consent,
2 enable the agency and the school to share real-time
3 information on students and track their attendance through
4 web-based case management. The system alerts the
5 caseworker when kids don't go to school.

6 Allegheny County has also obtained a Federal
7 grant to develop a tool to help better identify the needs
8 of foster care children and youth as they're placing them.
9 This "Best Interest Placement Tool" is like a matching
10 database where foster care providers note information on
11 perspective foster families and caseworkers enter
12 information on children. It's this great match. The
13 system or tool generates a list of perspective foster
14 families that are ranked best by the fit, so again,
15 identifying, most simply put, foster care placement
16 opportunities that are in the catchment area of the child
17 homeschool. This ranking/rating process actually allows
18 them to place more children in their home schools and
19 communities and factors the distance between home and
20 foster care placement.

21 The State should consider replicating aspects of
22 the Allegheny County placement tool by amending Act 160 of
23 2004, which established a statewide resource family or
24 foster family registry. Under this law, all foster or
25 resource families in Pennsylvania are required to be

1 registered in part to ensure current and prospective
2 families have appropriate criminal and child abuse
3 clearances to register or adopt. County agencies were
4 recently given access to the State registry but only for
5 their kids in their own county, so sometimes the
6 information in the county next to you is equally important.
7 We should open this up.

8 We should also allow school information to be
9 added to the registry. This would be a worthwhile
10 addition, not hard to do, not terribly costly, though it
11 would have fiscal impact, but the remediation costs we
12 already spend on children who are placed in foster care
13 would way better be invested up front than paying for their
14 later education failure.

15 The foundation for this important work really
16 requires a collaborative between schools, child welfare
17 agencies, and the courts. These are like three legs of a
18 stool. You need each leg to ensure education stability.
19 The package of bills we have before us today, very, very
20 important first steps, but they only have two legs of a
21 stool. They include the courts and the child welfare
22 agency. The missing leg of the stool is the schools.

23 Despite recent communication from the Federal
24 Government requiring Fostering Connections, it's clear that
25 all public schools and the Pennsylvania Department of

1 Education don't think they're responsible for ensuring
2 education stability for all youth. We attached some
3 official guidance from PDE to school districts on
4 enrollment status, and it says districts "are strongly
5 encouraged to develop policies or agreements to enable a
6 student who is in foster care to remain in the educational
7 program in the same school or school district even if that
8 student is in residence in another school attendance area
9 within the school district or in another school district."
10 Encourage, not require. Please note that we have attached
11 this guidance. It really gives schools the option of
12 engaging in this type of partnership, which is hard, takes
13 resources, is about a very small part of their population,
14 and we all know that schools are stressed to the max.

15 The guidance interprets Section 1305 of the
16 Public School Code, which governs school districts'
17 requirements for foster children and is also attached.
18 Section 1305(a) doesn't provide for students living in
19 foster care to remain in his or her current school. It
20 only addresses the rights of nonresident dependent children
21 to attend school in the district of residence such as where
22 the child is now placed. 1305 of the School Code was
23 really written a long time ago to address custody issues
24 and it didn't consider that certain circumstances, a child
25 living in multiple places such as foster care, could also

1 be the case. It doesn't adequately protect the interests
2 of foster care children to remain in their current school,
3 whether that's a district-operated school or a charter
4 school.

5 As you consider revisions to these bills and
6 legislative strategy for next session, PPC urges the
7 Committee to propose the necessary statutory changes to
8 1305 of the School Code that would help the court ensure
9 education stability by requiring districts to comply with
10 court directives related to education placement.

11 For example, this might include the court
12 directing a district to transport a child back and forth
13 within a reasonable travel distance either within a school
14 district or outside a school district. Now, clearly, we
15 don't want an eight-year-old on a bus for an hour-and-a-
16 half, but if we're talking about children in neighboring
17 school districts, the value of that requirement to
18 transport would be very effective.

19 Or requiring the district the child resides in
20 after foster care placement to educate the child if it's
21 deemed in the best interest, for example, there could be
22 family safety issues at play for a child that would
23 actually say we should give up that stability of them being
24 in their home district and move them to where they're now
25 living. Such an amendment would reinforce that the

1 responsibility to make the best determination of education
2 stability lies with children and youth agencies and the
3 courts, not a decision left to school districts.

4 The requirements in House Bill 569 and 973 for
5 strong mandated cooperation between child welfare agencies
6 and the courts, as I've said, is a great step in the right
7 direction. House Bill 569 cements the shared legal
8 responsibility of county child welfare agencies and the
9 courts to help ensure education stability by requiring
10 their oversight on placement. This is similar to the
11 responsibility the courts already possess in foster care
12 placement that are in the child's best interests.

13 By providing this additional legal presumption,
14 the bill improves the likelihood of education stability.
15 However, we think 569 could be strengthened in a few ways.
16 We would strike the term "unreasonable" in the section as
17 it relates to foster care in emergency shelter placement.
18 There's already a general well-being exception for a
19 disposition hearing that would apply here. So therefore,
20 something like unreasonable travel would already be taken
21 care of.

22 We would add the general well-being exception for
23 a disposition hearing for all children entering foster
24 care, not just those who enter into the emergency shelter
25 care provision like McKinney-Vento.

1 And we would require that school stability
2 findings be revisited at permanency review hearings and
3 whenever a child changes custody or placement.

4 House Bill 973 stresses the important roles child
5 welfare agencies have in requiring them to develop
6 education plans based on the best interest of
7 determinations of the courts. These plans would help
8 ensure agencies are complying with Federal requirements to
9 collaborate with LEAs to either ensure stability in the
10 same school or immediate enrollment in another school. The
11 bill would also clarify the role of agencies in covering
12 transportation when children do not fall under McKinney-
13 Vento.

14 PPC is concerned about the language in 973 that
15 would allow child welfare agencies to make a determination
16 that education stability is "impractical." School
17 stability might be "impractical" for a county agency, but
18 not for a child. Again, the decision about whether or not
19 a school change must occur should be solely based on the
20 safety and the well-being of the child, thus making these
21 decisions child-focused and consistent with 569.

22 We are just technically also recommending that
23 the term "school stability" versus "education stability" be
24 used throughout the bill for clarity purposes.

25 As we work to better ensure education stability,

1 there is a likelihood of increased transportation costs.

2 Today will speak at a press conference at 12:30
3 announcing a new public school funding campaign, the
4 Campaign for Fair Education Funding, and as we meet with
5 all of you about it, you will be really pleased by the
6 diversity of partners that have come together to urge you
7 to work with us to solve our school funding issues in
8 Pennsylvania. So it's not the same education association,
9 education reform alphabet soup list of groups. The four
10 major business associations of the State are with us, the
11 charter school community is with us, so we're coming to you
12 in partnership.

13 I worry about these transportation costs as
14 somebody who does a lot of work on school funding. I'm not
15 saying they should get in our way. I am saying we're going
16 to need to figure out how to share the responsibility for
17 doing them, but it doesn't have to be a barrier. Fostering
18 Connections enables Pennsylvania child welfare agencies to
19 draw down Federal foster care maintenance funding for
20 eligible children to cover approximately half of the
21 transportation costs. We asked the Department of Public
22 Welfare for this information; we couldn't get it. We urge
23 you to ask them for it. County child welfare agencies also
24 have the opportunity to budget for this in the Needs-Based
25 Budgeting process. The ability of county children and

1 youth agencies to request this combination of State and
2 Federal and generate their own local funds could meet the
3 challenges of transportation.

4 We commend Representative Brown for proposing a
5 way to finance transportation and to understand that we
6 can't create additional unfunded mandates on Pennsylvania
7 schools, but we shouldn't let this be an obstacle.

8 We look forward to working with you next session,
9 with the prime sponsors of the bill, with this Committee,
10 with Members of the Education Committee, because this
11 indeed is a shared responsibility, and all of the General
12 Assembly to further refine and enhance these proposals.
13 These reforms are critical if all children in foster care
14 are to experience educational stability and ultimately
15 graduate from high school ready for postsecondary
16 education, the military, and the workforce.

17 Thank you so much for the time, for hearing us
18 today, and we look forward to your support.

19 REPRESENTATIVE MOUL: Thank you, Joan.

20 MS. BENSO: Thanks to you.

21 REPRESENTATIVE MOUL: Don't jump up quite yet.

22 MS. BENSO: Okay.

23 REPRESENTATIVE MOUL: Representative Topper must
24 leave but he has one very important and very quick
25 question---

1 MS. BENSO: Okay.

2 REPRESENTATIVE MOUL: ---for you.

3 MS. BENSO: Let's just hope I can answer it;
4 otherwise, I'm turning to Maura.

5 REPRESENTATIVE TOPPER: And there very well might
6 be somewhere we can get the information.

7 What kind of an impact does it have on the
8 classes also that these children are going to? That's a
9 concern that I would have. Obviously, we're uprooting this
10 particular child and that means a lot to them, but I'm
11 assuming it also has an impact on the classes that they're
12 leaving and then going to as well. I don't know if that's
13 something that can be found in data but I think it's
14 probably something that should be considered for the
15 teachers and for those students that are affected in that
16 way as well.

17 MS. BENSO: Yes, I don't know of specific studies
18 about the impact of the classroom the child leaves behind
19 or the classroom the child goes into, but school classes
20 are pretty homogenous groups. We know that in child
21 development kids form normative relationships---

22 REPRESENTATIVE TOPPER: Especially in elementary
23 school early on.

24 MS. BENSO: Absolutely. Absolutely. And I think
25 it's an important thing to consider as well.

1 I mean ultimately our goal here has to be to be
2 sure that every Pennsylvania child, regardless of their
3 home circumstances, has an equal shot at an excellent
4 education and ending their school career ready for their
5 lives, right? And these kids we're failing in a big way.

6 REPRESENTATIVE TOPPER: Thank you.

7 MS. BENSO: Thank you so much. Thanks again for
8 your time. Thank you, Representative Brown.

9 REPRESENTATIVE MOUL: Thank you, Joan, appreciate
10 it.

11 Before I go on, we have been joined by
12 Representatives Oberlander, Lawrence, and Brown.

13 And our next presenter is Professor Lucy
14 Johnston-Walsh. And if you will please introduce yourself.

15 MS. JOHNSTON-WALSH: Good morning.

16 REPRESENTATIVE MOUL: Welcome.

17 MS. JOHNSTON-WALSH: My name is Lucy Johnston-
18 Walsh and I am here today on behalf of the Pennsylvania Bar
19 Association. And I'd like to thank the Committee Members
20 and the Committee Chairs, the Committee staff, and the
21 bills' sponsors for your hard work on behalf of children in
22 the foster care system. The Pennsylvania Bar Association
23 is also very committed to supporting the well being of all
24 youth in the foster care system.

25 And you've already heard from the prior folks

1 testifying about how the research shows that children in
2 foster care change schools frequently and the negative
3 impact on school change, how that inhibits children's
4 progress academically. The Bar Association echoes all
5 those concerns and would like to support your efforts to
6 make a change in that regard in the legislation that you're
7 working on.

8 The Bar Association would like to suggest some
9 potential amendments to the legislation and would first
10 like to suggest that school stability not be addressed only
11 at the initial placement of a child. So perhaps you're
12 familiar with the foster care system and when children
13 first come into foster care there's a shelter care hearing.
14 At that time you have to decide the disposition and where
15 the child is going, and clearly in those urgent situations
16 there's limited time of the courts to make an emergency
17 safety decision, but also any safety decision then impacts
18 the school placement. So it's our recommendation that not
19 only at the shelter care hearing but all the followup
20 hearings that you have after that placement, that you also
21 address school issues.

22 As I mentioned, as an attorney that represents
23 children in the foster care system, I am here today on
24 behalf of the Children's Rights Committee, which is a group
25 of attorneys that represent children across Pennsylvania.

1 And we all, in preparation for today, shared stories about
2 cases, and I can give you case after case. An example is
3 when you're in the emergency level of a court hearing, you
4 are making an immediate safety decision on behalf of the
5 child, and school is often a sort of second or third
6 thought when you're looking at emergency safety placements.
7 And so we ask that that come to the forefront at the time
8 of the emergency shelter hearing but all the subsequent
9 hearings. So oftentimes children have to go into a shelter
10 placement, which is temporary placement, while the agency
11 is trying to find a longer-term foster care placement. So
12 each of those placement changes also impact schooling and
13 we ask that the court decide that at each subsequent
14 hearing.

15 So there are circumstances where the shelter care
16 placement should not last more than 90 days but then
17 they're ultimately placed in a foster home, and the foster
18 home might not work out. And so then you have to look at
19 another placement. I can give you one case example where
20 one of my clients, who lived in Cumberland County, was
21 attending a school in Dauphin County. It was a special
22 school due to her special education needs. And so when she
23 was placed in the shelter facility, that was in Franklin
24 County. So we were able to argue under the McKinney-Vento
25 Act, which you've already heard about today, that she was

1 essentially a homeless child under the McKinney-Vento Act,
2 that she could remain in her original placement.

3 But when the shelter placement was extended for a
4 longer period of time, this became harder and harder to
5 maintain the transportation from Franklin County to Dauphin
6 County to attend the school. We argued in court on a
7 regular basis as her advocate that that was most
8 appropriate; it was in her best interest. And so that
9 continued. And then she was placed in a foster home, which
10 was in yet another school district. So now we're on three
11 different school districts that we're looking at on behalf
12 of that particular child. Each time, we ask that the court
13 look at those issues when a child is coming before the
14 court's attention and that the child's issues will be
15 coming to the court's attention at each hearing. So you
16 have the emergency shelter hearing, you have the permanency
17 review hearings, the dispositional hearings, and each time
18 we're asking that the court relook at it and examine what's
19 best.

20 Going back to my case example, in that particular
21 situation, because of the distance, in rural communities
22 like Cumberland and Franklin County, the transportation is
23 a huge issue when you look at the time that is involved in
24 a child's life in driving back and forth. But perhaps the
25 best time to look at it is the second placement. So if the

1 child, you determine in a shelter care setting that they
2 should remain in their original school district but then
3 when they're placed in a foster home you might want to look
4 at that. Is that school district better? Each time, we're
5 asking that you look at it and perhaps you might identify
6 that it's actually the second school district that is the
7 best for that child as compared to the original home school
8 district if you're following the case story that I'm
9 giving. But we just ask that each time the court really
10 examine and look at all the options for what's best for
11 that particular child.

12 Another example I could provide is a child that
13 was in her senior year of high school and she was placed in
14 a foster home, which is not considered to be temporary.
15 She needed to graduate. And so we argued in court that she
16 should remain in a school district so she could complete
17 her graduation requirements and graduate with her class.
18 The court recognized the importance of that and did direct
19 that to happen from the court hearing.

20 The other argument that I'd like to make about
21 this legislation is that it actually would be the court
22 that makes the decisions and not the child welfare agency
23 or not the school district, that the court directs that.
24 The court is the authority that has the ability to look at
25 the entire picture. So we're asking that the court can

1 make an objective evaluation about what is in the child's
2 best interest.

3 I'll give you another example of that. We had a
4 case recently where a child was placed in their first
5 semester moving from Dauphin County to Perry County school
6 districts but Cumberland County Court had jurisdiction over
7 her particular case. She was being moved at the beginning
8 of the school year and we had some discussion with the
9 school district and with the child welfare agencies, again,
10 informal discussions about what was going to happen with
11 her schooling. When we got to court, we actually made an
12 argument that she be able to remain in that placement in
13 her school district until January. This required a lot of
14 cooperation and organization on behalf of foster care
15 agencies, child welfare agencies, and school districts.
16 The foster parents were very involved. But in that
17 particular case it was in the best interest.

18 However, as the attorney, when I called the
19 school district, they had heard another story. They heard
20 that her parents' rights had been terminated; they had
21 heard that she needed to move immediately and that they
22 couldn't hold the placement. But when we got it to the
23 court's attention, we were allowed to really make a best-
24 interest determination because all the information was
25 being presented at the same time and all the information

1 about what that particular child needed. So I think that's
2 what's important is that it be the court that makes that
3 decision.

4 And in that particular case we were able to make
5 arguments about that child had some special education
6 needs. We were able to have enough time to figure out how
7 those needs could be addressed in her new school district.
8 We were also able to address the fact that she had a big
9 field trip coming up that she was really looking forward to
10 in her original school district in Dauphin County, and
11 little things like that made the world of difference.
12 That's all that my client cared about was the field trip,
13 and in the meantime, she was worried about basketball
14 tryouts because he wanted to participate on the basketball
15 team. So we were able to allow for all that to happen when
16 we weren't functioning in the emergency state to move this
17 kid tonight and without giving the time that was necessary
18 to address all those things. So she was able to attend her
19 field trip; she was able to try out for the basketball team
20 in the new school district. She was able to complete the
21 semester.

22 And the other thing is, as you are well aware,
23 with all the school districts that we have in Pennsylvania,
24 each of them might have different time periods for when the
25 marking period ends and when the examinations are given,

1 and we were able to allow her to have special
2 transportation arranged so she could complete the school
3 requirements for that particular semester and then wait
4 until the new semester began at her new school district,
5 and the transition went far more smoothly than it would
6 have if she had been immediately removed that night.

7 Finally, we would like to suggest that, as you
8 have already heard from Maura and from Joan, that the
9 School Code also needs to be changed, because without that,
10 there is less direction on the part of the school
11 districts. In the cases that I just referenced to you,
12 oftentimes I'd be the one on the phone contacting the
13 school district. I talked to them about Fostering
14 Connections and the school district would be like what are
15 you talking about? That's not the Pennsylvania School
16 Code. And I would have to reference the requirements under
17 the Fostering Connections Act that would allow them this
18 chance to be flexible and creative. School districts have
19 been very responsive and said they understand the concerns
20 that I'm bringing to their attention, but without direction
21 in the School Code, it is less clear to the school
22 districts that they have the same requirement. We have
23 some recent court rule changes. We have the Federal law.
24 But I think it also would be very helpful if we could amend
25 the School Code to follow the same direction.

1 So again, I thank you for your time this morning
2 and I appreciate the focus that you are having on this
3 issue and we just ask that those amendments be made. Thank
4 you.

5 REPRESENTATIVE MOUL: Thank you for your
6 testimony, Lucy. That's very informative. And I think
7 we're all on the same page. And I for one like to hear the
8 good stories---

9 MS. JOHNSTON-WALSH: Okay.

10 REPRESENTATIVE MOUL: ---as well as the bad ones.
11 So I'm so glad it worked out for that young lady. Stick
12 around, please.

13 Our next testifier is Brittany Bullock.

14 Please do, Representative Toohil.

15 REPRESENTATIVE TOOHL: Thank you, Mr. Chairman.

16 I wanted to just comment. Brittany Bullock is my
17 constituent and I'm very proud that she's here today. And
18 she is with my dear friend who is a foster children
19 advocate, Attorney Lori Ogurkis. So we are so glad that,
20 Brittany, you could be here today to speak for all the
21 children that are in foster care now and can't speak for
22 themselves so that you can change the statistics by
23 changing Pennsylvania law. So we're really glad you're
24 here today.

25 MS. OGURKIS: Thank you, State Representative

1 Tarah Toohil. I'm honored to be here today, and I'm even
2 more honored to be sitting next to Ms. Brittany Bullock,
3 who I believe is my true success story as far as children
4 in Pennsylvania, and I'm going to go into a little bit
5 about how we met.

6 I am her unofficial adoptive mother and was only
7 able to connect with her by chance within the past two
8 years. I was lucky enough to adopt my newborn son from
9 foster care two years ago. During that time we were
10 fostering him, I was teaching at night at Luzerne County
11 Community College. Brittany would sit quietly at the back
12 of the room, and every time I mentioned Michael, she would
13 pop her head up. When she worked up the nerve, she came up
14 after class to tell me how she was in foster care, that it
15 did not work out that well for her.

16 She was in foster care from the ages of 9 to 18.
17 She was taken to a local park when she aged out and told to
18 find her way. She said to me do you know what it's like to
19 know that if I died tomorrow, it wouldn't matter to anyone?
20 Out of her mouth I heard my son speaking for the first time
21 of what could have been if he was not so fortunate.

22 From that moment, I made a promise to Brittany
23 that I would that support system that she unfortunately was
24 not able to find, or most importantly, the child welfare
25 system was not able to find for her. I call her my success

1 story every day. She is a phenomenal child who has had
2 every obstacle placed in front of her and yet she is a
3 success.

4 Attorney McInerney stated when testifying that
5 children who are in foster care only make up 3 percent of
6 the children in college. They are more likely to become
7 homeless, in jail, on drugs, or pregnant. She is the
8 exception, and for that she is a success story. Brittany
9 is about to complete her associate's degree and is on the
10 dean's list.

11 Brittany moved into our home not long after. As
12 a mother, I was able to see the effects of the educational
13 instability that it had on Brittany. She missed out on so
14 many things that children who are not in foster care are
15 able to experience: forming strong bonds between friends,
16 teachers, guidance counselors; experiencing sports, school
17 activities. She missed out on gaining the confidence in
18 herself that is so critical for her to succeed in life.
19 She was socially awkward and unsure about herself and if
20 what she was doing was right or wrong. She second-guessed
21 herself every step of the way.

22 While we may not be able to control the life
23 circumstances that brought Brittany into foster care, what
24 we can do as legislators is require that we control their
25 educational stability.

1 Brittany was moved from school to school to
2 school to school to school all within miles of each other,
3 and then she was homeschooled for three years, constantly
4 moving, constant disruption, constant delay, constantly
5 being the new kid, constantly being the new foster kid,
6 then being cyber-schooled from home where she went unseen,
7 unheard, and any voice that she could have had to be able
8 to form her own identity was taken away from her.

9 In order to ensure the success in the lives of
10 children in foster care presently, I am requesting this
11 change so that what happened to Brittany does not occur to
12 any other child in foster care in Pennsylvania. I request
13 that movement from the child's home school district or
14 cyber-schooling from home for foster children must not
15 occur unless mandated by a child psychologist and only upon
16 court order. It is imperative that we change what is
17 happening, what has happened in the child welfare system
18 regarding educational stability. The foster children of
19 Pennsylvania are counting on us.

20 MS. BULLOCK: Thank you for allowing me this
21 opportunity to share with you my experience. Can you hear
22 me?

23 REPRESENTATIVE MOUL: You're fine.

24 MS. BULLOCK: Okay.

25 REPRESENTATIVE MOUL: Pull the microphone right

1 up to you and you just go right for it.

2 MS. BULLOCK: Okay. So my name is Brittany
3 Bullock. I'm 20 years old. I live in Conyngham with my
4 mom Lori and Michael Ogurkis. I went into foster care at
5 the age of nine. I was separated from five siblings, and
6 we all were separated in different schools, different
7 homes. It was very traumatic for me. When in foster care,
8 I was in five different schools: Hunlock Creek Elementary
9 for two years, Dan Flood Elementary for one year and a
10 half, Solomon Plains for two years, cyber-school from home
11 for three years from 9th through 11th grade, and then I
12 went to Coughlin for my senior year.

13 When I was transitioning from schools, I was
14 really awkward. I didn't have any friends and it affected
15 me with learning, too. I was put into a learning support
16 class, and I knew I was smart enough for it, but it
17 affected my learning because I was so distracted with not
18 fitting in and being picked on.

19 It's hard to put into words what it meant to have
20 to restart my life over and over and over again, new
21 places, new faces, not able to make the connections with
22 people because as soon as I started to feel comfortable, I
23 was forced to move again. It interrupted my schooling, it
24 interrupted my education, it interrupted my life.

25 The stigma of being in foster care or being a

1 foster child is a hard label to wear. People made me feel
2 like I was secondhand, worthless. What made me so
3 unlovable? Every time I started a new school, I was forced
4 to repeat the story over and over again. Kids are not
5 afraid to ask: Why are you here? Where do you live?

6 My constant moving from school to school did not
7 allow me to create the connections I needed so desperately
8 to have as a child. I was always the new student. I could
9 not create friendships; I could not play on sports. I
10 became socially awkward and even shy. I was cyber-schooled
11 for three years from a foster care home. Imagine missing
12 out on all the dances, the football games, the school
13 lunches, the friends, the life that I should have had but I
14 didn't like everyone else.

15 When I was in Solomon, though, for two years, I
16 was there my 7th grade year and I didn't talk. When I
17 became more comfortable with it when I tried for my 8th
18 grade year and I made lots of new friends. And everybody's
19 like, oh, you came out of your shell. What happened? And
20 it was because I felt safe and I felt comfortable. And
21 then when it came to my 9th grade year, I was taken out of
22 school and cyber-schooled, no choice to have that. And it
23 made me upset. I didn't want to do it but -- sorry.

24 I'm respectfully requesting you to move -- I'm
25 sorry.

1 REPRESENTATIVE MOUL: Take your time.

2 MS. BULLOCK: I'm respectfully requesting you to
3 move to adopt this bill in order to prevent foster care
4 agencies from moving children out of their home school
5 district unless for extreme circumstances and only through
6 a court order. I am speaking for them because I have the
7 power. And I am also requesting the same for cyber-
8 schooling. Unless a child psychologist says so or a judge
9 says, then that's when it only should be allowed. I had so
10 many chances taken away from me and I do not want another
11 child to experience that. It's hard and it's very
12 emotional. We're not like everyone else like we're labeled
13 and it's sad.

14 REPRESENTATIVE MOUL: Very well done, young lady.

15 MS. BULLOCK: I'm sorry I couldn't contain
16 myself.

17 REPRESENTATIVE MOUL: No apologies necessary.
18 We're all friends here and I think that you put the
19 exclamation point on this hearing for us already as to how
20 important it is when we look at a very bright, articulate,
21 and strong young lady like yourself, how important it is
22 hearing from someone like yourself. It really touches home
23 for all of us, and I can assure you that this Committee is
24 going to look at this very, very intensely as the new
25 session begins.

1 Thank you, and please stick around.

2 MS. BULLOCK: Sure.

3 REPRESENTATIVE MOUL: Our next testifier is
4 Michele Haydt, Education Liaison, Monroe County Children
5 and Youth Services.

6 And whenever you're ready, Michele.

7 MS. HAYDT: Thank you. Brittany is a tough act
8 to follow.

9 Thank you very much for the opportunity to be
10 here. This is my first time testifying at such a hearing
11 so I apologize for my nervousness ahead of time.

12 My name is Michele Haydt. I'm a Program Manager
13 for the Permanency Services Unit of Monroe County Children
14 and Youth. I'm also the appointed Educational Liaison that
15 you heard discussed earlier for our county with our school
16 districts.

17 With the passing of the Fostering Connections to
18 Success and Increasing Adoptions Act in 2008, out of that,
19 Us public welfare the Pennsylvania Department of public
20 welfare published a bulletin requiring each county children
21 and youth agency to appoint educational liaisons for that
22 county to work with the school districts for the purpose of
23 the educational stability. The main strength of this was
24 that there was now one person in each children and youth
25 agency that the school districts could contact in regards

1 to our foster care children, making sure that their needs
2 were met, and hopefully improving the outcomes for these
3 children.

4 The downfall of that was that the education
5 liaisons that were selected didn't always have the training
6 or requirements to be that education liaison. My primary
7 focus in the agency was with permanency. I worked with
8 children that were in placement and adoption, and so when I
9 was appointed the education liaison, I took it on because I
10 think education stability for our kids is very important
11 but I really didn't know what my role was.

12 There was training that was provided from the
13 State, and it was mainly in regards to the education
14 screening tool that was touched on earlier, but we don't
15 use that tool. There were some issues that came up through
16 DPW and stuff, so that tool has not been used and it was a
17 very helpful tool that could help with that educational
18 stability.

19 Other things with the Fostering Connections that
20 you heard earlier were in regards that the county agencies
21 were required to make every effort to maintain the school
22 placement for the child, their home school placement, but
23 another part of Fostering Connections was that we were also
24 supposed to make efforts to keep siblings together. As you
25 heard Brittany say, she was separated from her siblings,

1 separated from her home school district, so in order for
2 placements to be made, sometimes you have to look at which
3 is more important for that family, keeping the siblings
4 together or keeping them in their home school districts,
5 and a lot of times that's not all the same thing.

6 In Monroe County we have four different school
7 districts and some of those school districts have a lot of
8 foster homes in them where we can place children but some
9 of them do not. So if we have, for example, a child that
10 needs to come into care from the Stroudsburg School
11 District, there are very few foster homes within
12 Stroudsburg School District, so then that child would have
13 to move to one of the neighboring school districts.

14 In our '12/'13 school year, we had a great deal
15 of stability for our children that came into foster care
16 with keeping them in their same schools or for working with
17 the schools under McKinney-Vento for them to help with the
18 transportation and keeping them in their same schools.

19 In the school year '13/'14, there was less of
20 this educational stability. There was less cooperation
21 from our school districts to allow children to stay in
22 their home school districts. But on the flipside of that,
23 we had more siblings that were placed together in care. So
24 it's a hard thing to do sometimes trying to keep kids
25 together, keep them in their same school district. It's a

1 very big challenge for our agency, as well as other
2 agencies across the State.

3 A big challenge that we have is our collaboration
4 and cooperation with our school districts. A lot of times
5 when we tried to keep our children in the same school,
6 under McKinney-Vento they would allow it up until the point
7 where the child was adjudicated dependent, and therefore,
8 they said they no longer qualified under McKinney-Vento so
9 they would not provide the transportation. And although
10 Fostering Connections allows for reimbursement to county
11 agencies for that transportation to their home school
12 district, it's a very difficult task because foster parents
13 work. Children and youth caseworkers a lot of times had to
14 provide that transportation, which put a lot of stress on
15 their already stressful caseload. So that's always a very
16 difficult thing of who's going to provide that
17 transportation.

18 And there have been occasions where we've been
19 able to work with the school districts, like we would
20 transport maybe to the school district line, and then the
21 bus that came to that would pick them up, but most of the
22 time it was just a very difficult process to get going.

23 Another huge challenge with this is that
24 caseworkers at the children and youth agency do not have
25 the training regarding education and educational stability.

1 Every new caseworker that comes through the children and
2 youth agency has to undergo 120 hours of training through
3 the Child Welfare Training Center. None of that training
4 time, 120 hours, is devoted to education and how the
5 caseworker can advocate for that child in the education
6 setting, what the requirements are for registering a child
7 in school, what the requirements are if they have special
8 education needs. None of that training is provided in that
9 initial training, which is a very big carrier to ensuring
10 that our kids that are in foster care get those educational
11 services that they need, they're in the right placements.
12 They just don't know what they're doing when they go to
13 these meetings so a lot of times they just sign the
14 paperwork without really understanding because they don't
15 have that training.

16 In regards to the special education part of it, a
17 lot of our children that are in foster care do have special
18 education needs. The schools have their guidelines that
19 they follow. The children and youth caseworkers are not
20 able to sign off on special education paperwork and IEPs
21 and things like that, but the schools still ask the
22 children and youth caseworkers to do that. And again,
23 without the training, for them to know that they can't sign
24 off, they do sign off without really understanding the
25 whole process. So a lot of times those special education

1 needs are based on what the school thinks without a
2 collaborative effort from everyone involved.

3 Communication, as has been already stated before,
4 is a major barrier as well. I like the analogy with the
5 three-legged stool, that we need collaboration from the
6 children and youth agencies, the courts, as well as the
7 schools for everybody to have the same understanding of
8 what is needed, what is required, and everyone to work
9 together rather than everyone follows their own rules and
10 those rules don't always mesh for the best needs of the
11 children.

12 You've heard all the statistics already about
13 children that are in foster care take longer to graduate,
14 don't graduate, don't have their educational needs met, and
15 this is an ongoing issue that, even with Brittany speaking,
16 goes to show that that effort to collaborate and
17 communicate for these youth is very important. So, again,
18 I believe that the primary focus is to get that training
19 for children and youth agencies.

20 Talking about the funding in the Needs-Based
21 Budget, I'm a part of that Needs-Based Budget on the
22 adoption part of it but all the different things that are
23 required for children and youth agencies, a lot of the
24 changes that have been made in the past several years to
25 improve outcomes, to improve safety for children are all

1 exceptional things, but the thing that hasn't changed is
2 the amount of time a caseworker has to complete all of
3 these things. So the quality kind of goes to the wayside
4 because of the quantity.

5 Caseworkers can have a caseload up to 30 cases,
6 and this has been in place for probably over 50 years. So
7 30 cases could mean 30 families and over 100 children that
8 they're required to provide services for, educational
9 services, mental health services, getting the family back
10 together, special counseling to meet their mental health
11 needs. So that is a huge burden for the caseworkers to be
12 able to spend that quality time to make sure all the needs
13 of the child are met when they have so many children on
14 their caseload.

15 I think it's very important to look at that and
16 to improve the quality of work that we're providing to our
17 families so that we don't have Brittany's who leave care
18 with very little. We need to look at the amount of cases
19 that the caseworkers have in order to be able to provide
20 those services.

21 Also part of our county as part of the local
22 roundtable through the Statewide Children's Roundtable, and
23 we do have an Education Committee that I am a part of,
24 working with the schools. So we are making some strides in
25 improving these educational outcomes. Our truancy program

1 is doing very well but there's a long way to go for us to
2 continue to offer and provide these positive outcomes for
3 these children.

4 Thank you very much for the opportunity to be
5 here.

6 REPRESENTATIVE MOUL: Thank you very much,
7 Michele, appreciate it. And it seems like you've also
8 identified a major need here of communication between the
9 school districts and children and youth agencies because
10 school is such a huge part of these children's lives.

11 MS. HAYDT: Yes.

12 REPRESENTATIVE MOUL: Looking forward to asking a
13 bunch of questions. Thank you.

14 MS. HAYDT: Thank you.

15 REPRESENTATIVE MOUL: Our next testifier is
16 Katherine Fitz-Patrick, Deputy General Counsel, Member
17 Services, for Pennsylvania School Boards Association and
18 the Solicitors Association. Welcome, Katherine.

19 MS. FITZ-PATRICK: Thank you.

20 REPRESENTATIVE MOUL: And just remember, pull the
21 microphone right up to you so we can hear you very plainly.
22 And you may start any time. Thank you.

23 MS. FITZ-PATRICK: Good morning. My name is
24 Katherine Fitz-Patrick, and I am Deputy General Counsel
25 with the Pennsylvania School Boards Association. On behalf

1 of PSBA, I would like to thank the Committee for providing
2 PSBA with the opportunity to give testimony on House Bills
3 569 and 973.

4 PSBA is a nonprofit statewide association
5 representing the 4,500 elected officials who govern the
6 Commonwealth's public school districts. PSBA is a
7 membership-driven organization pledged to the highest
8 ideals of local lay leadership for public schools and
9 working to support reform for the betterment of public
10 education that prepares students to be productive citizens
11 and promote the achievements of public schools, students,
12 and local school boards.

13 For over two years, I have participated in a
14 workgroup devoted to educational stability and success of
15 children in foster care and successful implementation of
16 the Fostering Connections to Success and Increasing
17 Adoptions Act in Pennsylvania with several other testifiers
18 today. We all sit on that workgroup together. The
19 workgroup is comprised of stakeholders from the courts,
20 child welfare agencies, schools, and others groups, and is
21 a subgroup of the Educational Success and Truancy
22 Prevention Workgroup.

23 PSBA and the workgroup recognize that the
24 Fostering Connections Act places the responsibility on
25 child welfare agencies for ensuring the educational

1 stability of children in foster care. PSBA believes
2 strongly that involvement is also needed by the courts and
3 by the schools. In addition to collaboration among the
4 systems, legislative changes and/or departmental guidance
5 targeted to the identified systems is needed to provide a
6 clearer delineation of rights and responsibilities.

7 PSBA applauds Representatives Toohil and Brown
8 for their dedication to this issue and for introducing
9 these important bills. PSBA recognizes the importance of
10 educational stability and success of children in foster
11 care and the possibility of changes to State law and
12 regulations to successfully implement the Fostering
13 Connections Act here in Pennsylvania.

14 However, we do have several concerns with how the
15 proposed changes in House Bills 569 and 973 will impact
16 current law and the ability of public school districts to
17 serve children seeking enrollment. The specific concerns
18 that I will address today relate to clarity and consistency
19 with existing School Code provisions. Several other
20 speakers today have also brought up the School Code.

21 Our experience has been that public policy
22 implemented in the school environment is most effective
23 when the legislation clearly communicates the obligations
24 of school districts and resolves conflicts in statutory
25 language that might frustrate the laudable goal of

1 promoting educational stability for children in
2 Pennsylvania.

3 Although House Bill 569 amends the Juvenile Act
4 and House Bill 973 amends the Public Welfare Code, both of
5 these bills address residency; that is the right of
6 students to attend school in a particular school district.
7 Article XIII of the Pennsylvania School Code and Chapter 11
8 of the Pennsylvania State Board of Education Regulations
9 govern student attendance. Section 1305 of the School Code
10 already addresses nonresident children placed in the home
11 of a resident and is applicable to some foster students.

12 The language in both of these bills conflicts
13 with the language in 1305, altering residency, and making
14 it unclear to school districts and administrators where a
15 child has the right to attend school. The language is
16 unclear, in that, when the county agency determines that
17 remaining in the current school is impractical or poses a
18 safety concern, it is unclear where the student has the
19 right to attend.

20 Because the language in the bills may create
21 confusion resulting in unnecessary delays for students
22 seeking enrollment, the Fostering Connections
23 implementation issues related to student residency and
24 other school-related issues should be addressed in the
25 School Code and not in the Public Welfare Code or the

1 Juvenile Act.

2 Before addressing these issues in the School
3 Code, a thorough review of which students are already
4 covered by the existing provisions needs to be conducted in
5 order to determine what other changes are needed. The
6 changes need to ensure that it is clear where a child has a
7 right to attend school, either the district of origin or
8 the district of placement. And if the county children and
9 youth agency makes a determination that the child shall not
10 remain in the current school pending a determination by the
11 court, the county agency must be required to work with
12 school administrators in both school districts.

13 In addition to these overall concerns, we have a
14 couple of concerns related to specific provisions, which
15 are listed in the testimony. I'm just going to briefly
16 summarize those. One was the immediate enrollment
17 provision that Maura talked about in her testimony, and
18 we've just proposed some language to be consistent with the
19 School Code and State Board Of Education Regulations.
20 Instead of reiterating what the time frames are, to refer
21 to those State Board Of Education Regulations so that
22 administrators and school districts know where to look in
23 order to find those time frames.

24 There's also a provision in House Bill 973 that
25 deals with the refusal of students and prohibiting that.

1 PSBA believes that if it's made clear through legislation
2 where student has a right to attend school, as stated by
3 several people, it's unclear; there's no State law that
4 covers all of these students who may be in different
5 situations. If it's made clear to school districts and
6 administrators through legislation where student has a
7 right to attend school, we feel that this prohibition would
8 become unnecessary if it's clear.

9 Also we've heard several people talk today about
10 the transportation cost. It would just be nice to have a
11 clear understanding of what "no additional cost to the
12 school district" would be and how that would be determined.

13 And lastly, with regards to our specific
14 concerns, there is a provision in House Bill 973 which
15 relates to school district subsidies, and we believe that
16 anything dealing with school district subsidies should be
17 addressed in the School Code.

18 In summary, although PSBA has concerns about the
19 impact these bills will have on the School Code's residency
20 requirements and calculations of subsidies, PSBA supports
21 efforts to improve the educational outcomes for children in
22 foster care through legislation or departmental guidance
23 related to educational stability. In that spirit, PSBA
24 will continue to work closely with the Educational Success
25 and Truancy Prevention Workgroup, and we look forward to

1 working with this Committee and the rest of the Legislature
2 on this important issue for the children of Pennsylvania.

3 PSBA thanks the Committee for the opportunity to
4 provide comments and for the consideration of our concerns.
5 And I'd be happy to stay to answer any additional questions
6 at the end.

7 REPRESENTATIVE MOUL: Thank you, Katherine. I
8 appreciate your testimony. I'm sure we're going to have
9 questions. It sounds like we're on the same page, just got
10 to get some of the wherefores and whatnots in the right
11 places for you, but please stick around. Thank you very
12 much.

13 MS. FITZ-PATRICK: Thank you.

14 REPRESENTATIVE MOUL: Our next testifier is
15 Debbie Staub, Ph.D., Education Advisor, Casey Family
16 Programs. And if you could introduce yourself, tell us a
17 little bit about the Casey Family Programs so that I myself
18 get an understanding of who it is that you work for, as
19 well as the rest of us.

20 DR. STAUB: Well, I would be happy to do that.
21 So I think we've slid into the afternoon, so good
22 afternoon, everyone. It's a really nice opportunity to be
23 able to speak about this important issue of why education
24 stability is so important for all students, but
25 particularly for those students who lack the anchor of a

1 permanent family to buffer the challenges that they face in
2 their young lives.

3 I am education advisor with Casey Family
4 Programs. I came to Casey Family Programs 16 years ago to
5 help run a tutoring program for the students in foster care
6 that we were serving in direct service at Casey Family
7 Programs.

8 We are the largest operating foundation in the
9 Nation, and our focus is on safely reducing the need and
10 ultimately eliminating the need for foster care in general.
11 Our mission is to provide and improve the outcomes that
12 students and children in foster care experience, and one of
13 those big areas is on well-being. If these children and
14 students are in our care and our custody and well-being, we
15 need to make sure that they are having all the
16 opportunities that we would afford any other child.

17 We are located in every State around the country,
18 not maybe necessarily physically but have a presence. My
19 colleague Fran Gutterman is here with me today and she is
20 Pennsylvania's Senior Director/Strategic Consultant for the
21 State of Pennsylvania and I know has been working very hard
22 with your colleagues around the State to address the issues
23 and the challenges that children in foster care in the
24 State face.

25 So I want to be able to speak about some of the

1 things that I have found over the 16 years of working for
2 Casey Family Programs. I'm also a court-appointed special
3 advocate, a CASA. I've been a CASA for about six years and
4 my longest-standing case are twin girls that are entering
5 third grade and I've known them since the age of two. And
6 I've also seen how incredibly important early stability not
7 only in their placement but in their educational lives,
8 including their preschool stability has really impacted
9 what's happened.

10 We've seen a remarkable shift in the attention
11 given to the educational needs of students in foster care
12 really beginning at about the early 2000s, and there have
13 been many States that have enacted some legislation even
14 prior to Fostering Connections, the Federal law, that have
15 really prompted the mechanisms for better creation of
16 strategies and practices for students in foster care.

17 We have miles to go but we're really learning now
18 how students in foster care are doing educationally.
19 You've heard a lot of the research studies, but what is
20 also happening is that many jurisdictions at the local
21 school district level, State, and even a little bit at the
22 Federal law are now being able to collect educational
23 outcome data because of the Uninterrupted Scholars Act that
24 was passed in early 2013 and signed into law, which allows
25 for the reduction of barriers for sharing data between

1 education and child welfare. And that has helped us really
2 get a handle on what are those educational outcomes that
3 are happening for students in foster care in a real-time
4 way so that we can have data-driven decisions.

5 Unfortunately, one of the hardest pieces of data
6 to collect, and I'm not sure why it's so hard, but are
7 school placement changes. We should know when students are
8 enrolled in school so we should have a record of that and
9 we should know when students are no longer enrolled in that
10 school and we should be able to count that up and match it
11 to that individual student to have a better sense. We
12 continue to struggle with that, but I think data is a
13 really important lynchpin for getting the attention of
14 people and promoting the things that need to be promoted.

15 School instability is clearly harmful to students
16 but it also wreaks havoc for hard-working teachers and
17 support staff. And I know that was a question that came up
18 earlier today and whether there is research to kind of show
19 almost the collateral damage that happens when a student is
20 coming in and out of classrooms, what that does for the
21 other students' academic achievement and for the teachers'
22 well-being.

23 So I came to Casey Family Programs after years of
24 being in education and special education teacher. My very
25 first job out of the gate was a teacher for children with

1 severe emotional and behavioral disabilities. This was
2 long before McKinney-Vento even and Fostering Connections
3 and all the other bills. A number of the students that I
4 worked with were living in out-of-home care situations but
5 I didn't know about those situations. Those weren't shared
6 with me or explained to me.

7 What I did know is that I had two students in my
8 classroom. I had a six- and seven-year-old sibling pair,
9 Kelly and Kyle. Their mother was abusing substances. She
10 would take off for the weekend, leave these two children
11 unattended. They had some very significant challenges, and
12 the more I've learned now about early development, I have a
13 much better understanding of what was happening for them.
14 But they would get placed in an emergency shelter placement
15 while their mom was AWOL and they consequently would miss
16 school. So there was no communication between myself as
17 their teacher and the emergency shelter placement about the
18 fact that these students were there and I was wondering
19 where they were. Eventually they would return to the
20 school and I would have to start many steps back to bring
21 them back up to speed not only academically but emotionally
22 and socially as well and it was disruptive and it was
23 chaotic and it was very challenging for not only myself as
24 a young teacher but also for the other students.

25 So I did what I thought was probably the right

1 thing to do but maybe not the most legally qualified thing
2 to do is I developed a communication with the shelter
3 worker to call me when the children were picked up and I
4 just got in my car and picked them up and brought them to
5 school with me because it was so much easier for me to
6 educate them if I had them in my classroom. So rather than
7 having days and months of not being in the classroom, I
8 could help keep their stability. And it was just -- it was
9 easier on me. In hindsight, I see that it was a service on
10 behalf of the students as well.

11 So I think it's a very real concern and it is a
12 way for educators to understand not only for that
13 individual student because that can be very frustrating
14 when you have a revolving door but what its impact is on
15 the other students. And educators want to do the best for
16 all their students. So I'm glad that question was raised.

17 The good news is that there is Federal, State,
18 local legislation and Fostering Connections has been
19 mentioned several times. I wanted to share a report that
20 came out looking at the outcomes currently of the
21 implementation of the Fostering Connections Act in terms of
22 the educational provisions of that act. And GAO, the
23 Government Accountability Office, did a study, as I said,
24 earlier this spring to look at how States are doing with
25 the school stability requirements, and what they found is

1 that there were three top practices used by States to
2 implement required provisions related to school stability
3 and these included decisions about keeping the child in the
4 same school documented in writing. Thirty-four States
5 require that. Sixteen States don't require it but
6 recommend it. The second top answer is that what were the
7 specific factors used to consider keeping the child in the
8 same school. So 24 States require, 16 States not required
9 but recommended. And finally, this one kind of was a
10 little baffling to me but that schools consulted when
11 considering if a child should be kept in the school. So 22
12 States require that and 15 States not required but
13 recommended.

14 And I thought about that. If a school change is
15 a potential reality for a student, who better to ask than
16 first the student in an age-appropriate way that would be
17 possible about what their needs are and what their desires
18 are but then what about the teacher who is seeing that
19 student day-to-day and knows best how that student is doing
20 and what kinds of things that they need. And the fact that
21 that's not just a normative practice that we've put in
22 place is a little discouraging.

23 The GAO report also found that the 36 States use
24 Title IV-E Foster Care maintenance funds to pay for
25 transportation so that children in foster care could remain

1 in their schools.

2 Additionally, when the GAO did site visits to
3 California, Texas, and Virginia, they found that State law
4 or agency policy requires school districts to designated
5 foster care liaisons or points of contact at the district
6 or school level who consist of caseworkers or foster
7 parents with issues such as immediately enrolling students
8 in foster care. If there is not a designated person, if
9 nobody is taking full accountability and responsibility for
10 making sure that collaboration happens, it doesn't happen.
11 So it's absolutely imperative to have somebody who's the
12 appointed person to make sure that those events are being
13 triggered when a student is not only enrolled in the school
14 but currently attending the school.

15 And we've heard a lot about McKinney-Vento. It
16 really was kind of the lynchpin for looking at the needs of
17 students in foster care. We are able to take that
18 provision of awaiting foster care and see it enacted in
19 different ways across the United States. There's one State
20 in particular, Delaware, that has decided that all the
21 students in foster care just qualify under that provision
22 of awaiting foster care placement. So those students in
23 foster care receive the same types of entitlements that the
24 students who are homeless in their State do. So sometimes
25 those decisions are made at the school district level;

1 sometimes they're made at the State level and it varies all
2 over the place. But it's an opportunity to look at how
3 it's being enacted in a State and how it might be utilized
4 efficiently for students in foster care.

5 So I wanted to share some State and local
6 examples that are showing promising outcomes around
7 ensuring educational stability for students in foster care.
8 You've heard mentioned earlier the California Assembly Bill
9 490. That's one of the longest-standing bills I believe at
10 a State level that has really taken the bull by the horns
11 if you will around educational needs of students in foster
12 care and has done a lot with that legislation, has really
13 taken that legislation to promote best practice and local
14 policy around how to help students in foster care.

15 And just recently this year in California they
16 have created a separate funding stream for students in
17 foster care so that a school district that has a certain
18 number of percent of students in care in their school
19 district receives a set level of funding, and that funding
20 is provided in terms of training so that both educators and
21 caseworkers have opportunities to be trained about how to
22 better support students in foster care, to work with the
23 courts, and then to support and employ education liaison
24 positions that really do that go-between the foster care
25 system, as well as the education and court system.

1 The other thing that the AB 490 does is it looks
2 at the proximity of placement to the child's school
3 attendance area, so it's not a given that every time a
4 placement change is made that you just go off and, you
5 know, find the first available placement. A lot of
6 consideration is given to the fact that this is where the
7 child currently resides and goes to school. These are the
8 available placements within the catchment area that would
9 allow the child to remain in the school, and if there
10 aren't any, then they go out a little circle further. So
11 that way they're really being strategic about how they're
12 going to place the students or not to have to place the
13 students.

14 I mentioned the Delaware example. And a number
15 of States are really employing these education liaisons.
16 In my home State of Washington we also had early
17 legislation around education and foster care about 2004,
18 also Senate Bill 167, and it allowed for the funding of
19 education liaisons in different districts around the State.

20 And the TreeHouse organization is a nonprofit
21 organization in our State who is hired basically to run
22 this program. And they collected data on the types of
23 requests that they got when they first enacted the
24 legislation and brought these education liaisons: What
25 were the problems that were originating for students in

1 foster care? And what they found is that foster parents,
2 relative providers would go to enroll a child in a public
3 school and be told by the school that there was no room for
4 that student to attend this school, so clearly violating
5 some of the very basic rights to education. And those were
6 the kinds of calls that initially those education advocates
7 were getting, that the schools were pushing back and saying
8 we don't have room for these students; you know, this
9 student has a lot of challenges; we're not sure in our
10 small rural school district that we can meet those
11 challenges; wouldn't this child be better served in a
12 different district?

13 So 10 years later we're seeing a totally
14 different picture in the State because of all the training
15 and awareness that has gone into place about educating the
16 educators, as well as the caseworkers and the courts about
17 how important education stability is for students in care.

18 TreeHouse, the organization I mentioned earlier,
19 in the State of Washington three years ago they were able
20 to provide a school Graduation Success program where they
21 placed education liaison people in high schools in
22 particular that have large percentages of students in
23 foster care to really act in that role. And this year they
24 just reported their findings and they increased the
25 graduation rates of students in high school, graduating

1 from high school on time from foster care by 10 percentage
2 points. So they are following a cohort of students and
3 really giving them the support. So when we can really put
4 our arms around the issue, we can definitely make a
5 difference.

6 Some of the things that we see thematically that
7 are happening around the country is that really when
8 agencies are intentionally about finding a new placement
9 for a student that it's in close proximity, that's when
10 they're opening the doors to the collaboration and
11 communication. One of my favorite examples is of a woman
12 who's the Education Director for her county in the State of
13 Florida and she positioned herself to sit right next to
14 placement person. So she knew when placement changes were
15 going to happen for a student and then she could work with
16 him and put up a big map of the school district to do some
17 geo-mapping to find how they could find a placement that
18 was going to be accommodating to their school that they
19 were currently attending. So geo-mapping is certainly one
20 area that folks are using.

21 Creative solutions to transportation issues, it's
22 always the big one that comes up, but utilizing different
23 community groups, family members. In a county in
24 California they were able to work with a group of
25 transportation directors and hired a number of retired taxi

1 drivers who helped provide transportation for students. So
2 they are using creative funding and creative ideas about
3 how to transport children.

4 In Indiana their code states that the issue of
5 transportation be equally shared between schools and child
6 welfare, and so now collaboration has become the norm, as
7 does shared accountability. It's both of their problem to
8 solve equally and that has really helped them move forward
9 on getting some of those things done.

10 So there are also things that can be done when
11 school moves are imminent that we're seeing people really
12 attend to. You've heard about the importance of immediate
13 enrollment. Seventy-two hours definitely seems to be the
14 theme around that issue with leeway for the records
15 transfer, usually up to 30 days that the student is
16 immediately enrolled with or without their records. We're
17 not going to allow the records to hang up that immediate
18 enrollment but then the child welfare needs to make sure
19 that they get those records.

20 We must also recognize credit for school work
21 completed, and you heard how challenging that is to move
22 from one school to another, one school district to another,
23 and it's really the reason why we have such dismal
24 graduation rates for students in foster care because
25 they're moving a lot and the graduation requirements

1 frequently change for them. So, for example, in Kansas
2 there is Senate Bill 23, which requires school districts to
3 issue diplomas to youth in State custody when they meet the
4 minimum State Board education requirements of 21 hours.
5 This was a youth-led effort. Kansas Youth Advisory Council
6 came together and fought very hard to have this law passed
7 because they felt it was so important not to be penalized
8 for something that was happening to them that was not their
9 fault. And AB 167 in California also exempts foster youth
10 who transfer schools.

11 I think one of the most important things we can
12 do around immediate enrollment, though, is trigger a series
13 of events that happens. So when a student in foster care
14 comes into a new school that the school knows about it and
15 that there are a series of events that allows that child to
16 have a smoother transition and for communication to be
17 immediately established between the child welfare
18 department, the school, and the courts so that everyone
19 starts to get on the same page as quickly as possible so
20 that we're not messing around with their lives.

21 So I just want to say in conclusion that school
22 stability is not just about academic achievement. Brittany
23 probably put it best today about how important it is to
24 have that sense of knowing that your friends are going to
25 be there when you wake up in the morning. Sometimes that

1 was the only thing that got one of my kids to school every
2 morning was his friends being there. And so we know that
3 school is not just about the academics, very important part
4 of it but it's not just about that.

5 I think school is often the community of hope.
6 We talk about community of hope at Casey Family Programs,
7 and so many of the young people that I have met who have
8 been successful educationally and life success refer to an
9 educator who has made a difference in their lives and
10 sometimes becomes their forever family, as we even heard
11 this morning. The schoolhouse and the school community is
12 rich with opportunities for young people to find that
13 permanency, to find those connections that are going to be
14 lifelong and meaningful and impactful. So it's not just
15 about the academic achievement; it's an opportunity for
16 them to grow and flourish with all the opportunities that
17 it provides them. And it's the best opportunity to have
18 one piece of their lives that is normalized and can be
19 predictable and safe and, as I said, that place to find
20 their forever family.

21 So thank you so much for the opportunity to be
22 here today. I appreciate and look forward to answering any
23 questions.

24 REPRESENTATIVE MOUL: Thank you, Debbie. We
25 appreciate your testimony. You gave us a lot to think

1 about there.

2 Our final testifier today is Katherine Burdick,
3 Esquire, Equal Justice Works Fellow, Juvenile Law Center,
4 from Philadelphia.

5 MS. BURDICK: Good afternoon.

6 REPRESENTATIVE MOUL: If you could introduce
7 yourself and you may proceed at any time. Thank you.

8 MS. BURDICK: Thank you very much. Good
9 afternoon, everyone. I really appreciate the opportunity
10 to speak with you today about the importance of providing
11 school stability to children and youth who are in foster
12 care.

13 As Representative Moul mentioned, I'm Katherine
14 Burdick. I'm an attorney and an Equal Justice Works Fellow
15 sponsored by the law firm Greenberg Traurig at the Juvenile
16 Law Center. Juvenile Law Center, as many of you know, has
17 been advocating for youth in jeopardy for almost 40 years
18 making it the oldest multi-issue public interest law firm
19 for children in the United States. And we use the law to
20 ensure that youth, particularly those who are involved in
21 the juvenile justice system or the child welfare system,
22 receive fair and developmentally appropriate treatment.

23 We, along with Education Law Center and the
24 American Bar Association Center on Children and the Law,
25 have collaborated to form the Legal Center for Foster Care

1 and Education that Maura mentioned. We are also a founding
2 member of the National Working Group on Foster Care and
3 Education. And through those channels we advocate for
4 better educational outcomes for the children and youth who
5 are in the child welfare system.

6 I did want to mention that the Legal Center has
7 created a comprehensive guide to improving education
8 outcomes for children in care that's called the Blueprint
9 for Change. I've included a cite to it there. It includes
10 8 goals and 56 corresponding benchmarks to improve those
11 outcomes. And because school stability and seamless
12 transitions when youth do need to change schools is so
13 critical to the overall education success of kids in care.
14 The very first Blueprint goal is making sure that children
15 can stay in their same school when in their best interest
16 when feasible, and the second goal is that when they do
17 need to change schools, if that's in their best interest,
18 that the transition be a smooth one. And I invite you to
19 visit FosterCareAndEducation.org for more resources or to
20 reach out to us if we can provide more information about
21 the Blueprint and best practices around the country.

22 So we know that children unfortunately in our
23 Commonwealth are bouncing between living placements and
24 frequently changing schools when they do. As my colleagues
25 have already gone over today, the statistics are very clear

1 that changing schools is detrimental to the education
2 success of children in care, whereas stability in general
3 can dramatically improve the chance of being able to
4 graduate from high school.

5 I won't go over all those statistics but I do
6 reference again the National Working Group's data sheet
7 that Maura attached to her testimony. That is an excellent
8 compilation of these facts. And I encourage you to
9 recognize I think, as Brittany so artfully highlighted
10 today, there are real individuals behind these statistics.
11 We really need to keep in mind that these are actual
12 children that we're talking about when we cite these very
13 dramatic pieces of facts.

14 And I did want to go over the fact that changing
15 schools leads to a host of collateral obstacles to school
16 success. Enrollment is often delayed when a child is
17 forced to change to a new school. I've heard of cases
18 where children have been out of school for months in
19 between those two schools. In addition, records may be
20 lost or delayed entirely.

21 I was recently speaking with one young woman who
22 was eligible for special education services and when she
23 changed schools, her IEP did not go with her, and so she
24 was in the wrong courses for months before her records
25 finally arrived and were reviewed and everyone realized,

1 oh, wait, she has an IEP with a plan that we need to be
2 followed. She should be in a completely different course
3 of instruction.

4 Finally, as Debbie just mentioned, a chronic
5 problem for highly mobile youth is the loss of academic
6 credit. Students who are changing schools mid-term often
7 receive no credit for work done in the first part of the
8 semester, and if you have your records lost or the
9 curriculum does not align between your two schools, that
10 typically further compounds this problem. And
11 unfortunately, it's common for students who are in care to
12 have to retake courses. I can remember quite vividly one
13 student who complained of having to take home a fake baby
14 three different times for her child development class
15 because every school she went to didn't give her credit for
16 that course that she had taken in her previous districts.

17 Another student that I spoke to recently had
18 taken Spanish I at one schools, changed to the second
19 school, taken Spanish II, aced it, but because the second
20 school had lost the records from the first school stating
21 she took Spanish I and the second school required two
22 language courses in order to graduate, she had to take
23 Spanish I at the second school even though she had both
24 already taken Spanish I and already taken and aced Spanish
25 II. So that's a completely ridiculous scenario and a waste

1 of her time.

2 And unfortunately, many youth, especially older
3 youth, get very frustrated understandably about having to
4 retake these courses or perhaps be in classes with peers
5 who are much younger than they are and tend to look towards
6 getting a GED or dropping out entirely rather than waste
7 their time and go through this hamster roll where they're
8 getting nowhere in school.

9 And I do want to highlight the fact that frequent
10 school moves can also have devastating effects on the
11 overall well-being of the child. I think Brittany's story
12 portrays this really accurately, and unfortunately, her
13 comments echo what we're hearing from students all over the
14 Commonwealth. Changing schools causes greater stress and
15 social anxiety that can affect the child for their entire
16 lives. As Brittany mentioned, she felt so distracted about
17 not fitting in at school and feeling like there were new
18 people always around. Just when she would start to feel
19 comfortable, she would have to move again. She was having
20 to repeat her story over and over. I've heard those exact
21 words from other youth I've talked to.

22 Always being the new kid, missing out on those
23 normal teen experiences like extracurricular activities or
24 going to the prom, that has devastating impact on youth who
25 are in care in particular. One student who I talked to who

1 went to four or five different schools said, again, she
2 didn't feel like repeating her story and she found little
3 reason to make friends because she knew she was going to be
4 moving again. She felt like people were spreading rumors
5 about her at her school. Another student said she felt
6 judged for being in a group home and she said it was very
7 hard to focus on getting good grades when she was worried
8 about when's the next time she's going to have to move.

9 I want to share the story of a young woman named
10 Annika who had attended 11 schools after she entered care
11 at age six, only two of which she attended for more than a
12 year. She also noted that she had trouble making friends.
13 She lied often about being in care to try to gain
14 acceptance. At one school she was bullied but she didn't
15 speak up because she didn't have an adult that she felt
16 comfortable with that she could share that information.
17 She noted that she still had trouble forming long-term
18 relationships because she had to change so much in her
19 early years.

20 And as Representative Toohil mentioned, there's
21 often no comfort zone for these children. We can make
22 school the comfort zone for them if we can create a stable
23 experience. So many youth who do have a tumultuous home
24 life point to consistency at school as the saving grace
25 that allowed them to stay on track to graduating and

1 despite the onslaught of challenges they face outside the
2 classroom.

3 I'll try to be as brief as possible here. I do
4 just want to tell you the positive side of this young woman
5 Annika, who I just mentioned. When she was finally able to
6 stay in the same school in the end of her high school
7 education, she finally did develop those close friendships
8 that she says she still maintains now and close
9 relationships with adults in the school and that that
10 really helped her stay on track to graduate. And she gave
11 some specific reasons why.

12 When she moved to a supervised independent living
13 apartment when she was 17, her English teacher sat her
14 down, explained the importance of staying in school and
15 focused despite the fact that she was now going to be
16 experiencing all this independence at home, and the same
17 teacher actually sent her text messages in the morning to
18 make sure she got up on time, lent her her own personal
19 computer so that Annika could finish her senior project on
20 time, and Annika was able to graduate and then started
21 community college in Philadelphia. So she's one of our
22 success stories because she had that stability.

23 Because of the importance of school stability for
24 youth in care, Juvenile Law Center strongly supports the
25 proposed legislation and commends the Committee for

1 thinking about this issue. We, like my colleagues today,
2 do have a couple of suggestions for ways that the
3 legislation could become even stronger or more clear. As
4 Joan mentioned, we would also eliminate the reasonableness
5 of travel time and whether or not a school placement is
6 impractical as considerations in what school the child
7 would attend and keep the inquiry focused specifically on
8 the child's well-being.

9 And in HB 569 I note that you have considered the
10 wishes of the parents in deciding which school the child
11 will attend. We strongly support that. We would revise
12 that language slightly to include other adults who may be
13 authorized as educational decision-makers for the child.
14 Our Juvenile Court procedural rules allow the court to
15 appoint someone different to make the education decisions
16 for the child. There are also, under the Individuals with
17 Disabilities Education Act, other people such as a foster
18 parent who, in certain situations, may be authorized to
19 make decisions for the child. So we just would want that
20 language to be flexible. And we of course are very
21 supportive of the fact that the child's input will be
22 considered in deciding what school is best for the child as
23 well.

24 As Maura mentioned, we agree that the bill should
25 be clarified to ensure that when a child does need to

1 change schools, that they be enrolled the next business
2 day. Currently, the language is no later than five
3 business days, which is included in our current regulation
4 but doesn't have the aspect that it should occur the next
5 business day. And that's also consistent with Fostering
6 Connections, which requires immediate enrollment when a
7 child does need to change schools.

8 We also would add a provision that requires the
9 child welfare agency, consistent with Fostering
10 Connections, to maintain up-to-date education records for
11 the child. We have found that that's very, very important
12 for child welfare to have that information to help ease
13 these transitions and be able to immediately provide the
14 enrollment documents and the IEP, make sure that the child
15 is in the right courses, getting credit for courses. If
16 they have all of that, it just makes everything go so much
17 more smoothly.

18 As others have emphasized, we also agree that
19 these bills alone cannot create the complete robust right
20 to a consistent school that these children need, and we
21 would support amending the School Code as well to ensure
22 that school districts and charter schools are equal
23 partners in ensuring school stability. We frequently hear
24 from child advocates and child welfare caseworkers who've
25 attempted to maintain a child in their same school but have

1 gotten pushback from the school district. And that may be
2 from the school district's misunderstanding of residency
3 requirements or confusion about how to seek reimbursement,
4 but as Lucy mentioned, we really do need to create clear
5 guidelines to schools so they know that they are equal
6 partners in making school stability a reality.

7 There are a number of other changes that we would
8 also put into the School Code: requiring immediate
9 enrollment, as I mentioned; making sure that school records
10 accompany the student and are reviewed by a point of
11 contact when the student does have to change schools. And
12 we would want that point of contact to sit down with the
13 student, go over the records, make sure that they're in the
14 right courses and on track to graduate and meet the
15 requirements of the new district.

16 We support having alternative methods for earning
17 credit so that if a child may not have the right credits
18 because of their situation that there be another way
19 through credit recovery or perhaps getting credit for a
20 work experience, something more flexible to make sure that
21 they can come up to the level that they're supposed to be
22 at.

23 And finally, we support what Maura mentioned
24 earlier about having a statewide diploma available for
25 students who may meet State standards but not a specific

1 requirement for a district that they just happen to end up
2 in last.

3 I would also like to comment briefly on
4 transportation. Although transportation costs are not
5 supposed to be a factor in determining the best interest of
6 the child and where they should go to school, it is of
7 course often the key to making school stability a reality.
8 And we would support that the child welfare agency be
9 required to pay for transportation unless there's another
10 agreement in place either by State or local entities or if
11 a new law is passed that would require schools to pay.

12 But I do want to say that, importantly, there
13 will be many students who can attain school stability
14 without needing transportation to be paid for either
15 because those students are staying living in the school
16 district where they were previously going to school or they
17 have completed high school already or have a GED or if
18 they're in cyber-school or they remained at home in the
19 first place, and then there of course will be students who
20 need to change schools and that it's in their best interest
21 to change schools. So this doesn't affect all students who
22 are in foster care.

23 And there are low-cost ways to provide
24 transportation in many situations by being creative and the
25 ability to draw down IV-E dollars or use other funds to

1 support transportation. I do want to say that this is
2 attainable. Other places are doing this around the
3 country, as Debbie mentioned. I've provided a few cursory
4 summaries in my testimony and I would be happy to serve as
5 a resource. I highlight the Legal Center for Foster Care
6 and Education's Transportation Brief on that topic.

7 But there are number of ways that this is being
8 handled. For example, Butte County in California, they are
9 drawing down funds and then sharing costs among five
10 different entities. In San Diego it's the two school
11 districts that are handling the cost. In Virginia it's
12 just child welfare. We just urge you to be clear about how
13 transportation will be provided when you are considering
14 amending the legislation to make sure that school stability
15 doesn't get tripped up simply because transportation is not
16 being provided.

17 In conclusion, I hope I'm still okay within my
18 time, I just want to thank you again for considering this
19 topic and to all the speakers who have gone before me for
20 their very insightful comments on this. A positive school
21 experience is often the beacon that can light the path to
22 transitioning to a successful self-sufficient adult, and we
23 owe it to these children to give them a positive school
24 experience, and it's really in the best interest of the
25 Commonwealth as well to make sure that these students have

1 the access to education that they deserve.

2 So thank you very much.

3 REPRESENTATIVE MOUL: Thank you, Katherine. We
4 appreciate it. I am sure that there's going to be a few
5 questions. I now have a plethora of information packed in
6 here. I'm surprised I'm not going to go hunt for a hat
7 with a chimney on it this afternoon. But being that this
8 is Representative Toohil's bill that we've referred to, I'm
9 going to defer to you to start the questioning today.

10 REPRESENTATIVE TOOHL: Thank you, Mr. Chairman.

11 I do have a lot of questions and I don't know --
12 it's so multifaceted since we're dealing with the welfare
13 code, the education code, and Title 42, so I don't know if
14 at some point -- plus we need the other legislators to be
15 at the table -- that with Representative Brown and myself
16 and the key players that have partnered here today, that
17 perhaps we'll be able to do some sort of a workgroup where
18 we sit down with both of our Executive Directors and
19 perhaps the Chairwomen will allow us to do that because
20 we're going to have to go through the papers and the
21 wording because there really are just so many questions and
22 so much that needs to be edited and changed. The Education
23 Committee has another standalone bill on that three-legged
24 stool that you referenced. So I would even withhold my
25 questions to do some sort of workgroup.

1 I just want to thank Brittany. You are a star of
2 the day. You were amazing and I'm very proud that I
3 represent you and that you live in my district and that you
4 have a forever home in my district.

5 And I do want to thank all of the partners that
6 came here today with their testimony because I can tell
7 that you do care about your jobs and it's not just all
8 these statistics that you're talking about, that you really
9 do care about those children. So thank you for your jobs
10 in social work because I know that it's very, very hard and
11 disheartening at times. So thank you all for that. That's
12 basically it.

13 REPRESENTATIVE MOUL: Representative Brown.

14 REPRESENTATIVE BROWN: Thank you all for your
15 testimony.

16 And I think Representative Toohil is absolutely
17 correct because with all the testimony that you gave, we
18 have a tremendous amount of information, so thank you very
19 much for being here. I apologize that I was late. I was
20 actually in another Committee hearing for Education as
21 well. So everything does tie together and we're working on
22 definitely supporting our children and out youth and making
23 sure that they are getting the right services and we're
24 doing things correctly.

25 And, Brittany, just tremendous testimony and

1 really puts the face on it for everyone and it makes us
2 feel very good as legislators to know that we are doing
3 something that will make a difference. And that is why
4 we're here. That's why our positions are here. So I think
5 you. And, Mom, thank you very much as well.

6 Michele, I want to thank you for coming from
7 Monroe County. We appreciate having you here as well. And
8 I will have a lot of questions that we can garner.

9 And I thank the Children and Youth Committee for
10 all their work and the staff as well. Thank you very much.

11 REPRESENTATIVE MOUL: And Chairman Bishop.

12 MINORITY CHAIRWOMAN BISHOP: Thank you very much.
13 I would like to begin by certainly thanking all of those
14 who have testified this morning because you have brought a
15 wealth of additional information.

16 I would like to thank Representative Toohil
17 because she's been very active on this subject for agreeing
18 that we should all come together for some kind of workshop
19 so that we can address some of the things that we heard
20 that we were not, many of us, aware of this morning. So I
21 think it is proper, fitting, and overdue that we get
22 together with a workgroup.

23 And certainly this bill is due, work on how we
24 can improve it, intertwine some of the information we got
25 today because all of us are here for the same reason: the

1 protection of our children. That is the most important
2 thing that we can do as legislators. And we want to get it
3 right so that when it becomes in law, we know that we have
4 done the job, the best job that we could do and our
5 children are going to benefit from it.

6 So thank you so much.

7 REPRESENTATIVE MOUL: Thank you, Chairwoman
8 Bishop.

9 I also want to echo what my colleagues have said
10 here. This issue is going to require quite a bit of
11 roundtable discussion. I've got at least 50 questions I've
12 written down during all the different testimonies. In the
13 interest of time I certainly can't ask them and get
14 answers, so if you'd all be kind enough in the future to
15 let us lean on you for your expertise. And I'm going to
16 see a bunch of heads please go up and down saying yes
17 because this is such an important issue.

18 Brittany, I agree; you're the rock star today. I
19 can tell you that you've got a bright future in front of
20 you. Any young lady of your stature that's willing to sit
21 in front of all these older people dressed in suits and
22 ties and things and spit it out the way you did, I am sure
23 you will do fine in life and thank you for being our
24 shining star today.

25 We're going to be asking questions that will

1 require hours and hours and hours of debate, simple
2 questions like how far is reasonable to transport a child?
3 When that question comes out among all the questions that
4 we have, just getting that determined and then who pays for
5 it, we've got a lot of work ahead of us, not to mention the
6 liaisons from Children and Youth and the schools. How
7 involved will the courts be in every decision that gets
8 made? Of course we want them involved but do they have
9 time to be involved? Can decisions be made sometimes if
10 there's an agreement in all the parties? How much
11 influence does the actual child have in what happens to
12 their future? Are we going to consider that?

13 All these questions which I've just scratched the
14 surface we will spend hours and hours and hours, and
15 hopefully you all will be part of getting to a resolve on
16 that.

17 With that, I want to say thank you, and this
18 hearing of the Children and Youth Committee is now
19 complete.

20
21 (The hearing concluded at 12:45 p.m.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

5
6
7 Christy Snyder

8 Transcriptionist

9 Diaz Data Services, LLC