



**TESTIMONY ON HOUSE BILLS 569 AND 973  
EDUCATIONAL STABILITY**

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**HOUSE CHILDREN AND YOUTH COMMITTEE  
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Good Morning. My name is Katherine Fitz-Patrick, and I am Deputy General Counsel with the Pennsylvania School Boards Association (PSBA). On behalf of PSBA, I would like to thank the committee for providing PSBA with the opportunity to give testimony on House Bills 569 and 973. PSBA is a nonprofit statewide association representing the 4,500 elected officials who govern the commonwealth's public school districts. PSBA is a membership-driven organization, pledged to the highest ideals of local lay leadership for public schools and working to support reform for the betterment of public education that prepares students to be productive citizens, and promote the achievements of public schools, students and local school boards.

### **Background**

For over two years now, I have participated in a workgroup devoted to educational stability and success of children in foster care and successful implementation of the Fostering Connections to Success and Increasing Adoptions Act in Pennsylvania on behalf of our members. The workgroup is comprised of stakeholders from the courts, child welfare, education, and others, and is a subgroup of the Educational Success and Truancy Prevention Workgroup. PSBA and the workgroup recognize that the Fostering Connections Act places the responsibility on child welfare agencies for ensuring the educational stability of children in foster care. PSBA believes strongly that involvement is also needed by the courts and by the schools. In addition to collaboration among the systems, legislative changes and/or departmental guidance targeted to the identified systems is needed to provide a clearer delineation of rights and responsibilities.

### **House Bills 569 and 973 Concerns**

PSBA applauds Representatives Toohil and Brown for their dedication to this issue and for introducing these important bills. PSBA recognizes the importance of educational stability and success of children in foster care and the possibility of changes to state law and regulations to successfully implement the Fostering Connections Act. However, we do have several concerns with how the proposed changes in House Bills 569 and 973 will impact current law and the ability of public school districts to serve children seeking enrollment. The specific concerns that I will address today relate to clarity and consistency with existing School Code provisions. Our experience has been that public policy implemented in the school environment is most effective when the legislation clearly communicates the obligations of school districts and resolves conflicts in statutory language that might frustrate the laudable goal of promoting educational stability for the children of Pennsylvania.

Although House Bill 569 amends the Juvenile Act and House Bill 973 amends the Public Welfare Code, both bills address residency - the right of students to attend school in a particular school district. Article XIII of the Pennsylvania Public School Code, 24 PS § 13-1301 *et seq.*, and Chapter 11 of the State Board of Education Regulations, 22 Pa. Code § 11, promulgated under Section 2603-B of the School Code, govern student attendance. Section 13-1305 of the School Code already addresses non-resident children placed in the home of a resident, and is applicable to foster students. The language in both of these bills conflicts with the language in § 13-1305, altering residency and making it unclear to school districts and administrators where a child has the right to attend school. The language is unclear, in that, when the county agency determines that remaining in the current school is impractical or poses a safety concern, it is unclear where the student has the right to attend. Because the language in the bills may create confusion resulting in unnecessary delays for students seeking enrollment, the Fostering Connections implementation issues related to student residency and other school related issues should be addressed in the School Code, and not in the Public Welfare Code or the Juvenile Act.

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

In addition to these overall concerns, we have a couple of concerns related to specific provisions.

- House Bill 973, Section 1303-B(2)(ii). The first sentence comes directly from the Fostering Connections Act, and the remaining sentences come from the Pennsylvania State Board of Education Regulations. Thus, the language first directs the local education agency to provide immediate and appropriate enrollment, and then goes on to provide time frames for enrollment and transfer of records. In order to help with consistency and avoid any unnecessary conflict over whether or not the provisions conflict with the School Code or the State Board of Education Regulations, PSBA recommends the language be amended as follows.

- (ii) if remaining in such school is not in the best interest of the child, assurances by the county agency and the local educational agency to provide immediate and appropriate enrollment in a new school. Enrollment in a new school shall be done in accordance with the Pennsylvania Public School Code and the State Board of Education Regulations.
- House Bill 973, Section 1304-B. This provision is unnecessary if it is clear where a child has a right to attend school. Thus, PSBA recommends that instead of including language in the Public Welfare Code related to refusal of students, language be added to the School Code to provide residency and enrollment rights to students in foster care who are not already covered under the School Code, if necessary, to ensure educational stability by making clear where a child has a right to attend school.
- House Bill 973, Section 1305-B(2). It is not clear what is meant by the phrase “no additional cost to the school district,” and how this would be determined or calculated by the school district.
- House Bill 973, Section 1306-B. This provision regarding school district subsidies should be addressed in the School Code, and at the very least, it should be consistent with the language in the School Code.

## **Conclusion**

In summary, although PSBA has concerns about the impact these bills will have on the School Code’s residency requirements and calculation of subsidies, PSBA supports efforts to improve the educational outcomes for children in foster care through legislation or departmental guidance related to educational stability. In that spirit, PSBA will continue to work closely with the Truancy Prevention and Educational Success Workgroup and we look forward to working with this committee and the rest of the Legislature on this important issue for the children of Pennsylvania.

PSBA thanks the committee for the opportunity to provide comments and for the consideration of our concerns. At this time, I would be happy to answer any questions from the members of the Committee.