

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1514 Session of 2014

INTRODUCED BY BROWNE, NOVEMBER 12, 2014

REFERRED TO EDUCATION, NOVEMBER 12, 2014

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
 2 act relating to the public school system, including certain
 3 provisions applicable as well to private and parochial
 4 schools; amending, revising, consolidating and changing the
 5 laws relating thereto," in pupils and attendance, further
 6 providing for definitions and providing for children who are
 7 homeless or in dependent care, for free transportation for
 8 certain children and for timely graduation after experiencing
 9 an educational disruption.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. Section 1326 of the act of March 10, 1949
 13 (P.L.30, No.14), known as the Public School Code of 1949, is
 14 amended to read:

15 Section 1326. Definitions.--The term "child in foster care"
 16 shall mean any of the following:

17 (1) An individual who meets the definition of "dependent
 18 child" under 42 Pa.C.S. § 6302 (relating to definitions) and is
 19 in placement consistent with 42 Pa.C.S. § 6351 (relating to
 20 disposition of dependent child).

21 (2) A child voluntarily placed pursuant to an entrustment
 22 agreement.

1 The term "compulsory school age," as hereinafter used, shall
2 mean the period of a child's life from the time the child's
3 parents elect to have the child enter school, which shall be not
4 later than at the age of eight (8) years, until the age of
5 seventeen (17) years. The term shall not include any child who
6 holds a certificate of graduation from a regularly accredited
7 senior high school.

8 The term "homeless" shall mean an individual who meets the
9 definition of "homeless" in section 103 of the McKinney-Vento
10 Homeless Assistance Act (Public Law 100-77, 101 Stat. 482).

11 The term "migratory child," wherever used in this subdivision
12 of this article, shall include any child domiciled temporarily
13 in any school district for the purpose of seasonal employment,
14 but not acquiring residence therein, and any child accompanying
15 his parent or guardian who is so domiciled.

16 The term "school stability" shall mean that a child in foster
17 care is entitled to attend any of the following:

18 (1) The school the child attended in foster care currently
19 attends.

20 (2) The school the child attended when initially placed by
21 the county children and youth agency.

22 (3) If determined by a court to be in the child's best
23 interest, another school that the child attended prior to or
24 while in foster care within the immediately preceding fifteen
25 (15) months and with which the child has a substantial
26 connection.

27 The term "student experiencing an education disruption" shall
28 mean an individual attending grades six (6) through twelve (12)
29 who during these school years does any of the following:

30 (1) Experiences one or more school changes as a result of

1 being:

2 (i) Homeless as defined by the McKinney-Vento Homeless
3 Assistance Act (Public Law 100-77, 101 Stat. 482).

4 (ii) Adjudicated dependent or delinquent.

5 (iii) A migratory child.

6 (iv) Hospitalized.

7 (v) Placed in a children's institution as referred to in
8 section 1306.

9 (2) Misses thirty (30) consecutive days of school during a
10 school year.

11 Section 2. The act is amended by adding sections to read:

12 Section 1327.2. Children Who are Experiencing Homelessness
13 or in Dependent Care.--(a) A child who is homeless shall be
14 entitled to continued enrollment in the child's school of origin
15 in accordance with the McKinney-Vento Homeless Assistance Act
16 (Public Law 100-77, 101 Stat. 482) unless continued enrollment
17 is not in the child's best interest. If continued enrollment is
18 not in the child's best interest, the child shall be immediately
19 enrolled in the child's new school whether or not the required
20 documents for enrollment can be provided.

21 (b) A child in foster care who is placed in a new school
22 district or school attendance area shall be entitled to school
23 stability unless it is not in the child's best interest. If
24 continued enrollment is not in the child's best interest as
25 determined by the child welfare agency or the court, the new
26 school shall immediately enroll the child in the child's new
27 school even if the child cannot provide the documentation
28 normally required for school enrollment, and the child's former
29 school shall provide the child's school record to the child's
30 new school within ten (10) days of the child's enrollment in a

1 new school.

2 Section 1331.1. Free Transportation for Certain Children.--

3 (a) A child experiencing homelessness or awaiting foster care
4 shall be entitled to free transportation to the child's school
5 of origin in accordance with the McKinney-Vento Homeless
6 Assistance Act (Public Law 100-77, 101 Stat. 482). The
7 transportation service shall be arranged and provided either by
8 the school district in which the child is living or the district
9 where the child is attending school. If there is a disagreement
10 between the two school districts regarding which district pays
11 for or arranges the transportation, the cost of transportation
12 shall be evenly divided and the school district in which the
13 child is enrolling shall be responsible for arranging the
14 transportation. A child alleging to be homeless shall be
15 entitled to remain in the same school pending full resolution of
16 a dispute in accordance with the McKinney-Vento Homeless
17 Assistance Act.

18 (b) A child in foster care who does not qualify as homeless
19 under the McKinney-Vento Homeless Assistance Act shall be
20 entitled to receive transportation to obtain school stability if
21 attending the stable school is in the child's best interest.
22 Transportation required for school stability shall be provided
23 in a manner consistent with an agreement between the applicable
24 county children and youth agency and the school district in
25 which the school the child will be attending or will be enrolled
26 is located. If the school district and county children and youth
27 agency do not have an agreement, or if there is a dispute
28 between the parties, the following shall apply:

29 (1) Except as set forth in clause (2), transportation shall
30 generally be provided by the county children and youth agency.

1 (2) If transportation can be provided at no or minimal cost
2 by the school district where the child attends school or where
3 the child resides, then the school district shall provide
4 transportation.

5 (3) Transportation shall be provided immediately.

6 Section 1331.2. Timely Graduation After Experiencing
7 Educational Disruption.--(a) Each student experiencing an
8 educational disruption shall be assigned a person who shall
9 serve as a point of contact at the school for that child. A
10 school counselor, home and school visitor, social worker,
11 teacher or administrator or other appropriate school staff may
12 serve as the point of contact under this section. The person
13 shall be noted in the child's school record and notice shall be
14 sent to the parent or guardian. The point of contact shall:

15 (1) Assist the student in determining appropriate classroom
16 placement.

17 (2) Evaluate credits needed to graduate.

18 (3) Help obtain access to school services, including
19 extracurricular activities.

20 (4) Serve as coordinator in developing and implementing a
21 graduation plan.

22 (b) As soon as practicable, but no later than thirty (30)
23 days from the date the student experiencing an educational
24 disruption begins attending a new school, the point of contact
25 shall coordinate the development of a graduation plan. The point
26 of contact shall collaborate with the student and the student's
27 parent, guardian or other legally authorized educational
28 decision maker unless the student is emancipated. The student,
29 school district and the parent, guardian or other legally
30 authorized educational decision maker shall be permitted to

1 invite additional participants, including a representative from
2 the student's previous school, the child's attorney or a county
3 children and youth agency. In developing the graduation plan,
4 the school district shall make every effort to allow the student
5 to graduate within four (4) years. The graduation plan shall
6 include the following components:

7 (1) A summary of all current full or partial credits earned
8 by the student at a prior school or educational program. The
9 summary shall also list each course the student will be required
10 to complete to receive a high school diploma.

11 (2) The graduation plan shall include a list of each course
12 that the student's new school district acknowledges the student
13 has already completed in whole or in part. A student may receive
14 credit for a course for any of the following reasons:

15 (i) The student has completed a course which is
16 substantially similar at a prior school.

17 (ii) The student has submitted written work in compliance
18 with standards established by the school district.

19 (iii) The student has satisfactorily completed one or more
20 tests reflecting mastery of the subject matter.

21 (iv) The student has completed relevant work or vocational
22 experience.

23 (v) For another reason as determined by the school district.

24 (3) When the student will not otherwise graduate from high
25 school within four (4) years, a waiver may be granted in
26 accordance with the following:

27 (i) The chief school administrator shall review the
28 student's records to determine whether a waiver from one or more
29 mandatory courses should be requested from the Secretary of
30 Education.

1 (ii) The school district shall identify one or more courses
2 otherwise required by the district for graduation that the
3 district is willing to waive for the student.

4 (4) The school district shall outline the steps the student
5 can take to complete courses by any of the following:

6 (i) Participating in a credit recovery program, including a
7 computer-based program.

8 (ii) Submitting written work.

9 (iii) Completing a test demonstrating mastery of the subject
10 matter or skill taught in the course.

11 (iv) Completing relevant work or vocational experience.

12 (v) Through other means as determined by the school
13 district.

14 (c) Each school district shall make the following services
15 available to a student:

16 (1) A computer-based or after-school credit recovery program
17 with teacher oversight provided by a school district or
18 intermediate unit.

19 (2) A checklist of remedial and the other support service
20 needs of the student and a method for meeting the remedial
21 needs, including access to services that will promote a
22 successful transition to the new school and are required to meet
23 State academic requirements.

24 (3) The student shall have equal access to participate in a
25 sport, extracurricular activity and vocational or other special
26 program.

27 (d) After exhausting all other options under this section, a
28 student who meets the State graduation standards under section
29 1613, but who cannot obtain a school district-issued diploma
30 from the school the student last attended, shall be entitled to

1 a diploma issued by the Department of Education based on a
2 review of the student's education record submitted by the school
3 district to the Department of Education, and to participate in
4 graduation ceremonies of the school district where the student
5 most recently attended school. A school district must assist any
6 student in applying to the department for a State-issued diploma
7 by compiling requisite education records and facilitating the
8 application process.

9 Section 3. This act shall take effect in 60 days.