

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 453 Session of 2015

INTRODUCED BY HICKERNELL, COHEN, MENTZER, MURT, TOOHL AND ZIMMERMAN, FEBRUARY 17, 2015

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 17, 2015

AN ACT

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

9 The General Assembly finds and declares as follows:

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

12 (1) Children who live in substitute care are abused and  
 13 neglected individuals for whom the State has assumed parental  
 14 responsibility. Although foster care is designed to reunite  
 15 those children when appropriate with their parents, or place  
 16 those children with an adoptive family, many children are  
 17 neither reunited with their families nor adopted. Many of the  
 18 youth who grow up in the system leave unprepared to sustain  
 19 themselves independently. As a result, a disproportionate  
 20 number of former foster youth are homeless, dependent on  
 21 public assistance and unemployed. They are much less likely

1 to enter and complete college than their peers.

2 (2) Nationally and in Pennsylvania, supporting  
3 postsecondary aspirations of citizens results in a great  
4 benefit to individuals and society. In this Commonwealth,  
5 individuals who pursue postsecondary education on average  
6 earn incomes that are two times that of a high school  
7 graduate and over three times higher than an individual  
8 without a high school diploma. In 2003, only 3.3% of  
9 individuals with a bachelor's degree were unemployed and less  
10 than 1% of these individuals relied on any form of public  
11 assistance.

12 (3) In this Commonwealth, there are more than 22,000  
13 youth in foster care. Each year more than 1,000 age out of  
14 foster care.

15 (4) Only 50% of foster youth graduate from high school,  
16 compared to 70% of their peers.

17 (5) While more than 60% of high school graduates enter  
18 college each year, less than 20% of foster youth in this  
19 Commonwealth enroll in college.

20 (6) While the foster youth college enrollment rate is  
21 extremely low, the college drop-out rate for foster youth is  
22 extremely high. Studies show that while few former foster  
23 youth enroll in college, even fewer go on to earn a degree.  
24 One of the critical hurdles for this student population to  
25 overcome is finding the necessary financial resources for  
26 education.

27 (7) Emancipated foster youth, who do not have parents to  
28 rely on for support and guidance, suffer unique disadvantages  
29 compared with other students. While many students are  
30 preoccupied with academic pressures, the primary concerns

1 cited by foster youth are the absence of family support and  
2 the fear of not having any place to go on holidays and school  
3 breaks. Emancipated foster youth need emotional support and  
4 specialized resources from sensitive university staff who  
5 understand the circumstances and pressing needs of foster  
6 youth so that they can successfully complete postsecondary  
7 education programs.

8 (8) In Pennsylvania in 2004, of the youth between the  
9 ages of 16 and 21 who were discharged from the child welfare  
10 system, only 77 were adopted. Approximately 4,000 youth in  
11 the child welfare system are still waiting to be adopted.  
12 Many families cite the loss of postsecondary educational  
13 benefits to youth as a barrier to adoption. Youth who are  
14 adopted out of the foster care system face many of the  
15 challenges of emancipated foster youth. While they have found  
16 permanency through a family, they struggle with barriers to  
17 college enrollment and retention. These youth should not have  
18 to choose between a family and postsecondary education. By  
19 supporting youth adopted out of foster care in pursuing  
20 postsecondary educational goals, we provide an incentive to  
21 the adoption of youth from the foster care system.

22 (b) Declaration.--The General Assembly finds that youth  
23 emancipated from foster care and adopted from the foster care  
24 system face significant and unique barriers to pursuing higher  
25 education and attaining their full educational capability. To  
26 effectively combat the forces that prevent these youth from  
27 pursuing and completing postsecondary programs, the General  
28 Assembly declares that programs must be created to provide  
29 targeted outreach to foster youth and youth adopted from the  
30 foster care system to encourage college attendance, to assist

1 them in applying for college admission, to assist in their  
2 retention in college and to provide financial assistance to pay  
3 for college.

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

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

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

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

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

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

21 Section 1. Short title.

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

24 Section 2. Definitions.

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

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

30 "Agency." The Pennsylvania Higher Education Assistance

1 Agency.

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

4 "Dependent child." The term as defined under 42 Pa.C.S. §  
5 6302 (relating to definitions).

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

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

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

17 Section 3. Tuition waiver.

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

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

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

30 (1) Be at least 16 years of age but under 23 years of

1 age and be in or have been in substitute care for no less  
2 than 30 days, including any of the following:

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

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

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

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

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

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

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

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

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

27 Section 4. Outreach.

28 (a) Duties of Department of Human Services.--The Department  
29 of Human Services, in conjunction with the Department of  
30 Education, shall do all of the following:

1 (1) Prepare information to be disseminated by county  
2 agencies and the Department of Education that describes the  
3 availability of the program established under this act.

4 (2) Ensure that identified emancipated foster youth are  
5 informed of services and programs under section 1738-E of the  
6 act of April 9, 1929 (P.L.343, No.176), known as The Fiscal  
7 Code.

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

11 (1) Assist the Department of Human Services and the  
12 Department of Education in the preparation of information  
13 that describes the availability of the program established  
14 under this act.

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

18 Section 5. Retention.

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

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

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

28 (3) Annually review and identify impediments to  
29 retaining eligible students, including housing for those  
30 emancipated youth living in college dormitories.

1 Section 6. Report.

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

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

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

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

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

16 Section 7. Effective date.

17 This act shall take effect in 60 days.