

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1828 Session of
2015

INTRODUCED BY LEWIS, TOOHIL, BULLOCK, PICKETT, DEAN, MURT, WARD,
HEFFLEY, STEPHENS, YOUNGBLOOD, ACOSTA, THOMAS, WATSON,
V. BROWN, SAYLOR, JOZWIAK, ROSS, A. HARRIS, NEILSON,
ZIMMERMAN AND STURLA, FEBRUARY 5, 2016

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 5, 2016

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 points of contact and timely
9 graduation after experiencing 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 by adding definitions to read:

15 Section 1326. Definitions.--The term "child in foster care,"
16 wherever used in this subdivision of this article, shall mean
17 any of the following:

18 (1) A child who is in the care and responsibility of the
19 Commonwealth and placed in foster care as defined in 45 CFR
20 1355.20 (relating to definitions) pursuant to 42 Pa.C.S. § 6351

1 (relating to disposition of dependent child) or 6352(a)(1)
2 (relating to disposition of delinquent child).

3 (2) A child placed pursuant to a voluntary placement
4 agreement under 55 Pa. Code § 3130.65 (relating to voluntary
5 placement agreement).

6 * * *

7 The term "local education agency," wherever used in this
8 subdivision of this article, shall be as defined in section
9 220(c).

10 * * *

11 The term "school stability," wherever used in this
12 subdivision of this article, shall mean that a child in foster
13 care is entitled to attend the following:

14 (1) The school the child currently attends.

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

17 (3) For a child completing the last grade of an elementary
18 or middle school, the designated receiving school of the child
19 for the next grade level.

20 The term "student experiencing an educational disruption,"
21 wherever used in this subdivision of this article, shall mean a
22 student who experiences one or more school changes as a result
23 of being:

24 (1) Homeless as defined by the McKinney-Vento Homeless
25 Assistance Act (Public Law 100-77, 101 Stat. 482).

26 (2) Adjudicated dependent or delinquent.

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

28 Section 1327.2. Children Who are Experiencing Homelessness
29 or in Dependent Care.--(a) A child who is homeless shall be
30 entitled to continued enrollment in the child's school of origin

1 in accordance with the McKinney-Vento Homeless Assistance Act
2 (Public Law 100-77, 101 Stat. 482) unless continued enrollment
3 is not in the child's best interest. If continued enrollment is
4 not in the child's best interest, the child shall be immediately
5 enrolled in the child's new school whether or not the required
6 documents for enrollment can be provided.

7 (b) A child in foster care who is placed in a new school
8 district or school attendance area shall be entitled to school
9 stability throughout the time the child is in foster care and
10 for the remainder of the school year in which the court
11 terminates jurisdiction unless school stability is not in the
12 child's best interest as determined by the child welfare agency
13 or the court. If continued enrollment is not in the child's best
14 interest, the new school shall immediately enroll the child even
15 if the child cannot provide the documentation, including
16 immunization and proof of residency documents, normally required
17 for school enrollment. The child's enrolling school shall
18 immediately contact the school last attended by the child to
19 obtain relevant academic and other records, which shall be
20 provided to the enrolling school district within ten (10) days
21 of the notification.

22 (c) The provisions of this section shall apply to all local
23 education agencies, and no local education agency shall refuse
24 to retain an eligible child in the current school which provides
25 school stability or refuse to enroll a child in a new school as
26 provided by this section.

27 (d) The Department of Education shall:

28 (1) Designate an individual who shall oversee implementation
29 of school stability for children in foster care across this
30 Commonwealth.

1 (2) In collaboration with the Department of Human Services,
2 develop and implement a State-level interagency agreement to:

3 (i) Collect disaggregated data regarding graduation rates
4 and the academic performance of children in foster care.

5 (ii) Assist local education agencies and county children and
6 youth agencies in ensuring school stability.

7 (e) Local education agencies shall:

8 (1) Assign an individual to serve as a point of contact with
9 the local child welfare agency who shall assist students as
10 described under this section.

11 (2) Disaggregate and report data to the Department of
12 Education regarding the academic performance and graduation
13 rates of children in foster care.

14 (3) Collaborate with county children and youth agencies to
15 implement transportation procedures to support school stability
16 in accordance with this section.

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

18 (a) A child experiencing homelessness or awaiting foster care
19 shall be entitled to free transportation to the child's school
20 of origin in accordance with the McKinney-Vento Homeless
21 Assistance Act (Public Law 100-77, 101 Stat. 482). The
22 transportation service shall be provided either by the school
23 district in which the child is living or the district where the
24 child is attending school. If there is a disagreement between
25 the two school districts regarding which district pays for or
26 arranges the transportation, the cost of transportation shall be
27 evenly divided, and the school district in which the child is
28 enrolling shall be responsible for arranging the transportation.
29 A child alleging to be homeless shall be entitled to remain in
30 the same school pending full resolution of a dispute in

1 accordance with the McKinney-Vento Homeless Assistance Act.

2 (b) A child in foster care who does not qualify as homeless
3 under the McKinney-Vento Homeless Assistance Act shall be
4 entitled to receive transportation to obtain school stability
5 during the time the child remains in foster care if this is in
6 the child's best interest. The school district the child is in
7 or shall be attending shall coordinate with the county children
8 and youth agency to ensure proper transportation required for
9 school stability is promptly provided in a manner consistent
10 with any agreement between the applicable county children and
11 youth agency and the school district. If the school district and
12 county children and youth agency do not have an agreement, or if
13 there is a dispute between the parties, the following shall
14 apply:

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

17 (2) If either the resident school district or receiving
18 school district can provide transportation at a negligible cost,
19 such as when the child can be included in a preexisting bus
20 route, the school district shall provide transportation.

21 (3) Transportation shall be provided immediately.

22 Section 1331.2. Points of Contact and Timely Graduation
23 After Experiencing Educational Disruption.--(a) Each student
24 experiencing an educational disruption shall be assigned a point
25 of contact at the school the child attends. A school counselor,
26 home and school visitor, social worker, teacher or administrator
27 or other appropriate school staff may serve as the point of
28 contact under this section. The person shall be noted in the
29 child's school record, and notice shall be sent to the parent or
30 guardian. The point of contact shall:

1 (1) Assist the student's transition to the new school by
2 determining appropriate class placement and connecting the
3 student with appropriate services and opportunities, including
4 participating in extracurricular activity and career and
5 technical and other programs.

6 (2) Work with the student in grades nine (9) through twelve
7 (12) and the student's parent, foster parent or other
8 educational decision maker and the county children and youth
9 agency to evaluate and document partial and full credits the
10 student has earned and the credits that are needed to graduate
11 for inclusion in a graduation plan for the student. The
12 documentation shall be maintained in the student's file.

13 (b) Local education agencies shall honor credits previously
14 earned in any prior educational placement by students
15 experiencing an educational disruption. School districts shall
16 consider waiving local school district requirements for
17 graduation and awarding credit based on alternative methods,
18 such as testing or written work, as determined by the district
19 for students who meet State graduation requirements.

20 (c) Local education agencies shall also offer options to
21 allow students experiencing an educational disruption to make up
22 lost credits. Options may include summer school, after-school or
23 online credit recovery programs overseen by a teacher or other
24 assessments to the extent these options are available within the
25 school district.

26 (d) Local education agencies shall ensure that the student
27 has equal access to participate in a sport, extracurricular
28 activity and career and technical or other special program and
29 ensure assistance and advice from counselors to improve college
30 readiness.

1 (e) After exhausting all other options under this section, a
2 student who has completed at least four (4) years of high school
3 and meets the State graduation standards under section 1613, but
4 who cannot obtain a school district-issued diploma, shall be
5 eligible to obtain a Commonwealth secondary school diploma
6 issued by the Department of Education under section 1613(d).
7 Local education agencies must assist an educationally disrupted
8 student in obtaining such a certificate.

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