

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 966 Session of 2015

INTRODUCED BY BROWNE, SMUCKER, COSTA, BAKER, WARD, MENSCH,
 McILHINNEY, EICHELBERGER, SCHWANK, AUMENT, HUGHES, FONTANA,
 GREENLEAF, WILEY, BARTOLOTTA, DINNIMAN, BLAKE, LEACH,
 HAYWOOD, WILLIAMS AND FARNESE, AUGUST 7, 2015

REFERRED TO EDUCATION, AUGUST 7, 2015

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; and, in charter schools, further
 10 providing for statutory provisions applicable to charter
 11 schools and cyber charter schools.

12 The General Assembly of the Commonwealth of Pennsylvania
 13 hereby enacts as follows:

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

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

20 (1) A child who is in the care and responsibility of the
 21 Commonwealth and placed in foster care as defined in 45 CFR

1 1355.20 (relating to definitions) pursuant to 42 Pa.C.S. § 6351
2 (relating to disposition of dependent child) or 6352(a)(1)
3 (relating to disposition of delinquent child).

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

7 * * *

8 The term "school stability," wherever used in this
9 subdivision of this article, shall mean that a child in foster
10 care is entitled to attend any of the following:

11 (1) The school the child currently attends.

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

14 The term "student experiencing an education disruption,"
15 wherever used in this subdivision of this article, shall mean an
16 individual in grades six (6) through twelve (12) who during
17 these school years experiences one or more school changes as a
18 result of being:

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

21 (2) Adjudicated dependent or delinquent.

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

23 Section 1327.2. Children Who are Experiencing Homelessness
24 or in Dependent Care.--(a) A child who is homeless shall be
25 entitled to continued enrollment in the child's school of origin
26 in accordance with the McKinney-Vento Homeless Assistance Act
27 (Public Law 100-77, 101 Stat. 482) unless continued enrollment
28 is not in the child's best interest. If continued enrollment is
29 not in the child's best interest, the child shall be immediately
30 enrolled in the child's new school whether or not the required

1 documents for enrollment can be provided.

2 (b) A child in foster care who is placed in a new school
3 district or school attendance area shall be entitled to school
4 stability throughout the time the child is in foster care and
5 for the remainder of the school year in which the court
6 terminates jurisdiction unless school stability is not in the
7 child's best interest as determined by the child welfare agency
8 or the court. If continued enrollment is not in the child's best
9 interest, the new school shall immediately enroll the child even
10 if the child cannot provide the documentation normally required
11 for school enrollment, and the child's former school shall
12 provide the child's school record to the child's new school
13 within ten (10) days of the child's enrollment.

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

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

29 (b) A child in foster care who does not qualify as homeless
30 under the McKinney-Vento Homeless Assistance Act shall be

1 entitled to receive transportation to obtain school stability
2 during the time the child remains in foster care if this is in
3 the child's best interest. The school district the child is in
4 or shall be attending shall coordinate with the county children
5 and youth agency to ensure proper transportation required for
6 school stability is promptly provided in a manner consistent
7 with any agreement between the applicable county children and
8 youth agency and the school district. If the school district and
9 county children and youth agency do not have an agreement, or if
10 there is a dispute between the parties, the following shall
11 apply:

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

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

18 (3) Transportation shall be provided immediately.

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

28 (1) Assist the student's transition to the new school by
29 determining appropriate class placement and connecting the
30 student with appropriate services and opportunities, including

1 participating in extracurricular activity and vocational and
2 other programs.

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

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

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

23 (d) A school district shall ensure that the student has
24 equal access to participate in a sport, extracurricular activity
25 and vocational or other special program.

26 (e) After exhausting all other options under this section, a
27 student who has completed at least four (4) years of high school
28 and meets the State graduation standards under section 1613, but
29 who cannot obtain a school district-issued diploma, shall be
30 eligible to obtain a Commonwealth secondary school diploma

1 issued by the Department of Education under section 1613(d). A
2 school district must assist an educationally disrupted student
3 in obtaining such a certificate.

4 Section 3. Sections 1732-A(a) and 1749-A(a) of the act,
5 amended or added June 29, 2002 (P.L.524, No.88), are amended to
6 read:

7 Section 1732-A. Provisions Applicable to Charter Schools.--

8 (a) Charter schools shall be subject to the following:

9 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
10 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,
11 [755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301,
12 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.2, 1330, 1331.1,
13 1331.2, 1332, 1303-A, 1513, 1517, 1518, 1521, 1523, 1531, 1547,
14 2014-A, Article XIII-A and Article XIV.

15 Act of July 17, 1961 (P.L.776, No.341), known as the
16 "Pennsylvania Fair Educational Opportunities Act."

17 Act of July 19, 1965 (P.L.215, No.116), entitled "An act
18 providing for the use of eye protective devices by persons
19 engaged in hazardous activities or exposed to known dangers in
20 schools, colleges and universities."

21 Section 4 of the act of January 25, 1966 (1965 P.L.1546,
22 No.541), entitled "An act providing scholarships and providing
23 funds to secure Federal funds for qualified students of the
24 Commonwealth of Pennsylvania who need financial assistance to
25 attend postsecondary institutions of higher learning, making an
26 appropriation, and providing for the administration of this
27 act."

28 Act of July 12, 1972 (P.L.765, No.181), entitled "An act
29 relating to drugs and alcohol and their abuse, providing for
30 projects and programs and grants to educational agencies, other

1 public or private agencies, institutions or organizations."

2 Act of December 15, 1986 (P.L.1595, No.175), known as the
3 "Antihazing Law."

4 * * *

5 Section 1749-A. Applicability of other provisions of this act
6 and of other acts and regulations.

7 (a) General requirements.--Cyber charter schools shall be
8 subject to the following:

9 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
10 436, 443, 510, 518, 527, 708, 752, 753, [755,] 771, 776, 777,
11 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301,
12 1302, 1310, 1317.2, 1318, 1327.2, 1330, 1331.2, 1332, 1303-A,
13 1518, 1521, 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A,
14 1716-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A,
15 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a) (1) and (b) and
16 2014-A and Articles [XII-A,] XIII-A and XIV.

17 (2) The act of July 17, 1961 (P.L.776, No.341), known as
18 the Pennsylvania Fair Educational Opportunities Act.

19 (3) The act of July 19, 1965 (P.L.215, No.116), entitled
20 "An act providing for the use of eye protective devices by
21 persons engaged in hazardous activities or exposed to known
22 dangers in schools, colleges and universities."

23 (4) Section 4 of the act of January 25, 1966 (1965
24 P.L.1546, No.541), entitled "An act providing scholarships
25 and providing funds to secure Federal funds for qualified
26 students of the Commonwealth of Pennsylvania who need
27 financial assistance to attend postsecondary institutions of
28 higher learning, making an appropriation, and providing for
29 the administration of this act."

30 (5) The act of July 12, 1972 (P.L.765, No.181) entitled

1 "An act relating to drugs and alcohol and their abuse,
2 providing for projects and programs and grants to educational
3 agencies, other public or private agencies, institutions or
4 organizations."

5 (6) The act of December 15, 1986 (P.L.1595, No.175),
6 known as the Antihazing Law.

7 * * *

8 Section 4. This act shall take effect in 60 days.