
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1272 Session of
2015

INTRODUCED BY BROWNE, BARTOLOTTA, EICHELBERGER, MENSCH,
VULAKOVICH, COSTA, GREENLEAF, HUGHES, TEPLITZ, FONTANA,
RAFFERTY, TARTAGLIONE, BREWSTER, SCARNATI, WARD AND HAYWOOD,
MAY 18, 2016

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 18, 2016

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for school
4 stability of children in foster care; and making an
5 inconsistent repeal.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
9 as the Human Services Code, is amended by adding an article to
10 read:

11 ARTICLE XIII-B

12 SCHOOL STABILITY

13 Section 1301-B. Scope.

14 This article relates to the educational stability of children
15 in foster care.

16 Section 1302-B. Definitions.

17 The following words and phrases when used in this article
18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Change in placement." A situation in which the placement of
3 a child is changed consistent with Department of Human Services
4 regulations to achieve the goals of the family service plan or
5 due to discharge from care as the result of age. The term
6 includes any placement made under 42 Pa.C.S. § 6351 (relating to
7 disposition of dependent child) and an emergency modification in
8 placement made under Pa.R.J.C.P. No. 1606 (relating to
9 modification of dependent child's placement), including a family
10 foster care or kinship care placement, placement in a child-care
11 institution or placement resulting from permanent legal
12 guardianship or reunification.

13 "Child in foster care." Either of the following:

14 (1) A child who is the care and responsibility of the
15 Commonwealth and placed in foster care, as defined in 45 CFR
16 1355.20 (relating to definitions), under 42 Pa.C.S. § 6351
17 (relating to disposition of dependent child) or 6352
18 (relating to disposition of delinquent child).

19 (2) A child placed pursuant to a voluntary placement
20 agreement under 55 Pa. Code § 3130.65 (relating to voluntary
21 placement agreement).

22 "County agency." The county children and youth social
23 service agency exercising the powers and duties provided for in
24 section 405 of the act of June 24, 1937 (P.L.2017, No.396),
25 known as the County Institution District Law, or its successor,
26 and supervised by the Department of Human Services under Article
27 IX.

28 "Foster care maintenance payments." As defined under section
29 475(4) of the Social Security Act (49 Stat. 620, 42 U.S.C. §
30 675(4)).

1 "Foster parent." An individual approved by a public or
2 private foster family care agency to provide foster family care
3 services to a child who is temporarily separated from the
4 child's legal family and placed in the legal custody of an
5 agency.

6 "Kin." An individual 21 years of age or older who is one of
7 the following:

8 (1) A godparent of the child as recognized by an
9 organized church.

10 (2) A member of the child's tribe, nation or tribal
11 organization.

12 (3) An individual with a significant, positive
13 relationship with the child or family.

14 "Kinship care." The full-time nurturing and protection of a
15 child who is separated from the child's parents and placed in
16 the home of a caregiver who has an existing relationship with
17 the child or the child's family.

18 "Local education agency." As defined in section 9101(26) of
19 the Elementary and Secondary Education Act of 1965 (Public Law
20 89-10, 20 U.S.C. § 7801(26)).

21 "Relative." An individual who is at least 21 years of age
22 and is related within the fifth degree of consanguinity or
23 affinity to the parent or stepparent of a child.

24 "School stability." The right of a child to attend either of
25 the following:

26 (1) the school the child currently attends; or

27 (2) the school the child attended when initially placed
28 by the county agency.

29 Section 1303-B. Case plan to ensure school stability.

30 If a child has been removed from the child's home under a

1 voluntary placement agreement or is in the legal custody of the
2 county agency, the county agency shall develop a case plan for
3 ensuring school stability for the child. The case plan shall be
4 based on the best interest of the child as determined by a
5 court. Until a court has made a best-interest determination for
6 the child, the child shall remain in the same school unless the
7 county agency determines that remaining in the same school is
8 contrary to the safety or well-being of the child. The case plan
9 shall be part of the family service plan and the individual
10 service plan of the child. The case plan shall include:

11 (1) Assurances that the placement of the child takes
12 into account the appropriateness of the current educational
13 setting and the change in proximity to the school where the
14 child is enrolled at the time of placement or a change in
15 placement.

16 (2) Either:

17 (i) an assurance that the county agency has
18 coordinated with the appropriate local education agency
19 to ensure that the child remains in the school where the
20 child is enrolled at the time of placement or a change in
21 placement; or

22 (ii) if remaining in the school is not in the best
23 interest of the child, assurances by the county agency
24 and the local education agency where the child will
25 attend to provide immediate and appropriate enrollment in
26 a new school. Enrollment in a new school shall occur even
27 if the child cannot provide the documentation normally
28 required for school enrollment.

29 (3) Assurances that the county agency shall obtain and
30 maintain the child's education records in the case file as

1 required in accordance with Title IV-E of the Social Security
2 Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), that relevant
3 education records shall be provided directly to the school to
4 the extent they are available to the county agency and that
5 the disclosure does not violate applicable confidentiality
6 laws.

7 Section 1304-B. Duty of county agency to collaborate.

8 The county agency shall collaborate with the local education
9 agency which the child will attend to ensure school stability
10 and transportation in compliance with requirements set forth in
11 this article and in the act of March 10, 1949 (P.L.30, No.14),
12 known as the Public School Code of 1949, including, where
13 applicable, facilitating immediate enrollment in a new school.

14 Section 1305-B. Transportation.

15 If a court or county agency has determined that it is in the
16 best interest of the child to remain in a prior school under
17 this article, the child shall be entitled to free and
18 appropriate transportation to attend the school in accordance
19 with the following:

20 (1) If the child needs transportation to a prior school
21 and is considered homeless under the Stewart B. McKinney
22 Homeless Assistance Act (Public Law 100-77, 101 Stat. 482),
23 the cost of transportation shall be paid by a local education
24 agency in accordance with that act.

25 (2) If the child needs transportation to the prior
26 school and does not qualify as homeless under the Stewart B.
27 McKinney Homeless Assistance Act, transportation to maintain
28 school stability shall be provided in accordance with the
29 requirements set forth in the act of March 10, 1949 (P.L.30,
30 No.14), known as the Public School Code of 1949, and any

1 applicable contractual agreement.

2 (3) When applicable, the county agency shall provide for
3 the cost of transportation for the child by:

4 (i) making a foster care maintenance payment in the
5 amount of the reasonable cost of transporting the child
6 to the school to a foster parent, relative or kin
7 eligible to receive payment under Article XIII;

8 (ii) making a payment in the amount of the
9 reasonable cost of transporting the child to the local
10 education agency that is transporting the child to
11 school; or

12 (iii) any other method approved by the county
13 agency.

14 Section 1306-B. Regulations.

15 The department shall promulgate regulations necessary to
16 carry out the provisions of this article no later than 270 days
17 from the effective date of this section.

18 Section 2. Section 1305 of the act of March 10, 1949
19 (P.L.30, No.14), known as the Public School Code of 1949, is
20 repealed insofar as it is inconsistent with Article XIII-B of
21 the act.

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