

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1276** Session of
2019

INTRODUCED BY HICKERNELL, TOOHIL, ROEBUCK, SAYLOR, FEE, STURLA,
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D. MILLER, APRIL 17, 2019

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 10, 2019

AN ACT

1 Providing for a fostering independence waiver program for youth
2 who are or have been in substitute care.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

12 "Adoption." Adoption of an individual who has been in the
13 care and custody of a county agency and in substitute care.

14 "Agency." The Pennsylvania Higher Education Assistance
15 Agency.

16 "County agency." The term as defined under 23 Pa.C.S. § 6303

1 (relating to definitions).

2 "Department." The Department of Education of the
3 Commonwealth.

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

6 "Fostering independence waiver." A waiver of tuition and
7 mandatory fees at an institution of higher education.

8 "Institution of higher education." The term includes any of
9 the following:

10 (1) A community college operating under Article XIX-A of
11 the act of March 10, 1949 (P.L.30, No.14), known as the
12 Public School Code of 1949.

13 (2) A university within the State System of Higher
14 Education.

15 (3) The Pennsylvania State University, the University of
16 Pittsburgh, Temple University, Lincoln University or any
17 other institution designated as State-related by the
18 Commonwealth.

19 (4) The Thaddeus Stevens College of Technology.

20 (5) A college established under Article XIX-G of the
21 Public School Code of 1949.

22 (6) An institution of higher education located in and
23 incorporated or chartered by the Commonwealth and entitled to
24 confer degrees as provided under 24 Pa.C.S. § 6505 (relating
25 to power to confer degrees) and as provided for by the
26 standards and qualifications prescribed by the State Board of
27 Education under 24 Pa.C.S. Ch. 65 (relating to private
28 colleges, universities and seminaries).

29 (7) A private school licensed under the act of December
30 15, 1986 (P.L.1585, No.174), known as the Private Licensed

1 Schools Act.

2 (8) A foreign corporation approved to operate an
3 educational enterprise under 22 Pa. Code Ch. 36 (relating to
4 foreign corporation standards).

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

9 "POC." The point of contact designated in section 5.

10 "Program." The fostering independence waiver program
11 established in section 3.

12 "Substitute care." Out-of-home placement in a setting that
13 provides 24-hour care for a dependent child as defined in 42
14 Pa.C.S. § 6302 made pursuant to an order of the court.
15 Section 3. Fostering independence waiver program.

16 (a) Establishment.--There is established a fostering
17 independence waiver program for individuals who satisfy the
18 eligibility requirements under subsection (c).

19 (b) Award.--Beginning with the semester starting in the fall
20 of 2020, each institution of higher education shall award a
21 fostering independence waiver for undergraduate courses at the
22 institution for each individual who is eligible under subsection
23 (c). The fostering independence waiver shall have subtracted
24 from it the amount of any Federal grants, State grants or other
25 scholarships or grants the individual receives. An individual
26 shall receive a fostering independence waiver under this act for
27 five years, whether or not consecutive, or until the individual
28 reaches 26 years of age, whichever occurs first, as long as the
29 individual remains eligible under subsection (c).

30 (c) Eligibility.--In order to receive a fostering

1 independence waiver under this section, an individual must meet
2 all of the following requirements:

3 (1) Be at least 14 years of age but under 26 years of
4 age and be in or have been in substitute care in this
5 Commonwealth for at least six months before, on or after the
6 effective date of this section, including any of the
7 following:

8 (i) Placement in substitute care as a dependent
9 child at any time while 14 years of age or older.

10 (ii) Adoption at any time after reaching 14 years of
11 age from substitute care as a dependent child.

12 (iii) Placement with a permanent legal custodian at
13 any time after reaching 14 years of age from substitute
14 care as a dependent child.

15 (2) Have graduated from high school or received a
16 Commonwealth secondary school diploma or another equivalent
17 approved by the Department of Education.

18 (3) Have been accepted for admission to, or be currently
19 attending, an institution of higher education.

20 (4) Have maintained satisfactory progress after
21 admission as defined by the institution of higher education
22 attended.

23 (5) Have applied for all available Federal and State
24 grants.

25 (6) Currently resides in this Commonwealth.

26 (d) Accessibility.--The department shall work with the
27 agency as well as the Department of Labor and Industry and the
28 Department of Human Services to ensure that individuals eligible
29 for the program under subsection (c) apply for all available
30 Federal and State grants.

1 Section 4. Outreach.

2 (a) Duties of department.--The department, in conjunction
3 with the Department of Human Services, shall do all of the
4 following:

5 (1) By January 1, 2020, and January 1 each year
6 thereafter, prepare and provide the information to be
7 disseminated by county agencies, the department, the
8 Department of Human Services and institutions of higher
9 education which:

10 (i) Describes the availability of the program
11 established under this act.

12 (ii) Explains how to participate in the program.

13 (iii) Includes information on all available Federal
14 and State grants identified under section 3(d).

15 (2) Ensure that identified individuals who may be
16 eligible for services and programs under section 1738-E of
17 the act of April 9, 1929 (P.L.343, No.176), known as The
18 Fiscal Code, are informed of these services and programs.

19 (b) Duties of institutions of higher education.--Each
20 institution of higher education shall do all of the following:

21 (1) Through the POC required under section 5, provide
22 technical assistance to individuals who are eligible under
23 section 3(c) in completing admissions applications and
24 financial aid applications.

25 (2) Disseminate the information prepared under
26 subsection (a) (1) to ~~all applicants for admission and to~~ <--
27 ~~prospective applicants for admission. An institution of~~
28 ~~higher education may comply with this paragraph by including~~
29 ~~a paper or electronic copy of the information with other~~
30 ~~information or notifications provided to the applicant for~~

1 ~~admission~~ RECIPIENTS OF A PENNSYLVANIA CHAFEE EDUCATION AND <--
2 TRAINING GRANT UNDER THE FOSTER CARE INDEPENDENCE ACT OF 1999
3 (PUBLIC LAW 106-169, 113 STAT. 1882) THAT ARE APPLICANTS FOR
4 ADMISSION and by posting the information prepared under
5 subsection (a)(1) on the institution's publicly accessible
6 Internet website.

7 (3) To improve retention, report to the department by
8 June 30, 2021, and June 30 each year thereafter all of the
9 following:

10 (i) The number of students receiving a Pennsylvania
11 Chafee Education and Training Grant under the Foster Care
12 Independence Act of 1999 (Public Law 106-169, 113 Stat.
13 1882).

14 (ii) The number of students who apply for the
15 program.

16 (iii) The number of students participating in the
17 program.

18 (iv) The retention rates of students participating
19 in the program.

20 (v) The number of students who are participating in
21 the program and have unmet financial need.

22 (vi) Recommendations on how to improve outreach to
23 students who are or are potentially eligible for the
24 program.

25 (vii) Recommendations on ways in which to improve
26 the delivery of services to students who are eligible
27 under section 3(c).

28 (viii) Impediments to retaining students who are
29 eligible under section 3(c).

30 (4) The department may not require any other information

1 to be provided by an institution of higher education, except
2 as provided under paragraph (3).

3 Section 5. Point of contact.

4 Each institution of higher education shall designate an
5 appropriate staff person or persons as the point of contact for
6 students eligible for the program. The POC may be comprised of
7 one or more qualified staff members to provide the appropriate
8 support or expertise required for the duties specified in this
9 section. The POC shall have or ensure the delegation of the
10 following duties:

11 (1) Assist students in obtaining verification of
12 eligibility for the program from the courts, the county
13 agency or the Department of Human Services.

14 (2) Assist individuals who are eligible under section
15 3(c) in accessing available Federal and State financial aid
16 resources and in identifying further scholarship and grant
17 opportunities, in consultation with the institution's
18 financial aid department.

19 (3) Serve as the primary contact for all individuals
20 applying to or attending the institution who are eligible
21 under section 3(c).

22 (4) Provide all individuals applying to or attending the
23 institution who voluntarily disclose that they are eligible
24 under section 3(c) with information and referrals for on-
25 campus support services and resources, including admissions,
26 housing, financial aid, health, mental health, tutoring,
27 career, academic advising and other services.

28 (5) Provide all individuals applying to or attending the
29 institution who are eligible under section 3(c) with
30 information and referrals as available for off-campus support

1 services, including transitional housing and medical
2 insurance and services.

3 (6) Post POC contact information on the publicly
4 accessible Internet website of the institution of higher
5 education.

6 Section 6. Report.

7 In order to determine and maximize the effectiveness of this
8 act, the department, in conjunction with the Department of Human
9 Services, shall collect information obtained from all
10 institutions of higher education under section 4(b)(3) and
11 prepare an anonymized report to be submitted by August 31, 2021,
12 and by August 31 of each year thereafter, to the chairperson and
13 minority chairperson of the Education Committee of the Senate,
14 the chairperson and minority chairperson of the Education
15 Committee of the House of Representatives, the chairperson and
16 minority chairperson of the Health and Human Services Committee
17 of the Senate and the chairperson and minority chairperson of
18 the Children and Youth Committee of the House of Representatives
19 that contains all of the following:

20 (1) The number of students receiving a Pennsylvania
21 Chafee Education and Training Grant under the Foster Care
22 Independence Act of 1999 (Public Law 106-169, 113 Stat.
23 1882).

24 (2) The number of students who apply for the program.

25 (3) The number of students participating in the program.

26 (4) The retention rates of students participating in the
27 program.

28 (5) The number of students who are participating in the
29 program and have unmet financial needs.

30 (6) Recommendations on how to improve outreach to

1 students who are or are potentially eligible for the program.

2 (7) Recommendations on ways in which to improve the
3 delivery of services to students who are eligible for the
4 program under section 3(c) and to address the impediments
5 identified under paragraph (8).

6 (8) Impediments to retaining students who are eligible
7 under section 3(c).

8 Section 7. Effective date.

9 This act shall take effect in 60 days.