

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1745 Session of  
2017

INTRODUCED BY HICKERNELL, BOBACK, CHARLTON, CUTLER, FEE,  
HEFFLEY, PHILLIPS-HILL, MENTZER, MILLARD, MURT, RAPP,  
ROEBUCK, SAYLOR, SCHWEYER, WARD, WATSON, ZIMMERMAN, TOOHL,  
J. HARRIS, MADDEN, TAI AND NELSON, AUGUST 24, 2017

SENATOR EICHELBERGER, EDUCATION, IN SENATE, AS AMENDED,  
OCTOBER 2, 2018

## AN ACT

1 Providing for a ~~tuition and fee~~ FOSTERING INDEPENDENCE waiver <--  
2 program for youth 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 "Dependent child." The term as defined under 42 Pa.C.S. §  
3 6302 (relating to definitions).

4 "FOSTERING INDEPENDENCE WAIVER." A WAIVER OF TUITION AND <--  
5 FEES, AND ROOM AND BOARD IF ROOM AND BOARD IS OFFERED TO  
6 STUDENTS, AT A STATE POSTSECONDARY EDUCATIONAL INSTITUTION.

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

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

12 "Program." The ~~tuition and fee~~ FOSTERING INDEPENDENCE waiver <--  
13 program established in section 3.

14 "State postsecondary educational institution." The term  
15 includes any of the following:

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

19 (2) A university within the State System of Higher  
20 Education established under Article XX-A of the Public School  
21 Code of 1949.

22 (3) The Pennsylvania State University.

23 (4) The University of Pittsburgh.

24 (5) Temple University.

25 (6) Lincoln University.

26 (7) The Thaddeus Stevens College of Technology.

27 (8) Any other institution designated as State-related by  
28 the Commonwealth.

29 ~~"Substitute care." The term includes any placement <--~~  
30 ~~authorized by a court for a dependent child or a child with~~

1 ~~shared case management in dependency and delinquency proceedings~~  
2 ~~under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).~~

3 "SUBSTITUTE CARE." OUT-OF-HOME PLACEMENT IN A SETTING THAT <--  
4 PROVIDES 24-HOUR CARE FOR A DEPENDENT CHILD AS DEFINED IN 42  
5 PA.C.S. § 6302 MADE PURSUANT TO AN ORDER OF THE COURT.

6 Section 3. ~~Tuition and fee~~ FOSTERING INDEPENDENCE waiver <--  
7 program.

8 (a) Establishment.--There is established a ~~tuition and fee~~ <--  
9 FOSTERING INDEPENDENCE waiver program for individuals who <--  
10 satisfy the eligibility requirements under subsection (c).

11 (b) Award.--Beginning with the semester starting in the fall  
12 of 2019, each State postsecondary educational institution shall  
13 award a ~~tuition and fee~~ FOSTERING INDEPENDENCE waiver for <--  
14 undergraduate courses at the institution for each individual who  
15 is eligible under subsection (c). The ~~tuition and fee~~ FOSTERING <--  
16 INDEPENDENCE waiver shall ~~be equal to the amount of the tuition~~ <--  
17 ~~and all fees at the State postsecondary educational institution~~  
18 ~~the individual attends, minus~~ HAVE SUBTRACTED FROM IT the amount <--  
19 of any Federal grants, State grants or other scholarships or  
20 grants the individual receives. An individual shall receive a  
21 ~~tuition and fee~~ FOSTERING INDEPENDENCE waiver under this act for <--  
22 five years, whether or not consecutive, or until the individual  
23 reaches 26 years of age, whichever occurs first, as long as the  
24 individual remains eligible under subsection (c).

25 (c) Eligibility.--In order to receive a ~~tuition and fee~~ <--  
26 FOSTERING INDEPENDENCE waiver under this section, an individual <--  
27 ~~in substitute care under 42 Pa.C.S. Ch. 63 (relating to juvenile~~ <--  
28 ~~matters)~~ must meet all of the following requirements:

29 (1) Be at least 14 years of age but under 26 years of  
30 age and be in or have been in substitute care IN THIS <--

1 COMMONWEALTH for at least six months before, on or after the  
2 effective date of this section, including any of the  
3 following:

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

6 ~~(ii) Placement in substitute care with shared case~~ <--  
7 ~~management in dependency and delinquency proceedings~~  
8 ~~under 42 Pa.C.S. Ch. 63 at any time while 14 years of age~~  
9 ~~or older.~~

10 ~~(iii)~~ (II) Adoption at any time after reaching 14 <--  
11 years of age from substitute care as a dependent child.

12 ~~(iv)~~ (III) Placement with a permanent legal <--  
13 custodian at any time after reaching 14 years of age from  
14 substitute 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, a State postsecondary educational institution.

20 (4) ~~For those individuals already attending a State~~ <--  
21 ~~postsecondary educational institution when the tuition and~~  
22 ~~fee waiver is sought, have~~ HAVE maintained satisfactory <--  
23 progress AFTER ADMISSION as defined by the State <--  
24 postsecondary educational institution attended.

25 (5) Have applied for all available Federal and State  
26 grants.

27 (6) Currently ~~reside~~ RESIDES in this Commonwealth. <--

28 (d) Accessibility.--Each State postsecondary educational  
29 institution, through the POC required under section 5, shall  
30 work with the agency as well as the Department of Labor and

1 Industry and the Department of Human Services to ensure that  
2 individuals eligible for the program under subsection (c) apply  
3 for all available Federal and State grants.

4 Section 4. Outreach.

5 (a) Duties of Department of Human Services.--The Department  
6 of Human Services, in conjunction with the Department of  
7 Education, shall do all of the following:

8 (1) By December 1, 2018, prepare information to be  
9 disseminated by county agencies, the Department of Education  
10 and State postsecondary educational institutions that  
11 describes the availability of the program established under  
12 this act and explains how to participate in the program.

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

17 (b) Duties of State postsecondary educational  
18 institutions.--Each State postsecondary educational institution  
19 shall do all of the following:

20 (1) Assist the Department of Human Services and the  
21 Department of Education in the preparation of information  
22 that describes the availability of the program established  
23 under this act and explains how to participate in the program  
24 as required under subsection (a)(1).

25 (2) Through the POC required under section 5, provide  
26 technical assistance to individuals who are eligible under  
27 section 3(c) in completing admissions applications and  
28 financial aid applications.

29 (3) Disseminate the information prepared under  
30 subsection (a)(1) to all applicants for admission and to

1 prospective applicants for admission. A State postsecondary  
2 educational institution may comply with this paragraph by  
3 including a paper or electronic copy of the information with  
4 other information or notifications provided to the applicant  
5 for admission and by posting the information prepared under  
6 subsection (a)(1) on the institution's publicly accessible  
7 Internet website.

8 (4) To improve retention, all of the following:

9 (i) Track the retention rates of students that  
10 voluntarily disclose to the institution their eligibility  
11 for the program.

12 (ii) Provide the Department of Education and the  
13 Department of Human Services with recommendations on ways  
14 in which to improve the delivery of services to students  
15 who are eligible under section 3(c).

16 (iii) Annually review and identify impediments to  
17 retaining students who are eligible under section 3(c).

18 (5) Report the information required under paragraph (4)  
19 to the Department of Education and the Department of Human  
20 Services by June 30, 2019, and by June 30 of each year  
21 thereafter.

22 Section 5. Point of contact.

23 Each State postsecondary educational institution shall  
24 designate an appropriate staff person or persons as the point of  
25 contact for students eligible for the program. The POC may be  
26 comprised of one or more qualified staff members to provide the  
27 appropriate support or expertise required for the duties  
28 specified in this section. The POC shall have or ensure the  
29 delegation of the following duties:

30 (1) Assist students in obtaining verification of

1 eligibility for the program from the courts, the county  
2 agency or the Department of Human Services.

3 (2) Assist individuals who are eligible under section  
4 3(c) in accessing available Federal and State financial aid  
5 resources and in identifying further scholarship and grant  
6 opportunities, in consultation with the institution's  
7 financial aid department.

8 (3) Serve as the primary contact for all individuals  
9 applying to or attending the institution who are eligible  
10 under section 3(c).

11 (4) Provide all individuals applying to or attending the  
12 institution who are eligible under section 3(c) with  
13 information and referrals for on-campus support services and  
14 resources, including admissions, housing, financial aid,  
15 health, mental health, tutoring, career, academic advising  
16 and other services.

17 (5) Provide all individuals applying to or attending the  
18 institution who are eligible under section 3(c) with  
19 information and referrals for off-campus support services,  
20 including transitional housing and medical insurance and  
21 services.

22 (6) Post POC contact information on the publicly  
23 accessible Internet website of the State postsecondary  
24 educational institution.

25 Section 6. Report.

26 In order to determine and maximize the effectiveness of this  
27 act, the Department of Human Services, with the assistance of  
28 the Department of Education, shall collect information obtained  
29 from all State postsecondary educational institutions under  
30 section 4(b)(5) and prepare an anonymized report to be submitted

1 by August 31, 2019, and by August 31 of each year thereafter, to  
2 the chairperson and minority chairperson of the Education  
3 Committee of the Senate, the chairperson and minority  
4 chairperson of the Health and Human Services Committee of the  
5 Senate, the chairperson and minority chairperson of the  
6 Education Committee of the House of Representatives and the  
7 chairperson and minority chairperson of the Children and Youth  
8 Committee of the House of Representatives that contains all of  
9 the following:

10 (1) Information relating to the participation of  
11 students in the program.

12 (2) Retention rates of those students who are  
13 participating in the program.

14 (3) Retention rates of those students who have  
15 voluntarily disclosed to their State institution of higher  
16 education their eligibility for the program under section  
17 3(c) but who are not participating in the program.

18 (4) Identification of impediments to retaining students  
19 who are eligible under section 3(c).

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

24 Section 7. Effective date.

25 This act shall take effect in 60 days.