

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 702 Session of  
2018

---

INTRODUCED BY BROWNE, BARTOLOTTA, COSTA, REGAN, HUGHES, SCHWANK,  
GREENLEAF, BREWSTER, FONTANA AND RAFFERTY, SEPTEMBER 21, 2018

---

REFERRED TO EDUCATION, SEPTEMBER 21, 2018

---

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 ensuring equal access and timely  
9 graduation.

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.--When used in this article, the  
16 following words and phrases shall have the following meanings:

17 "Child in foster care" shall mean 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  
21 (relating to disposition of dependent child) or 6352(a)(1)

1 (relating to disposition of delinquent child).

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

5 \* \* \*

6 "Local education agency" shall mean a local education agency  
7 as defined in section 220(c).

8 "McKinney-Vento liaison" shall mean a local liaison for  
9 homeless children designated under section 722(g)(1)(J)(ii) of  
10 the McKinney-Vento Homeless Assistance Act (Public Law 100-77,  
11 42 U.S.C. § 11432(g)(1)(J)(ii)).

12 \* \* \*

13 "School stability" shall mean the right of a child in foster  
14 care to attend any of the following:

15 (1) The school the child currently attends.

16 (2) The school the child attended when initially placed by  
17 the child welfare agency.

18 \* \* \*

19 "Student experiencing an education disruption" shall mean an  
20 individual in kindergarten through grade twelve (12) who  
21 experiences one or more school changes as a result of being one  
22 of the following:

23 (1) Homeless.

24 (2) Adjudicated dependent or delinquent.

25 \* \* \*

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

27 Section 1327.4. Children Who are Experiencing Homelessness

28 or in Dependent Care.--(a) A child in foster care shall be

29 entitled to school stability throughout the time the child is in

30 foster care and for the remainder of the school year in which

1 the court terminates jurisdiction unless school stability is not  
2 in the child's best interest, as determined by a court or  
3 following a best interest determination conference that includes  
4 representatives from the child welfare agency, the child's  
5 current school and the child's educational decision maker. If  
6 continued enrollment is not in the child's best interest, the  
7 new school shall immediately enroll and permit the child to  
8 attend school upon presenting for enrollment or the next  
9 business day regardless of whether the child can provide the  
10 documentation normally required for school enrollment. The  
11 child's former school shall provide the child's school record to  
12 the child's new school within ten (10) days of the child's  
13 enrollment.

14 (b) The provisions of this section shall apply to all local  
15 education agencies. No local education agency shall refuse to  
16 retain an eligible child in the current school which provides  
17 school stability nor refuse to enroll a child in a new school as  
18 provided by this section.

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

20 (a) A child experiencing homelessness shall be entitled to free  
21 transportation to the child's school of origin in accordance  
22 with applicable law. For a child in foster care, transportation  
23 shall be provided and arranged in accordance with a local  
24 transportation plan or other agreement between the child welfare  
25 agency and the local education agency where the child is  
26 enrolled. Transportation shall be provided in a cost-effective  
27 manner.

28 (b) The local education agency shall collaborate with the  
29 child welfare agency to ensure that proper and age-appropriate  
30 transportation required for school stability is promptly

1 provided in a manner consistent with any agreement between the  
2 applicable child welfare agency and local education agency.  
3 Transportation shall be provided immediately to ensure ongoing  
4 school attendance.

5 (c) A child alleging to be homeless and a child in foster  
6 care shall be entitled to remain in the same school pending full  
7 resolution of any dispute regarding the child's status and legal  
8 entitlement to transportation to support school stability. If  
9 the school district and child welfare agency do not agree  
10 regarding which party shall be responsible for paying, or if  
11 there is a dispute between the parties, the following shall  
12 apply:

13 (1) If either the resident school district or receiving  
14 school district can provide transportation at a negligible cost,  
15 such as when the child can be included in a preexisting bus  
16 route, that school district shall provide transportation. Any  
17 additional costs of transportation shall be evenly divided  
18 between the educating school district and the child welfare  
19 agency.

20 (2) If there is a disagreement between the local education  
21 agency and the child welfare agency regarding which entity pays  
22 for or arranges transportation, the cost of transportation shall  
23 be evenly divided between the local education agency in which  
24 the child is enrolled and the child welfare agency.

25 Section 1331.2. Ensuring Equal Access and Timely  
26 Graduation.--(a) Each student experiencing an educational  
27 disruption shall be assigned a point of contact at the school  
28 the child attends. A school counselor, home and school visitor,  
29 social worker, foster care point of contact, McKinney-Vento  
30 liaison, teacher or administrator or other appropriate school

1 staff may serve as the point of contact under this section. The  
2 person shall be noted in the child's school record, and notice  
3 shall be sent to the child's caregiver or other educational  
4 decision maker. The point of contact shall:

5 (1) Assist the student's transition to the new school by  
6 determining appropriate class placement and connecting the  
7 student with appropriate services and opportunities, including  
8 participating in extracurricular activities, career/technical  
9 training and other programs.

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

17 (b) Students experiencing an educational disruption shall  
18 not be penalized for school uniform or dress code violations  
19 related to delays in obtaining uniforms due to their mobility,  
20 and they shall have equal access to participate in school  
21 programs, sports, extracurricular activities and  
22 career/technical or other special programs, including  
23 transportation if provided.

24 (c) Students experiencing an educational disruption shall be  
25 eligible to earn credits in the new local education agency  
26 regardless of the date of enrollment. Local education agencies  
27 shall honor credits and partial credits previously earned in any  
28 prior educational placement by students experiencing an  
29 educational disruption.

30 (d) Local education agencies shall waive local requirements

1 for graduation for students experiencing an educational  
2 disruption if similar or alternative coursework has been  
3 satisfactorily completed in another educational placement. If  
4 the student was unable to take a similar course required for  
5 graduation, the local education agency shall waive the local  
6 requirement or offer an alternative means for the student to  
7 graduate on time, which may include awarding credit based on  
8 alternative methods, such as testing or written work, credit for  
9 work or internship experiences, summer school, after-school or  
10 online credit recovery programs overseen by a teacher or other  
11 measures.

12 (e) When a student experiencing an educational disruption  
13 lacks credits needed to graduate on time, a local education  
14 agency shall offer options to allow the student to make up  
15 credits, such as testing or written work, summer school, after-  
16 school or online credit recovery programs overseen by a teacher  
17 or other assessments.

18 (f) If a student experiencing an educational disruption  
19 transfers at the beginning of the student's junior year of high  
20 school or later and is ineligible to graduate from the new local  
21 education agency, the former district must award a diploma if  
22 the students meets the graduation requirements of the former  
23 local education agency.

24 (g) After exhausting all other options under this section, a  
25 student experiencing an educational disruption who has completed  
26 at least four (4) years of high school and meets the State  
27 graduation standards under section 1613, but cannot obtain a  
28 local education agency-issued diploma, shall as a last resort be  
29 eligible to obtain a Commonwealth secondary school diploma  
30 issued by the department under section 1613(d). The student's

1 current local education agency shall assist a student  
2 experiencing an educational disruption in obtaining such a  
3 diploma.

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