SENATE DOCKET, NO. 739 FILED ON: 1/20/2011

SENATE . . . . . No. 37

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to educational stability for foster children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Marc T. Lombardo	*22nd Middlesex*
George T. Ross	*2nd Bristol*
Michael J. Rodrigues	
Michael F. Rush	*Suffolk and Norfolk*
Elizabeth A. Poirier	*14th Bristol*
Sheila C. Harrington	*1st Middlesex*
Chris Walsh	*6th Middlesex*
Rhonda Nyman	*5th Plymouth*
Denise Provost	*27th Middlesex*
Kay Khan	*11th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*

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SENATE . . . . . No. 37

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 37) of Sal N. DiDomenico, Marc Lombardo, George Ross, Michael J. Rodrigues and other members of the General Court for legislation relative to educational stability for foster children. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to educational stability for foster children.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Whereas foster youth encounter many adverse impacts caused by their high mobility and whereas Congress has recognized the importance of this issue by enacting the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), which requires states to address the educational stability and continuity of foster children, it shall be the policy of this Commonwealth to ensure greater educational stability and continuity for foster youth. Therefore, the Legislature hereby finds that children and young adults as defined by section 21 of chapter 119 of the general laws who are in out-of-home placements, including but not limited to foster care placements, deserve access to the same opportunities that are enjoyed by other children and young adults to: (a) meet the academic achievement standards to which all students are held; (b) maintain stable school enrollments; (c) be placed in the least restrictive educational environments; and (d) have access to the same academic resources, services, and extracurricular and enrichment activities.

13 SECTION 1. (a) On or before July 1, 2012, the department of children and families and
14 the department of elementary and secondary education shall enter into a memorandum of
15 understanding concerning the enrollment of students in the public school system when such
16 students are placed in the care or custody of the department of children and families or are young
17 adults who have signed a voluntary placement agreement with the department of children and
18 families.

19 (b) The memorandum of understanding shall include, without limitations,
20 recommendations for: (i) determining a process for information sharing and collaboration for
21 placement of students; (ii) developing an approach to sharing data that conforms with all state
22 and federal laws, rules, and regulations concerning the privacy of information; (iii) the
23 identification of training and professional development needs associated with implementing
24 information sharing between responsible entities; and (iv) the identification of funding sources
25 that could be utilized for these purposes.

26 (c) A report of these recommendations shall be provided to the commissioner of the
27 department of children and families, the secretary of education, and the office of the child
28 advocate prior to the final adoption of the memorandum of understanding.

29 SECTION 2. (a) Notwithstanding the provisions of any general or special law to the
30 contrary, the commissioner of the department of children and families, in consultation with
31 office of the child advocate and the secretary of education, shall develop a statewide plan for the
32 educational stability of children placed in the care or custody of the department of children and
33 families and young adults who have signed voluntary placement agreements with the department
34 of children and families.

35 (b) The plan shall include: (i) a procedure to allow foster children to continue their
36 education for the duration of the academic year in the school they were enrolled in before
37 entering foster care if such placement is determined to be in their best interest; (ii) a process to
38 minimize the loss of learning time due to changing schools during the academic year; (iii)
39 procedures for transferring academic and other records expediently when a foster child is placed
40 in a new schools; (iv) a process for designating foster care education liaisons to facilitate
41 placement, records transfer, calculation of credits earned, and other transition issues for foster
42 children; (v) a process for determining federal, state and local funding sources for transportation
43 of students to their school of origin; (vi) an assurance that children in care attend school on a
44 regular basis as required by law; (vii) recommendations for administration and legislative
45 actions, including but not limited to legislation that requires local school districts to adhere to
46 different residency requirements for relocated foster children; (viii) an assurance that the
47 department of children and families will coordinate with the appropriate local educational
48 authority to identify how children could remain in the educational settings in which the child
49 were enrolled at the time of placement or, if it is determined that it is not in the child's best
50 interest to remain in that setting, the local educational authority shall immediately and
51 appropriately enroll the child in another educational setting during the child's placement and
52 ensure that the child's educational records are transferred to the new educational setting.

53 SECTION 3. Not later than 12 months after the effective date of this act, the plan shall be
54 filed with the clerks of the Senate and House of Representatives, the Joint Committee on
55 Children, Families and Persons with Disabilities, the Joint Committee on Education, and the
56 House and Senate Committees on Ways and Means.