

SENATE No. 72

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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 establishing a plan to ensure the educational stability of foster children.

PETITION OF:

NAME:

Ryan C. Fattman
Bruce E. Tarr

DISTRICT/ADDRESS:

Worcester and Norfolk
First Essex and Middlesex

SENATE No. 72

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 72) of Ryan C. Fattman and Bruce E. Tarr for legislation to establish a plan to ensure the educational stability of foster children. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act establishing a plan to ensure the educational stability of 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:

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

12 SECTION 1. (a) On or before July 1, 2016, the department of children and families and
13 the department of elementary and secondary education shall enter into a memorandum of
14 understanding concerning the enrollment of students in the public school who have been placed
15 in the care or custody of the department of children and families or who are young adults who
16 have signed a voluntary placement agreement with the department of children and families.

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

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

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

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

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