

**SENATE . . . . . No. 40**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Diana DiZoglio*

*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 foster kids.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Diana DiZoglio</i>	<i>First Essex</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>

**SENATE . . . . . No. 40**

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By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 40) of Diana DiZoglio and Patrick M. O'Connor for legislation relative to foster children school enrollment. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 65 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to foster kids.

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

1 SECTION 1. Section 7 of Chapter 76, as so appearing, is hereby amended by inserting at  
2 the end thereof the following paragraph:-

3 Notwithstanding section 5 of this chapter, any school age child removed from the home  
4 of the child’s parents or guardians under chapter 119, sections 23, 24, 25, 26, 39G or 39H and  
5 placed in the custody of the department of children and families or another custodian, may  
6 continue to attend the school in which the child was enrolled at the time of removal (“the school  
7 of origin”). The right to attend the school of origin shall apply to any subsequent placement. If  
8 the child’s custodian determines, in consultation with the child and the child’s school, that it is  
9 not in the best interest of the child to remain in the school of origin, the child shall be  
10 immediately and appropriately enrolled in the new school. The child’s custodian shall promptly

11 notify the child’s attorney and the school of origin of the decision. Where the child’s custodian is  
12 the department of children and families, and the department determines that it is in the child’s  
13 best interest to enroll the child in a school in the district in which the child is placed, the  
14 department shall provide the child’s attorney with written notice of the decision. This notice shall  
15 identify the factors that form the basis of the decision. Nothing in this section shall be construed  
16 to detract from any other right that a child may have under any other law.

17 SECTION 2. Paragraph (7) of subsection (a) of Section 23(7) of Chapter 119, as so  
18 appearing, is hereby amended by inserting after subsection clause (i) the following subsection:-

19 The department shall ensure that the placement of a child in foster care takes into account  
20 the appropriateness of the current educational setting and the proximity to the school in which  
21 the child is enrolled at the time of each placement; coordinate with the appropriate local  
22 educational agencies to ensure that the child remains in the school which the child is enrolled in  
23 at the time of each placement; or, if remaining in such school is not in the best interests of the  
24 child, ensure that the child is immediately and appropriately enrolled in a new school and that all  
25 of the child’s educational records have been provided to the school.”