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 passage of the accompanying:

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	☐ *[District]* ☐
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

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.

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

(b) The memorandum of understanding shall include, without limitations, recommendations for: (i) determining a process for information sharing and collaboration for placement of students; (ii) developing an approach to sharing data that conforms with all state and federal laws, rules, and regulations concerning the privacy of information; (iii) the identification of training and professional development needs associated with implementing

information sharing between responsible entities; and (iv) the identification of funding sources that could be utilized for these purposes.

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

SECTION 2. (a) Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the department of children and families, in consultation with office of the child advocate and the secretary of education, shall develop a statewide plan for the educational stability of children placed in the care or custody of the department of children and families and young adults who have signed voluntary placement agreements with the department 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 expediently when a foster child is placed in a new schools; (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 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; (viii) an assurance that the department of children and families will coordinate with the appropriate local educational authority to identify how children could 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 the 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 Committees on Ways and Means.