

# Act 1 of 2022 – Assisting Students Experiencing Education Instability

## Students in Foster Care Placement

### Did you know?

**Students in foster care placement** who have experienced “education instability” — meaning one or more school changes in school entity enrollment during a single school year — are eligible for assistance under Pennsylvania law.<sup>i</sup>

**Act 1 of 2022 (Act 1)** promotes timely high school graduation and facilitates equal access to academics and extracurricular activities and the removal of systemic barriers for students who experience education instability as defined by the legislation. This includes students in foster care placement.

**Foster care includes a variety of placement settings** including placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.<sup>ii</sup>

While students in foster care placement have a right to school stability under federal law,<sup>iii</sup> sometimes a change in schools is necessary and appropriate. Under Act 1, school entities must work with these students to **remove a variety of barriers** that could impact their success in school.

### Why is Act 1 important?

Students in foster care placement face several systemic barriers which are compounded by their exposure to trauma and adverse childhood experiences (ACEs.)

Schools can reduce these barriers and contribute to positive childhood experiences by facilitating equal access to academic and extracurricular activities, and to promote grade retention and on-time high school graduation.

### What does the law provide students in foster care placement?

#### Point of Contact

**Establishes a Point of Contact** for the student, the placing child welfare agency, foster care parents, education decision maker(s), and other systems or individuals involved in the education, protection, and care of the student in foster care placement. The Point of Contact established by the student’s school entity ensures that the student receives all benefits of the law, and this information is added to the student’s education record.

#### Equal Access

**Ensures equal access** for the student to participate in school-sponsored and extracurricular activities if they meet placement and qualification requirements. This includes lifting registration deadlines due to attending a prior school or other barriers that may be caused by experiencing school instability.

#### Fees Assistance

**Eliminates fees** that create a barrier for students to participate in school and school-sponsored activities. Fees may include school identification fees, uniform fees, fees for athletics, extracurricular activities, school-sponsored trips, library fees, materials fees, fees for lost or damaged materials, and graduation regalia fees. **Title I, Part A funds must be used only as a last resort** after other funding sources have been exhausted.

#### Timely Graduation

**Assesses graduation progress** to ensure **timely graduation** of students. This includes adopting more flexible policies regarding course credits, credit transfers, and developing a student-specific graduation plan for students in foster care placement experiencing education instability in grades 9-12.

#### Pathways to Graduation

**Considers alternative pathways to graduation** for students, including a diploma issued by the student’s prior school or a Keystone Diploma issued by the Pennsylvania Department of Education (PDE.)



# How to put Act 1 into Action



## Addressing fees

Schools should explore the allowability of Title I, regional and local resources, or other funding sources to address fees covered under Act 1.

School entities may set aside Title I funds for students in foster care placement. **Title I, Part A funds must be used only as a last resort** when funds or services are not available from other public or private sources such as the United States Department of Agriculture's (USDA) National School Lunch Program, USDA School Breakfast Program, public health clinics, or local discretionary funds used to provide similar services for other special student populations. **Title I, Part A services must be reasonable and necessary** to assist students in foster care placement to take advantage of educational opportunities. Schools may use Title I, Part A to defray the excess cost of school of origin transportation.

Schools may also explore regional and local foster care serving organizations for possible support. A list of organizations by county is available or contact your Educational Stability for Children and Youth in Foster Care Program Regional Office.<sup>iv</sup>

Schools may also collaborate with the student's placing child welfare agency to inquire if support may be available from the child welfare agency.



## Identify and Name a Point of Contact

School entities may identify their foster care Point of Contact as the Act 1 Point of Contact. However, to ensure completion of all tasks required by the law, school entities may consider appointing a building-level Point of Contact. Local Educational

Agencies (LEAs) may use Title I foster funds (reservation) to fund a local foster care Point of Contact's salary and expenses.



## Building a community of support

When students in foster care begin at a new school, the student's established Act 1 Point of Contact and school foster care Point of Contact should meet to review all available resources and participation opportunities to promote belonging and inclusion in their new school community.



## Assess all prior work and award credits

The Act 1 Point of Contact works with relevant school staff to carefully assess the student's academic history and investigate whether the student has already completed partial credit or a course that meets a requirement at the current school. This includes education received in residential treatment facilities or children's institutions.



## Develop pathways to graduation

The Act 1 Point of Contact works with relevant school staff to create a graduation plan for students in grades 9-12 that thoroughly assesses and specifies the courses necessary for a student to graduate on time. The graduation plan is developed and reviewed with the student and shared with the student's education decision maker and caseworker.



## Consider Act 1 and special education

School entities should carefully work with students in foster care with Individualized Education Program (IEPs) or 504 Plans to ensure that Act 1 does not conflict with these applicable laws. Importantly, students who have IEPs may still elect to remain in school until age 22, even if Act 1 offers an earlier pathway to graduation.<sup>v</sup>



Scan QR code to visit  
PDE Act 1 of 2022 Basic  
Education Circular (BEC)



Scan QR code to visit  
Foster Care website.



Scan QR code to visit  
Act 1 of 2022 Education  
Instability website.

Contact  
RA-EDDOP@pa.gov

i See Public School Code of 1949 – Assisting Students Experiencing Education Instability  
ii See Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care  
iii See U.S. Department of Education, Students in Foster Care  
iv See Region-Specific Resources for Children and Youth in Foster Care, Foster Families, and Kin or Educational Stability for Children and Youth in Pennsylvania Regional and Site Coordinators Map  
v See IDEAB FAQ (pa.gov)

To see full references please  
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