

# May 2022

# Legal Report

## SWAN Legal Services Initiative

*A monthly publication from the SWAN Legal Training Team*

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**BULLETIN FROM THE DEPARTMENT OF HUMANS SERVICES  
CHILDREN, YOUTH & FAMILIES BULLETIN**

**BILLS SIGNED**

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## U.S. DISTRICT COURT OF PENNSYLVANIA

**SPOTLIGHT: Upper Merion Area School District v. Z.B.**

The District Court for the Eastern District of Pennsylvania granted the School's motion to dismiss Parents' complaint and dismiss count II of Parents' counterclaim without prejudice. Mother claimed that the School denied Z.B. a Fair Appropriate Public Education ("FAPE") by not providing an in-person one-to-one aide during virtual instruction, pursuant to Z.B.'s IEP and further claimed that the School acted in retaliation and discriminated against Z.B. and Parents when it failed to comply with the order from the hearing officer requiring the School comply with Z.B.'s IEP as written two months after the decision. The District Court held that Parents failed to exhaust all administrative remedies under the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), which must be done before the Court can exercise subject matter jurisdiction.

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On May 19, 2022, the Office of Children, Youth and Families (OCYF) released Bulletin 3490-21-03 entitled "Changes to the Child Protective Services Law, 23 Pa. C.S. §6344, as it pertains to Clearances." OCYF has amended the process for submitting Out-of-State Child Abuse clearances to ChildLine for prospective foster and adoptive parents. OCYF's goal with releasing the updated guidance is to provide a document with all the relevant clearance information in one location. This change is effective immediately. The full updated Bulletin can be accessed from the link provided below.

[https://pccyfs.org/wp-content/uploads/2021/12/OCYF-Bulletin-3490-21-04\\_FINAL-UPDATED74695.pdf](https://pccyfs.org/wp-content/uploads/2021/12/OCYF-Bulletin-3490-21-04_FINAL-UPDATED74695.pdf)

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On May 21, the President signed into law H.R. 7791, the "Access to Baby Formula Act of 2022," which allows the waiver of certain program requirements in the Special Supplemental Nutrition Program for Women, Infants, and Children due to a supply chain disruption or emergency. H.R. 7791 can be viewed at the link provided below.

<https://www.congress.gov/117/plaws/publ129/PLAW-117publ129.pdf>