

HOUSE BILL NO. 126

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GARA, Crawford, Kerttula

Introduced: 2/11/09

Referred: Education, Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to continuing the secondary public education of a homeless student;**
2 **relating to the purpose of certain laws as they relate to children; relating to tuition**
3 **waivers, loans, and medical assistance for a child placed in out-of-home care by the**
4 **state; relating to foster care; relating to children in need of aid; relating to foster care**
5 **transition to independent living; and relating to juvenile programs and institutions."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 14.03 is amended by adding a new section to read:

8 **Sec. 14.03.096. Continuing the public education of a homeless student. (a)**

9 Except as provided in (b) of this section, the governing body of a school district shall
10 comply with the requirements for continuing the public education of a homeless
11 student in the student's school of origin and for providing comparable education and
12 transportation services during the homelessness under 42 U.S.C. 11431 - 11435
13 (McKinney-Vento Homeless Education Assistance Improvement Act of 2001).

(b) The requirements in (a) of this section do not apply if

(1) the student moves to a school district other than the school district in which the student's school of origin is located; or

(2) the superintendent of the school district makes a written finding that a waiver of the requirements is in the student's best academic interest and the finding is mailed to the school board and to the person in charge of children's services for the Department of Health and Social Services.

(c) If a homeless student is transferred to a school other than the student's school of origin, the school of origin shall provide a copy of the student's records to the student's new school within 7 school days after notification of the transfer. The student's new school shall allow the student to attend school while awaiting the transfer of records under this subsection.

(d) In this section,

(1) "homeless student" has the meaning given in 42 U.S.C. 11434a for "homeless child or youth," and the phrase "awaiting foster care placement" in that definition shall be interpreted to include all students who are placed in out-of-home care and in the custody of the Department of Health and Social Services under AS 47.10.080(c) or who are committed to the custody of the Department of Health and Social Services under AS 47.12.120(b)(1) or (3);

(2) "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

* **Sec. 2.** AS 14.43 is amended by adding a new section to read:

Article 3A. Free Tuition for a Person Who Was in Out-of-Home Care.

Sec. 14.43.086. Free tuition and fees for a person who was in out-of-home care. (a) A person who enrolls as a student in good standing in a state-supported educational institution in the state is entitled to a waiver of tuition, fees, and room and board expenses if the person provides adequate proof that the person

(1) was in the custody of the state under AS 47.10 or AS 47.14;

(2) was placed in out-of-home care for a period of not less than six consecutive months on or after the person became 16 years of age;

(3) has applied for educational loans, grants, or scholarships that the

1 person is otherwise eligible for as recommended by the educational institution; and

2 (4) is under 29 years of age.

3 (b) The educational institution may require an eligible recipient to apply for a
4 loan under AS 14.43.112.

5 (c) The proceeds of an education loan, including a loan under AS 14.43.112,
6 grant, or scholarship received by a person eligible for a waiver under this section must
7 be paid to the educational institution to offset the person's tuition, fees, and room and
8 board expenses.

9 * **Sec. 3.** AS 14.43 is amended by adding a new section to read:

10 **Sec. 14.43.112. Education loans for a child who was in out-of-home care.**

11 (a) The commission may, subject to the loan conditions under AS 14.43.120 and the
12 eligibility requirements under AS 14.43.125, make a loan in a school year to a person
13 who is eligible for a tuition waiver under AS 14.43.086 to offset the person's tuition,
14 fees, and room and board expenses as provided under that section. Notwithstanding
15 the limits under AS 14.43.120(d), a loan made under this section may not exceed
16 \$4,000 annually for a full-time undergraduate or graduate student or \$2,000 annually
17 for a half-time undergraduate or graduate student attending a state-supported
18 educational institution in the state.

19 (b) The commission may not require repayment of or assess interest on a loan
20 made under this section before six months after the completion of the program for
21 which the loan was paid unless the borrower fails to complete the program in five
22 years.

23 * **Sec. 4.** AS 14.43.160 is amended by adding a new paragraph to read:

24 (7) "out-of-home care" means care and shelter provided by a foster
25 parent or relative other than a parent with whom a child is placed by the Department
26 of Health and Social Services.

27 * **Sec. 5.** AS 47.05.060 is amended to read:

28 **Sec. 47.05.060. Purpose and policy relating to children.** The purpose of this
29 title as it relates to children is to secure for each child the care and guidance,
30 preferably in the child's own home, as well as an adequate education, that will serve
31 the moral, emotional, mental, intellectual, and physical welfare of the child and the

best interests of the community; to preserve and strengthen the child's family ties unless efforts to preserve and strengthen the ties are likely to result in physical or emotional damage to the child, removing the child from the custody of the parents only as a last resort when the child's welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and, when the child is removed from the family, to secure for the child adequate custody, education, and care and adequate planning for permanent placement of the child.

* **Sec. 6.** AS 47.05.065 is amended to read:

Sec. 47.05.065. Legislative findings related to children. The legislature finds that

(1) parents have the following rights and responsibilities relating to the care and control of their child while the child is a minor:

(A) the responsibility to provide the child with food, clothing, shelter, education, and medical care;

(B) the right and responsibility to protect, nurture, train, and discipline the child, including the right to direct the child's medical care and the right to exercise reasonable corporal discipline;

(C) the right to determine where and with whom the child shall live;

(D) the right and responsibility to make decisions of legal or financial significance concerning the child;

(E) the right to obtain representation for the child in legal actions; and

(F) the responsibility to provide special safeguards and care, including appropriate prenatal and postnatal protection for the child;

(2) it is the policy of the state to strengthen families and to protect children from child abuse and neglect; the state recognizes that, in some cases, protection of a child may require removal of the child from the child's home; however,

(A) except in those cases involving serious risk to a child's health or safety, the Department of Health and Social Services should provide time-limited family support services to the child and the child's family in order

1 to offer parents the opportunity to remedy parental conduct or conditions in the
2 home that placed the child at risk of harm so that a child may return home
3 safely and permanently; and

4 (B) the state also recognizes that when a child is removed from
5 the home, visitation between the child and the child's parents or guardian and
6 family members reduces the trauma for the child and enhances the likelihood
7 that the child will be able to return home; therefore, whenever a child is
8 removed from the parental home, the Department of Health and Social
9 Services should encourage frequent, regular, and reasonable visitation of the
10 child with the child's parent or guardian and family members;

11 (3) it is the policy of the state to recognize that, when a child is a ward
12 of the state, the child is entitled to reasonable safety, adequate care, and adequate
13 treatment and that the Department of Health and Social Services as legal custodian and
14 the child's guardian ad litem as guardian of the child's best interests and their agents
15 and assignees, each should make reasonable efforts to ensure that the child is provided
16 with reasonable safety, adequate care, and adequate treatment for the duration of time
17 that the child is a ward of the state;

18 (4) it is in the best interests of a child who has been removed from the
19 child's own home for the state to apply the following principles in resolving the
20 situation:

21 (A) the child should be placed in a safe, secure, and stable
22 environment;

23 (B) the child should not be moved unnecessarily;

24 (C) a planning process should be followed to lead to permanent
25 placement of the child;

26 (D) every effort should be made to encourage psychological
27 attachment between the adult caregiver and the child;

28 (E) frequent, regular, and reasonable visitation with the parent
29 or guardian and family members should be encouraged; [AND]

30 (F) parents and guardians must actively participate in family
31 support services so as to facilitate the child's being able to remain in the home;

1 when children are removed from the home, the parents and guardians must
 2 actively participate in family support services to make return of their children
 3 to the home possible; **and**

4 **(G) the child should continue to attend the child's school of**
 5 **origin as provided under AS 14.03.096;**

6 (5) numerous studies establish that

7 (A) children undergo a critical attachment process before the
 8 time they reach six years of age;

9 (B) a child who has not attached with an adult caregiver during
 10 this critical stage will suffer significant emotional damage that frequently leads
 11 to chronic psychological problems and antisocial behavior when the child
 12 reaches adolescence and adulthood; and

13 (C) it is important to provide for an expedited placement
 14 procedure to ensure that all children, especially those under the age of six
 15 years, who have been removed from their homes are placed in permanent
 16 homes expeditiously.

17 * **Sec. 7.** AS 47.07.020(b) is amended to read:

18 (b) In addition to the persons specified in (a) of this section, the following
 19 optional groups of persons for whom the state may claim federal financial
 20 participation are eligible for medical assistance:

21 (1) persons eligible for but not receiving assistance under any plan of
 22 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,
 23 Supplemental Security Income) or a federal program designated as the successor to the
 24 aid to families with dependent children program;

25 (2) persons in a general hospital, skilled nursing facility, or
 26 intermediate care facility, who, if they left the facility, would be eligible for assistance
 27 under one of the federal programs specified in (1) of this subsection;

28 (3) persons under 21 years of age who are under supervision of the
 29 department, for whom maintenance is being paid in whole or in part from public
 30 funds, and who are in **out-of-home care** [FOSTER HOMES] or private child-care
 31 institutions;

1 (4) aged, blind, or disabled persons, who, because they do not meet
2 income and resources requirements, do not receive supplemental security income
3 under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not
4 receive a mandatory state supplement, but who are eligible, or would be eligible if
5 they were not in a skilled nursing facility or intermediate care facility to receive an
6 optional state supplementary payment;

7 (5) persons under 21 years of age who are in an institution designated
8 as an intermediate care facility for the mentally retarded and who are financially
9 eligible as determined by the standards of the federal program designated as the
10 successor to the aid to families with dependent children program;

11 (6) persons in a medical or intermediate care facility whose income
12 while in the facility does not exceed \$1,656 a month but who would not be eligible for
13 an optional state supplementary payment if they left the hospital or other facility;

14 (7) persons under 21 years of age who are receiving active treatment in
15 a psychiatric hospital and who are financially eligible as determined by the standards
16 of the federal program designated as the successor to the aid to families with
17 dependent children program;

18 (8) persons under 21 years of age and not covered under (a) of this
19 section [,] who would be eligible for benefits under the federal program designated as
20 the successor to the aid to families with dependent children program, except that they
21 have the care and support of both their natural and adoptive parents;

22 (9) pregnant women not covered under (a) of this section and who
23 meet the income and resource requirements of the federal program designated as the
24 successor to the aid to families with dependent children program;

25 (10) persons under 21 years of age not covered under (a) of this section
26 who the department has determined cannot be placed for adoption without medical
27 assistance because of a special need for medical or rehabilitative care and who the
28 department has determined are hard-to-place children eligible for subsidy under
29 AS 25.23.190 - 25.23.210;

30 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title
31 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom

1 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title
2 XVI, Social Security Act) because they meet all of the following criteria:

3 (A) they are 18 years of age or younger and qualify as disabled
4 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

5 (B) the department has determined that

6 (i) they require a level of care provided in a hospital,
7 nursing facility, or intermediate care facility for the mentally retarded;

8 (ii) it is appropriate to provide their care outside of an
9 institution; and

10 (iii) the estimated amount that would be spent for
11 medical assistance for their individual care outside an institution is not
12 greater than the estimated amount that would otherwise be expended
13 individually for medical assistance within an appropriate institution;

14 (C) if they were in a medical institution, they would be eligible
15 for medical assistance under other provisions of this chapter; and

16 (D) home and community-based services under a waiver
17 approved by the federal government are either not available to them under this
18 chapter or would be inappropriate for them;

19 (12) disabled persons, as described in 42 U.S.C.
20 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
21 applicable federal regulations or guidelines, is less than 250 percent of the official
22 poverty line applicable to a family of that size according to the United States
23 Department of Health and Human Services, and who, but for earnings in excess of the
24 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be
25 individuals with respect to whom a supplemental security income is being paid under
26 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is
27 not eligible under another provision of this section shall pay a premium or other cost-
28 sharing charges according to a sliding fee scale that is based on income as established
29 by the department in regulations;

30 (13) persons under 19 years of age who are not covered under (a) of
31 this section and whose household income does not exceed 175 percent of the federal

1 poverty line as defined by the United States Department of Health and Human
2 Services and revised under 42 U.S.C. 9902(2);

3 (14) pregnant women who are not covered under (a) of this section and
4 whose household income does not exceed 175 percent of the federal poverty line as
5 defined by the United States Department of Health and Human Services and revised
6 under 42 U.S.C. 9902(2);

7 (15) persons who have been diagnosed with breast or cervical cancer
8 and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

9 **(16) persons under 21 years of age who were in the custody of the**
10 **department under AS 47.10 or AS 47.14 and who were placed in out-of-home**
11 **care for a period of not less than six consecutive months on or after reaching 16**
12 **years of age.**

13 * **Sec. 8.** AS 47.10.080 is amended by adding a new subsection to read:

14 (v) A social worker employed by the department shall, not less than monthly,
15 conduct visits with a child committed to the custody of the department under (c) of
16 this section. The visits must be of sufficient substance and duration to address issues
17 pertinent to case planning and service delivery to ensure the child's safety,
18 permanency, and well-being. The majority of the visits conducted under this
19 subsection must be at the location of the child's current placement. In this subsection,
20 "visit" means face-to-face contact between social worker and child.

21 * **Sec. 9.** AS 47.10.990(3) is amended to read:

22 (3) "child" means a person **who is**

23 **(A)** under 18 years of age;

24 **(B)** [AND A PERSON] 19 years of age if that person was
25 under 18 years of age at the time that a proceeding under this chapter was
26 commenced; **and**

27 **(C) under 21 years of age if that person is living in out-of-**
28 **home care;**

29 * **Sec. 10.** AS 47.10.990 is amended by adding a new paragraph to read:

30 (33) "out-of-home care" means care and shelter provided by a foster
31 parent or relative other than a parent with whom the child is placed by the department.

1 * **Sec. 11.** AS 47.14.990 is amended by adding new paragraphs to read:

2 (13) "child" means a person under 18 years of age and a person under
3 21 years of age if the person is living in out-of-home care;

4 (14) "out-of-home care" has the meaning given in AS 47.10.990.

5 * **Sec. 12.** AS 47.18.310 is amended to read:

6 **Sec. 47.18.310. Program design.** The department, in coordination with local
7 public and private agencies, shall design the program as a continuation of the training
8 efforts related to independent living skills that were initiated when the state foster care
9 recipients were identified as being likely to remain in state foster care until reaching
10 21 years of age [THE AGE OF 18]. The program design must require that program
11 participants are directly involved in identifying the program activities that will prepare
12 them for independent living.

13 * **Sec. 13.** AS 47.18 is amended by adding a new section to read:

14 **Sec. 47.18.335. Monetary stipend.** The department shall provide to an
15 individual receiving services under the program a monthly stipend in an amount set by
16 the department that is equivalent to the daily rate provided to a licensed foster parent
17 for housing expenses. The stipend shall continue for a period of not less than six
18 months and not more than one year after the individual leaves foster care. The
19 department may adopt regulations to implement this section.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

Sponsor Statement HB 126: Success For Foster Youth

HB 126 is designed to fix some of the most glaring problems in our foster care system – problems that serve to deny opportunity and success to at risk foster youth. It is cost effective, and designed to supplement partial efforts that exist today. Given the number of foster youth in Alaska – approximately 2,000 – the cost of this effort will not be substantial, but the economic and human and opportunity cost of not passing it will be.

The legislation is an outgrowth of this past fall's bi-partisan legislative foster care conference, and work by Alaska's foster youth, who have become increasingly active in seeking solutions for the problems they face on a day to day basis.

Today roughly 40% of foster youth end up homeless at some point in their lives after leaving foster care. That's unacceptable, and HB 126 proposes cost effective solutions to that problems. It is estimated that less than 10% of our foster youth graduate from college. Foster youth end up in jail and on state-paid social services, and in social service treatment in greater numbers than their peers. Tolerating this costs Alaskans in terms of money, lost economic activity and human opportunity.

HB 126 does the following:

- It requires OCS to meet federal standards by requiring in person visits with foster children on a monthly basis. Many states impose such a requirement to spur compliance by their state agencies, and the language in HB 126 is taken from Minnesota. The most recent federal review of our system states that in roughly 1/3 of the cases OCS staff meet once every 8 months with foster youth. OCS is working on improving this, and OCS staff are eager to find ways to comply with the monthly visit standards that are so important if we are to protect our foster youth from harm, and learn their needs so they can succeed.
- It provides housing assistance to youth coming out of foster care, for up to a year. Current rules allow OCS to pay for one month of full rent, and then 2 months of rent at 50% of the youth's cost.
- It provides tuition and room and board for in-state job training and college. Currently there are a limited number of tuition-only scholarships available to youth, and some job training assistance. This provision would make that assistance complete. The room and

board component is crucial, as foster youth have no home they can live in after foster care ends.

- It requires that foster youth be allowed to remain in their current school when they suffer a foster family placement change. Bouncing youth between schools causes failure, and federal law provides partial funding to allow students to avoid school transfers.
- It requires that when foster youth are transferred to a new school, they be allowed to attend immediately, and requires that their transcript information be transferred to the new school within 7 days.

Federal funding is available for portions of this effort, and the limited number of foster youth in Alaska would make implementation of this effort relatively inexpensive. If we don't pursue this legislation, Alaska's foster youth will continue facing unfair barriers to their success – and that shouldn't be an acceptable option.

Please don't hesitate to contact us with questions.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
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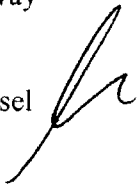
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 12, 2009

SUBJECT: Sectional Summary (HB 126; Work Order No. 26-LS0309\E)

TO: Representative Les Gara
Attn: Katie Conway

FROM: Jean M. Mischel
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides for the continuation of a public education in a student's school of origin for a homeless student under federal specifications. Provides exceptions for a move outside of a school district or when a superintendent makes contrary findings in the student's best interest. Modifies federal definition of homelessness to include students who are placed in out-of-home care by the state.

Section 2. Provides for a waiver of tuition, fees, and room and board expenses at a state-supported educational institution for a person who was placed in out-of-home care under specified circumstances for a person who is 16 years or older. The school may require eligible applicants to apply for a loan under section 3.

Section 3. Provides for an education loan for students eligible under section 2 to offset unmet education expenses after a waiver is granted under section 2.

Section 4. Defines out-of-home care for purposes of student loans and waivers.

Section 5. Amends the state's purpose and policy related to children to include education and intellectual development.

Section 6. Amends the legislative intent related to children to include providing a public education as provided under section 1.

Section 7. Replaces the term "foster homes" with "out-of-home care" for purposes of

establishing medical assistance eligibility for certain persons and adds a category of eligibility for persons under 21 years of age who were in out-of-home care for a specified period of time on or after the person's 16th birthday.

Section 8. Establishes mandatory monthly visits by social workers employed by the department to make monthly home visits, as described, to all children in the custody of the department.

Section 9. Amends the definition of "child" for purposes of the child in need of aid statutes.

Section 10. Defines "out-of-home care" for purposes of the child in need of aid statutes.

Section 11. Defines "child" and "out-of-home care" for purposes of juvenile programs and institutions.

Section 12. Increases the maximum eligibility age from 18 to 21 for purposes of the foster care transition program.

Section 13. Establishes a monetary stipend to be paid to persons who are eligible for the foster care transition program.

JMM:ljw
09-088.ljw

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: HB126
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): HB126-EED-ACPE-02-23-09 Dept. Affected: Education
 Title An Act relating to continuing the secondary public education RDU ACPE
of a homeless student; relating to the purpose of certain Component Program Administration and
 Sponsor Rep. Gara Operations
 Requester (H)EDC Component Number 2738

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| | Appropriation Required | Information | | | | | |
|-------------------------------|---------------------------|-------------|---------|---------|---------|---------|---------|
| | FY 2010 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| OPERATING EXPENDITURES | | | | | | | |
| Personal Services | | | | | | | |
| Travel | | | | | | | |
| Contractual | | | | | | | |
| Supplies | | | | | | | |
| Equipment | | | | | | | |
| Land & Structures | | | | | | | |
| Grants & Claims | | | | | | | |
| Miscellaneous | | | | | | | |
| TOTAL OPERATING | 0.0 | *** | *** | *** | *** | *** | *** |

| | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|

| | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | | |
|----------------------------|------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| Other Interagency Receipts | | | | | | | |
| TOTAL | 0.0 | *** | *** | *** | *** | *** | *** |

Estimate of any current year (FY2009) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Sections 3 and 4 of the bill amend the Alaska Student Loan statutes creating special loan terms and conditions for otherwise eligible borrowers, providing for a lower annual loan limit than would otherwise be available and provides for the loan to be interest-free to the borrower under certain conditions. The commission no longer makes loans under this section of law, and it is unclear whether the intent of the bill is to create a separate loan program for this special population that is in addition to the other loans available to them, or if this is to be an alternative to other borrowing. Currently, the commission administers newly originated state education loans (those not carrying a federal guarantee) pursuant to AS 14.43.170--AS 14.43.175. At the time of drafting of this note, the anticipated population of program participants is not known so related costs estimates could not be determined.

Prepared by: Diane Barrans, Executive Director
 Division Alaska Commission on Postsecondary Education
 Approved by: Diane Barrans, Executive Director
Alaska Commission on Postsecondary Education

Phone 465-6740
 Date/Time 2/23/06 1:00 PM
 Date 2/23/2006

FACT SHEET

Educational Outcomes for Children and Youth in Foster and Out-of-Home Care

September 2007

For the over 800,000 children and youth served in foster care each year in the United States, educational success is a potential positive counterweight to abuse, neglect, separation, and impermanence. Positive school experiences enhance their well-being, help them make more successful transitions to adulthood, and increase their chances for personal fulfillment and economic self-sufficiency, as well as their ability to contribute to society. Unfortunately, the educational outcomes for children and youth in foster care are dismal. As this current research summary reveals, young people in foster care are in educational crises. Although data are limited, particularly national data, research makes it clear that serious issues must be addressed to ensure the educational success of children and youth in foster care.

National Foster Care Data

The following data are based on the U.S. Department of Health and Human Services AFCARS report: *Preliminary FY 2005 Estimates as of September 2006*.¹

TABLE 1. NATIONAL FOSTER CARE STATISTICS

| Children and Youth in Foster Care | Percentages/Numbers |
|---|---|
| Children and youth served in foster care during 2005 | Over 800,000 (about 1% of child population ²) |
| Children and youth in foster care on September 30, 2005 | 513,000 |
| Young children in foster care (age 0-4) | 28% (142,163) |
| School age children in foster care (age 5-18) | 71% (360,848) |
| Young adults in foster care (age 18-20) | 5% (23,997) |
| Children and youth of color in foster care | 57% |
| Male children and youth in foster care | 52% |
| Number of youth who emancipated/aged out of foster care in 2005 | 9% (24,407) |
| Children and youth exiting foster care who had been in care for one year or more | 50% |
| Children and youth exiting foster care who had been in care for three years or more | 17% |

School Placement Stability/Enrollment Issues

School Mobility Rates of Children and Youth in Foster Care

- Children and youth have an average of one to two home placement changes per year while in out-of-home care.³
- A 2001 study of more than 4,500 children and youth in foster care in Washington State found that, at both the elementary and secondary levels, twice as many youth in foster care as youth not in care had changed schools during the year.⁴
- In a 2000 New York study of 70 children and youth in foster care, more than 75% did not remain in their school once placed in foster care, and almost 65% had been transferred in the middle of the school year.⁵
- A 2004-2005 three-state study of youth aging out of care (the Midwest Study) by Chapin Hall revealed substantial levels of school mobility associated with placement in out-of-home care. Over a third of young adults reported having had five or more school changes.⁶

- School mobility rates are highest for those entering care for the first time. According to another Chapin Hall study in 2004 of almost 16,000 children and youth in the Chicago Public School system, over two-thirds switched schools shortly after their initial placement in out-of-home care.⁸
- A study of 1,082 Casey Family Programs foster care alumni served across the country found that over two-thirds (68%) of them had attended three or more different elementary schools and a third (33%) had attended five or more.⁹

Negative Effects of School Mobility

- A 1996 study of students in Chicago Public Schools found that students who had changed schools four or more times had lost approximately one year of educational growth by their sixth year.⁹
- A 1999 study found that California high school students who changed schools even once were less than half as likely to graduate as those who did not change schools, even when controlling for other variables that affect high school completion.¹⁰
- In the Casey national study of 1,082 foster care alumni throughout the country, youth who had had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.¹¹
- A 2004 study in Philadelphia of 1,635 children over age two found that multiple placements and episodic foster care increased the probability of high mental health service use.¹²

Suspensions/Expulsions

- Two-thirds (67%) of youth in out-of-home care in the Midwest Study had been suspended from school at least once compared to 28% in a national sample of general population youth. About one sixth (17%) of the Midwest youth had been expelled compared with 5% of the general population sample.¹³

Enrollment Issues

- In the New York study, 42% of the children and youth did not begin school immediately upon entering foster care. Nearly half of these young people said that they were kept out of school because of lost or misplaced school records.¹⁴
- A 2001 Bay Area study of over 300 foster parents found that “missing information from prior schools increased the odds of enrollment delays by 6.5 times.”¹⁵

Academic Outcomes

Academic Achievement

- The Washington State study found that children and youth in foster care attending public schools scored 16 to 20 percentile points below non-foster youth in statewide standardized tests at grades three, six, and nine.¹⁶
- Youth in foster care in the Midwest Study, interviewed primarily after completing 10th or 11th grade, on average read at only a seventh grade level. Approximately 44% read at high school level or higher. Few excelled in academic subjects, especially relative to a comparable national sample. Less than one in five received an “A” in English, math, history, or science.¹⁷
- Chapin Hall’s research on Chicago Public School children and youth in out-of-home care indicates they lag at least half a school year behind demographically similar students in the same schools. (There is an overall achievement gap of upwards of one year. However, some of this is attributed to the low-performing schools that many of them attend.) Almost 50% of third to eighth grade students in out-of-home care scored in the bottom quartile on the reading section of the Iowa Tests of Basic Skills (ITBS) test.¹⁸

Grade Retention/Old for Grade

- In the Washington State study, twice as many youth in foster care at both the elementary and secondary levels repeated a grade compared to youth not in care.²⁰
- Nearly 45% of youth in care in the New York State study reported being retained at least once in school.²¹
- In the Midwest Study, 37% of youth in foster care (compared with 22% of a comparable national sample) reported repeating a grade.²¹
- Chicago Public School students in out-of-home care were almost twice as likely as other students to be at least a year older for their grade, even after demographic factors were taken into account and comparisons made to other students attending the same schools.²²
- The national study of Casey foster care alumni found that 36% of them had repeated a grade.²³

Special Education Issues

Number of Youth in Special Education

- Numerous studies indicate anywhere between one-quarter and nearly one-half (23%–47%) of children and youth in out-of-home care in the U.S. receive special education services at some point in their schooling.²⁴ The national average of school-aged children and youth served in special education each year is close to 12%.²⁵
- At both the elementary and secondary levels, more than twice as many foster youth as non-foster youth in the Washington State study had enrolled in special education programs.²⁶
- Nearly half of the youth in foster care in the Midwest Study had been placed in special education at least once during the course of their education.²⁷
- Chicago Public School students in out-of-home care between sixth and eighth grades were classified as eligible for special education nearly three times more frequently than students not in care.²⁸
- 38% of Casey foster care alumni reported they had been enrolled in supplemental education classes for youth needing extra help.

Advocacy Regarding Special Education Services

- An Oregon study done in 2006 compared a group of 45 youth in foster care in special education to a group in special education, but not in foster care. They found that:²⁹
 - » The education and transition plans of foster youth were lower in quality.
 - » The transition plans of the foster care group were half as likely as the comparison group's plans to contain goals regarding education after high school (31% vs. 60%).
 - » Youth in foster care were less likely to have an advocate (i.e., family member, foster parent, or educational surrogate) present at their planning process meeting (42% vs. 69%).
- In the Bay Area study, 68% of the school-age children in foster care reviewed were identified as having special needs, yet only 36% were receiving special education services.³⁰
- In the New York study, Advocates for Children of New York found that:
 - » 90% of biological parents of children in foster care surveyed did not participate in any special education processes concerning their child.³¹
 - » 60% of caseworkers/social workers surveyed "were not aware of existing laws when referring children to special education" and over 50% said "that their clients did not receive appropriate services very often while in foster care."³²
- A 1990 study in Oregon found that children who had multiple foster care placements and who needed special education were less likely to receive those services than children in more stable placements.

Mental, Emotional and Behavioral Issues

Mental Health

- In a 2005 study of foster care alumni in Oregon and Washington (the Northwest Alumni Study), 54% of alumni had one or more mental health disorders in the past 12 months, such as depression, social phobia or panic syndrome (compared with 22% of general population).³³
- In the same study, 25% had post-traumatic stress disorder within the past 12 months (compared with 4% of general population), which is twice the rate of U.S. war veterans.³⁴
- A 2003 study that surveyed key child welfare administrators in 92 localities about their policies for screening children entering out of home care found that only 43% of them provided comprehensive assessments that included physical, mental health, and developmental examinations.³⁵

Emotional and Behavioral Issues

- Recent research in Chicago confirmed previous statewide research findings that children in foster care are significantly more likely than children in the general population to have a special education classification of an emotional or behavioral disturbance.³⁶
- Several studies have found that children and youth in foster care are significantly more likely to have school behavior problems and that they have higher rates of suspensions and expulsions from school.³⁷

High School Completion Rates

High School Completion Rates/Drop-Out Rates

- A 2006 report by the EPE Research Center indicates that the nationwide high school completion rate for all students is 70%. More are lost in ninth than in any other grade (9th: 35%; 10th: 28%; 11th: 20%; 12th: 17%).³⁸
- Studies have found differing rates of high school completion (through a degree or GED), by youth in out-of-home care, though the measures have been defined somewhat differently:
 - » In the Washington State study, 59% of youth in foster care enrolled in 11th grade completed high school by the end of 12th grade.³⁹
 - » The young adults in the Northwest Alumni Study and the Casey national alumni study completed high school (via diploma or GED) at rates of 85% and 86%, respectively, by age 25, which is comparable to the general population rate. Both studies found, however, much higher GED completion rates compared to the general population (5%); over one in four (29%) in the Northwest study,⁴⁰ and one in five (19%) in the Casey national study.⁴¹
 - » In the Midwest Study, approximately 58% of youth in foster care had a high school degree at age 19, compared to 87% of their same-age peers in a comparable national sample.⁴²
 - » A national study in 1994 of young adults who had been discharged from foster care found that 54% had completed high school.⁴³
 - » In the Chapin Hall study of Chicago Public School youth, fifteen-year-old students in out-of-home care were about half as likely as other students to have graduated 5 years later, with significantly higher percentages of students in care having dropped out (55%) or incarcerated (10%).⁴⁴
- A 1997 study on long-term outcomes for children in foster care on a national level found that youth in foster care are more than twice as likely (37% vs. 16%) to have dropped out of high school than non-foster youth. Five years later, 77% of the former foster youth who had dropped out of high school had completed a high school diploma or GED, compared with 93% of the non-foster youth who had dropped out.⁴⁵

Factors Contributing to Dropping Out

- A 1995 nationwide study of over 17,000 students found that being retained even once between first and eighth grade makes a student four times more likely to drop out than a classmate who was never held back, even after controlling for multiple factors.⁴⁶
- School mobility has also been implicated as a clear risk factor for dropout in several studies.⁴⁷
- The recent EPE Research Center report indicates that repeating a grade, changing schools, and behavior problems are among the host of signals that a student is likely to leave school without a traditional diploma.⁴⁸
- The book *Drop Outs in America* reports research that shows the following students are at risk for dropping out: students of color, students who had been held back, students who are older than others in their grade, and English-language learners.⁴⁹

Postsecondary Preparation, Entrance, and Completion

College Aspiration/Preparation

- The majority (80%) of those youth in out-of-home care interviewed in the Midwest Study at age 17–18 hoped and expected to graduate from college eventually.⁵³
- Foster youth with high educational aspirations, on average, were found to have higher reading achievement compared to foster youth with lower aspirations in a 2003 study of Illinois youth age 16–17.⁵⁴
- A national study done in 1997 indicates that only 15% of youth in foster care are likely to be enrolled in college preparatory classes versus 32% of students not in foster care, even when they have similar test scores and grades.⁵⁵
- Strong academic preparation has been found to be the single most important factor in enrolling and succeeding in a postsecondary program. However, in the United States, studies of the general population have found that:
 - » Only 32% of all students leave high school qualified to attend a four-year college.⁵⁶
 - » Only 20% of all African American and 16% of all Hispanic students leave high school college-ready.⁵⁷
 - » Between 30-60% of students “now require remedial education upon entry to college, depending on the type of institution they attend.”⁵⁸

Postsecondary Entrance/Completion Rates

- The Northwest Alumni Study⁵⁹ found that of the foster care alumni who were interviewed:
 - » 43% completed some education beyond high school.
 - » 21% completed any degree/certificate beyond high school.
 - » 16% completed a vocational degree (22% among those age 25 or older).
 - » 1.8% completed a bachelor's degree (3% among those age 25 or older) compared to the general population rate of 24%.
- Estimates from a range of studies vary widely for college enrollment rates (7–48%) and graduation rates (1–8%).⁶⁰
- The Casey national alumni study reported college completion rates of 9% (at any age) compared to the general population rate of 24%.⁶²

Social/Economic Issues

Social Issues

- In the Midwest Study, by about 19 years of age, young women in foster care were more than twice as likely to have been pregnant by age 19 compared with their peers not in foster care.⁵⁹
- The Midwest Study also found that youth aging out of the child welfare system had higher rates of offending across a range of behaviors from property crimes to serious violent crimes than their same age peers. Both male and female foster youth, for example, were over 10 times more likely to report having been arrested since age 18 than youth in a comparative sample.⁶⁰
- In the Northwest Alumni Study, more than one in five alumni reported experiencing homelessness since discharge from foster care.⁶¹ In the Midwest Study, one in seven youth reported experiencing homelessness since leaving care.⁶²

GED vs. High School Diploma

- In research done in 1998 analyzing the educational and labor market performance of GED recipients, it was found that individuals earning a GED credential instead of a high school diploma spend less time working, experience more job turnover, and earn lower wages. They were also half as likely to earn associate's degrees and even less likely to earn bachelor's degrees.⁶³

Economic Impact

- Compared to graduates, the EPE Research Center found that high school dropouts are more likely to be unemployed, earn lower wages, have higher rates of public assistance, be single parents, and have children at a younger age.⁶⁴

TABLE 2. SELECTED OUTCOMES BY EDUCATIONAL ACHIEVEMENT

| | Employment Rate (Mar '06) | Unemployment Rate (Mar '06) | Earning Power (Median Earnings, '04) |
|--------------|------------------------------|--------------------------------|---|
| Dropouts | 42% | 8% | \$18,085 |
| HS Graduate | 60% | 5% | \$26,104 |
| Some College | 70% | 4% | \$30,610 |
| College Grad | 76% | 2% | \$47,317 |

(EPE Research Center, Diplomas Count, 2006)

- According to the Northwest Alumni Study, alumni of the foster care system experience difficult employment and financial situations once they become 18 and age out of the system.⁶⁵
 - » One-third lived at or below poverty (three times the national rate).
 - » One-third had no health insurance (twice the national rate).
 - » Their employment rate was 80% (compared with 95% of same-aged members of the general population).
 - » 17% were currently receiving cash public assistance.

Supportive Factors

Staying in Foster Care After Age 18

- The Midwest Study⁶⁶ found that:
 - » Young adults who stayed in care after 18 were more than twice as likely to be enrolled in a school or training program as those who had been discharged.
 - » Young adults who stayed in care after 18, who had a high school diploma or GED, were over three times as likely as those no longer in care to be enrolled in a 2- or 4-year college.
 - » Compared to the 19 year olds still in foster care, those who left the system were more likely to have become pregnant.⁶⁷

Table 3. Current Educational Enrollment: Midwest Study (n=603)

| Educational Enrollment | Young Adults Still In Care | Young Adults No Longer In Care |
|------------------------|----------------------------|--------------------------------|
| Not Enrolled | 33.3% | 69.2% |
| High School or GED | 20.9% | 10.1% |
| Vocational Training | 8.5% | 9.1% |
| 2-Year College | 26.6% | 7.9% |
| 4-Year College | 10.6% | 3.8% |

Caring, Stable Relationships

- A study conducted with 216 emancipated foster youth attending a four-year university found that social support was an important factor in their educational success: nearly 87% had either a friend or family member to ask for help or advice if needed, 80% had contact with their birth family, and 60% still maintained relationships with their foster or kin-care parents.⁶⁸
- A qualitative study of 38 educationally high-achieving (obtained at least a BA degree) former foster youth found that most of the young adults had a mentor or a role-model, with whom the youth had a close relationship. One in three young adults believed that for former foster youth to succeed in higher education, they need the continued support and advice of a mentor or other adults who understands their experiences.⁶⁹

Existence of Education Advocates

- Multiple studies indicate that foster children often lack a knowledgeable, consistent educational advocate.⁷⁰
- Further studies indicate that foster parents, social workers, and judges who are entrusted with the welfare of the child in care too often lack the training and awareness to provide the educational advocacy that children in care especially need.⁷¹

Early Childhood Education/Early Intervention

General Early Learning Research

- Only 18% of the foster parents in the 2000 New York study reported that children under their care were enrolled in preschool programs. Of the foster parents who indicated that none of the foster children they cared for were enrolled in preschool programs, 80% reported that no one advised them to enroll these children in such programs.⁷²
- The Chicago Longitudinal Study followed the education and social development of more than 1,500 low-income children served by the Chicago Child-Parent Center. When compared to a peer group who did not receive the center's services, participants had a 41% lower rate of juvenile arrest for violent offenses, 41% fewer special education placements, and 51% fewer allegations of child abuse and neglect. At age 21, the participants had a 20% higher rate of high school completion. Every dollar invested in the program returned four dollars to the public in reduced costs of crime, welfare, and remedial education (2001 data).⁷³
- The High/Scope Perry Preschool is a multi-year study of 123 low income African-American children who were assessed to be at high risk of school failure. Fifty-eight received a high-quality preschool program at ages 3 and 4; the other 65 children received no preschool program. Forty years later, the group that received high-quality early learning had higher IQs at age 5, higher high school graduation rates, fewer arrests, and higher median annual incomes than those who received no preschool.⁷⁴

Early Intervention

- A 2005 national study on 2,813 young children in child welfare found that about 40% of toddlers and 50% of preschoolers have high developmental and behavioral needs; however, only 23% of children overall are receiving services for these issues.⁷⁵
- 89% of the biological parents in the 2000 New York study stated that they were unaware of, and never informed about, the Early Intervention program while their children were in foster care. Without parental consent, most children in foster care cannot receive these services.⁷⁶

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Endnotes

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- 2 Kids Count (2007)
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- 23 Pecora, et al., 2006, p. 223
- 24 Courtney, et al., 2004 (47% of 732); Smithgall, et al., 2004 (45% of 1,216 sixth through eighth graders); Burley and Halpern, 2001 (23% of 1,423 third graders, 29% of 1,539 six graders, 24% of 1,597 ninth graders); Choice, et al., 2001 (36% of 303); Advocates for Children of New York Inc., 2000 (30% of 70); Zanghi, 1999 (41% of 134); Jones, et al., 1998 (23% of 249); Goerge, et al., 1992 (29.1% of 14,714)
- 25 IDEA Part B Child Count (2005), Table 1-10 and IDEA Part B Data Fact Sheet. The percentage of children ages 6-17 served by IDEA in the United States in 2005 at a certain point in time was 11.59%. It is not a cumulative count of all students served throughout the year and actual percentage may be slightly higher. States have different eligibility criteria for each disability category. As a result, the proportion of students with a particular disability differs from state to state. Accessed 8/29/07 at: www.ideadata.org/arc_toc7.asp#partbCC.
- 26 Burley & Halpern, 2001, p. 16
- 27 Courtney, et al., 2004, p. 40
- 28 Smithgall et al., 2004, p. 58
- 29 Geenen & Powers, 2006, pp. 9-11
- 30 Choice et al., 2001, p. 54, p. 89
- 31 Advocates for Children of New York, Inc., 2000, p. 6
- 32 Advocates for Children of New York, Inc., 2000, p. 6
- 33 Pecora et al., 2005, p. 34
- 34 Ibid.
- 35 Leslie, et al., 2003, p. 2
- 36 Goerge et al., 1992, p. 3; Smithgall et al., 2004, p. 58
- 37 Courtney, et al., 2004, p. 42; Barber & Delfabbro, 2003, pp. 6, 7; McMillen et al., 2003, p. 475; Zima et al., 2000, pp. 98, 99; Kortenkamp & Ehrle, 2002, pp. 2-3
- 38 EPE Research Center, 2006
- 39 Burley & Halpern, 2001, p. 1
- 40 Pecora, et al., 2005, p. 35, p. 2
- 41 Pecora, et al., 2006, pp. 225
- 42 Courtney, et al., 2005, p. 22
- 43 Cook, 1994, p. 218
- 44 Smithgall et al., 2004, p. 28
- 45 Blome, 1997, p. 45, p. 47
- 46 Rumberger, 1995, p. 601
- 47 Rumberger & Larson, 1998, p. 11; Rumberger, 2003
- 48 EPE Research Center, 2006
- 49 Orfield, G., Ed., 2004, p. 157
- 50 Pecora, et al., 2005, p. 36
- 51 E.g. Casey Family Services, 1999, p. 13; Courtney et al., 2004 pp. 39-40; Reilly, 2003; Pecora, et al., 2006
- 52 Pecora, et al., 2006, p. 225
- 53 Courtney, et al., 2004, p. 39
- 54 Shin, 2003, p. 622
- 55 Blome, 1997, p. 47
- 56 Greene, 2005, p. 9
- 57 Ibid.
- 58 Conley, 2005, p. xi
- 59 Courtney, et al., 2005, p. 54
- 60 Cusick and Courtney, 2007, p. 6
- 61 Pecora, et al., 2005, p. 23
- 62 Courtney, et al., 2005, p. 29
- 63 Boesel, Alsalam, and Smith, 1998, pp. xii-xiv.
- 64 EPE Research Center, 2006
- 65 Pecora, et al., 2005, p. 27
- 66 Courtney, et al., 2005, p. 21
- 67 Courtney, et al., 2005, p. 54
- 68 Merdinger, et al., 2005, p. 891
- 69 Martin & Jackson, 2002, p. 128
- 70 Ayasse, 1995, p. 10; Goerge, et al., 1992, p. 8; Smucker, et al., 1996, pp. 11-13
- 71 Advocates for Children of New York, Inc., 2000, pp. 56, 58; Altshuler, 1997, p. 3
- 72 Advocates for Children of New York, Inc., 2000, p. 35
- 73 Reynolds, et al., 2002, p. 278, p. 289
- 74 Schweinhart, 1993
- 75 Stahmer, et al., 2005, pp. 896-7
- 76 Advocates for Children of New York, Inc., 2000, p. 30

Facing Foster Care in Alaska (FFCA)
3108 W. 42nd Ave. #6
Anchorage, AK 99517
February 17, 2009

Representative
Les Gara
Alaska State Legislator
AK State Capitol Rm 500
Juneau, AK 99801

Dear Representative Gara:

Your continued concern for Alaska's foster children and youth is admirable, and House Bill 126 demonstrates that concern.

As current and former foster youth of Alaska's child welfare system, we would like to thank you for your ongoing support in addressing the need for reform. Many of Alaska's foster children are being set up for failure due to a state system that is lacking many of the resources these young people need to succeed. Statistics show that youth who leave Alaska's foster care system become homeless at a rate of 40%, fall behind in their education, and have a high rate of adult incarceration. We wholeheartedly support your bill that creates opportunities for children and youth in foster care to succeed.

Thank you for your concern and your untiring pursuit to improve the lives of those who are less fortunate. You have our support.

Sincerely,

Amanda Metivier
FFCA Coordinator

A handwritten signature in dark ink, appearing to read "Amanda Metivier", is written over the typed name and title.

Amanda Metivier
Facing Foster Care in Alaska
3108 W. 42nd Ave. #6
Anchorage, AK 99517
February 23, 2009

The Honorable
Representative Paul Seaton
Alaska State Capitol Room 102
Juneau, AK 99801

February 23rd, 2009

Dear Representative Seaton

I am writing on behalf of Facing Foster Care in Alaska, to ask you to support House Bill 126. This bill will soon come to a vote in the Health, Education, & Social Services Committee. As current and former foster youth, we understand the dire need to reform Alaska's child welfare system.

Alaska's foster children are set up for failure due to a state system that is lacking many of the resources these young people need to succeed. Statistics show that youth who leave Alaska's foster care system become homeless at a rate of 40%, fall behind in their education, are at risk of early pregnancy, and have a high rate of adult incarceration. The purpose of this bill is to help children and youth in foster care throughout the state. It proposes mandatory home visits by social workers every 30 days, creates job training and higher education opportunities for youth who age out of foster care, and promotes educational stability for those children currently in foster care.

The members of Facing Foster Care in Alaska know that this is an important bill. It will benefit the community at large by creating opportunities for foster youth to become productive, successful members of society as adults.

Thank you for your support in improving the lives of Alaska's foster children.

Sincerely,

Amanda Metivier
FFCA Coordinator