

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

February 29, 2008

1:38 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator Joe Thomas, Vice Chair
Senator John Cowdery - via teleconference
Senator Kim Elton
Senator Fred Dyson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 191

"An Act relating to continuing the public education of a homeless student and to the purpose of certain laws as they relate to children."

MOVED SB 191 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 191

SHORT TITLE: PUBLIC EDUCATION OF HOMELESS STUDENTS

SPONSOR(S): SENATOR(S) DAVIS

01/16/08	(S)	PREFILE RELEASED 1/4/08
01/16/08	(S)	READ THE FIRST TIME - REFERRALS
01/16/08	(S)	HES, FIN
02/29/08	(S)	HES AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

MIKE LESMANN, Community Relations Manager and Legislative Liaison
Office of Children's Services
Department of Health and Social Services (DHSS)
Juneau, AK

POSITION STATEMENT: Supported SB 191.

TOM OBERMEYER, Staff
to Senator Davis

Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Read the sponsor's statement.

ACTION NARRATIVE

CHAIR BETTYE DAVIS called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:38:16 PM](#). Present at the call to order were Senators Dyson, Thomas, Elton, Davis and Cowdery via teleconference.

SB 191-PUBLIC EDUCATION OF HOMELESS STUDENTS

CHAIR DAVIS announced consideration of SB 191.

[1:38:57 PM](#)

TOM OBERMEYER, Staff to Senator Davis, sponsor of SB 191, provided an overview of SB 191. This is an Act relating to continuing the public education of a homeless student and to the purpose of certain laws as they relate to children.

He pointed out that the fiscal note delivered by the Office of Children's Services (OCS) indicates the intent of SB 191 was to continue the education of a homeless student in the student's school of origin and to provide comparable educational services during the time a child is considered homeless.

[1:39:43 PM](#)

MR. OBERMEYER said that a child is considered homeless if he or she is awaiting foster care placement. This would include students placed in out-of-home care and in the custody of the Department of Health and Social Services. The bill would have nominal fiscal impact on OCS if, as proposed, the Department of Education is responsible for transportation costs to and from the location where the child is placed, and the child's school of origin.

MR. OBERMEYER read the sponsor statement as follows:

Because of the overriding importance of school stability for children in care and their need for educational guidance and advocates, SB 191 seeks to provide, to the extent feasible, comparable educational assistance provided to all eligible homeless children and youth in foster care under the McKinney-Vento Homeless Education Assistance

Improvement Act, a federal grant program reauthorized under "No Child Left Behind" of 2001.

The McKinney-Vento Act reduces barriers that eligible children and youth face in enrolling, attending, and succeeding in school. The definition of eligible children under McKinney-Vento are those who lack a fixed, regular and adequate night time residence, or are living in emergency or transitional shelters, or are awaiting foster care placement. The last term "awaiting foster care placement," while not defined in federal law, is interpreted under SB 191, the new section AS 14.03.096, to include all students who are placed in out-of-home care and in the custody of Health and Social Services.

This significant change under SB 191 recognizes the many foster children who are in transition or are between placements and are in need of educational assistance. SB 191 Section 2 changes Sec. 47.05.060 Purpose and policy relating to children, to include "adequate education" and "intellectual welfare" to ensure that children and youth in foster care have access to education-related support services.

McKinney-Vento protections include: the right to remain in the school of origin when feasible; transportation paid by the school district when needed; immediate enrollment without red tape; timely transfer of school records; staff assistance by a designated district liaison and prohibition against stigma as homeless.

SB 191 Section 1, subsection (2) defines "school of origin" as the school that the student attended when permanently housed, or the school in which the student was last enrolled. Since the McKinney-Vento Act presently provides only a small portion of the funding expended in Alaska for educating and transporting homeless and foster care children as required under No Child Left Behind, the main purpose of SB 191 is to improve educational outcomes for Alaska's most at-risk children.

As a background to the bill, children in foster care struggle academically and suffer more poverty, lowest self-esteem and emotional trauma, social stigma, and

higher mobility than others. They are more likely to drop out of school, repeat grades, and be placed in special education. A 2004 study of Chicago public school youth found that 15 year old students in out-of-home care were half as likely as other students to have graduated from high school five years later, with 55 percent having dropped out and 10 percent having been incarcerated. Only 54 percent of young adults who age out of care have completed high school. Youth and foster care attending public schools score 16 to 20 percentile points below youth in the general population in statewide standardized tests. And youth in foster care on average, read at only a seventh grade level after completing tenth or eleventh grade. [I refer you to the Casey Family Programs white paper on this.] These low educational outcomes are only exacerbated by the high mobility of children in foster care. The legal center for foster care and education reported that children and youth in out-of-home care experience on average, one or two foster care placement changes per year, sighting US Department of Health and Human Services Administration for Children and Families. One third of children in foster care stay in care for less than five months, and another seventeen percent in care for one year or less. Frequent school changes are associated with an increased risk of failing a grade in school and of repeated behavioral problems. By sixth grade, students who have changed schools four or more times have lost approximately one year of educational growth. A Casey Foundation study of 1,087 foster care alumni found that youth had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care. While extending McKinney-Vento Act protections to eligible homeless out-of-home youth or foster care children increases some school district direct and indirect costs, this will more than likely be offset by savings in social transfer costs, including decreases in physical and mental health problems, school failure, rates of incarceration, and increased lifetime earnings. Fourteen or more states have already enacted foster care educational legislation modeled after some provisions of the McKinney-Vento Act; Alaska can afford to do no less.

[1:45:21 PM](#)

MR. OBERMEYER reiterated that the fiscal note currently was zero.

SENATOR DYSON questioned whether he meant it was a zero fiscal note for the school or school district.

MR. OBERMEYER responded that it would have nominal fiscal impact for the Office of Children's Services if, as proposed, the Department of Education and Early Development would be responsible for transportation costs.

He understood that the Anchorage School District currently spent about \$175,000 on these and other types of children for special transportation needs, so a great deal of expense involved beyond even the Title 1 requirements.

SENATOR DYSON asked if the federal Act included reimbursing the school district for its costs.

MR. OBERMEYER replied it was his understanding there is a certain amount of "set aside" in the federal budget for McKinney-Vento protections, but it is not enough to cover school district over-all costs.

SENATOR DYSON questioned the phrase "when it's feasible" and asked if there were guidelines regarding what would be "feasible" and who would actually make the decision whether it would be better for a child to go to a neighborhood school or be bussed.

CHAIR DAVIS inserted that the guardian ad litem could make some decisions for a child, but meetings of the guardian ad litem, the Department of Youth and Justice, and the school districts were ongoing on this topic and the participants were in favor of this amendment. The bill would define the process in law so it would not be easily subject to changes in the administration's position.

MR. OBERMEYER also responded to Senator Dyson's question. Referring to an attachment to the committee handout titled "Improving Educational Outcomes for Children and Youth," page 3, under "Educational Stability," it indicated that the [McKinney-Vento] Act entitles students to stay in their original school even when they move to a foster care placement in a different school district, unless it is against the parent or guardian's wishes. He reiterated that it was not intended to take control away from the guardian or parent.

SENATOR DYSON said that his experience with foster children in Southcentral Alaska was that they never had a problem enrolling in school, with or without records. He conjectured that "feasible" was used because it would be absurd to transport a child to his or her original school if the child came from the bush or was on an interstate compact. He did wonder whether this would force a school district to go out of its way to transport a child from one end of the district to another.

MR. OBERMEYER did not know.

CHAIR DAVIS interjected that is what they have administrators for, to work out those details.

SENATOR DYSON said he was sure they *would* work it out, which was why he is a little leery of giving the guardian ad litem too big a part in making these types of decisions.

[1:53:30 PM](#)

SENATOR COWDERY said he expected that the district already strove to keep these students in school.

CHAIR DAVIS responded that they do as much as they can.

SENATOR COWDERY questioned how the inclusion of the phrase "adequate education" would change what is already being done, and whether it would open the state up to lawsuits.

CHAIR DAVIS said she could not speak to that, although she did not see how it could create a problem.

SENATOR COWDERY asked what the legal difference is between children "living in emergency or transitional shelters," and children "awaiting foster care placement?"

CHAIR DAVIS clarified that each would be considered homeless.

SENATOR COWDERY asked for an explanation of the zero fiscal note.

CHAIR DAVIS said the bill would not require any additional monies. Some of the money would come out of federal Title 1 funds; the district would decide where the rest of the money would come from.

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MIKE LESMANN, Community Relations Manager and Legislative Liaison, Office of Children's Services, Department of Health and Social Services (DHSS), said DHSS supports SB 191. Extending the McKinney-Vento Act to children in DHSS custody would be in the childrens' best interests. His understanding was that the school districts would be required to set up a liaison assigned to children in the department's custody, to help them with transportation, transcripts and credits. He also believed the benefits of tutoring and testing in the McKinney-Vento Act itself would be extended to children in DHSS custody, both Child in Need of Aid kids with OCS and a small segment of the Juvenile Justice children with Division of Juvenile Justice (DJJ).

SENATOR DYSON asked Mr. Lesmann if they were all in favor of this.

MR. LESMANN said they were.

SENATOR DYSON asked if this would leave enough room for the judgment of the case worker or guardian ad litem to decide against a kid being transported some significant distance to the school of origin.

MR. LESMANN thought it would. He explained that the department had placement discretion for these children and there would be a case-by-case decision made for each child.

SENATOR DYSON pressed for assurance that this bill would not inadvertently restrict the current standard, "best interests of the child".

MR. LESMANN declared that was his understanding.

SENATOR THOMAS asked Mr. Lesmann how many kids were in foster care at that time.

MR. LESMANN replied that as of February 1, 2008, there were approximately 2,091 children in the department's custody and placed outside of their own homes.

[2:00:18 PM](#)

SENATOR THOMAS conjectured that many children move far from their home communities and schools and may have to move several times, depending on the foster care situation. He wondered how much care was really given to what is in a child's best interest and whether this change would make it better.

SENATOR ELTON asked Mr. Lesmann if this bill constrained the ability of OCS or a school district from moving a child to a different school if the current situation was not working for him or her.

MR. LESMANN did not believe so. His understanding of the federal law and this proposed amendment was that OCS and DJJ would still have discretion and authority to make decisions about a child's placement and education. A team of professionals surrounding the child would make that best interests decision.

CHAIR DAVIS added that it would not be in the best interest of a child to stay in disruptive situation, so the bill would not preclude a change. She acceded that there may be fewer options available in the smaller districts but felt the school districts could find an alternative. She believed the bottom line was always the best interests of the child.

She continued that, although she would like to move the bill, she did not want the members of the committee to feel compelled to do that until they had heard sufficient testimony and were comfortable with it.

[2:06:06 PM](#)

SENATOR DYSON said he would be comfortable with moving the bill.

SENATOR THOMAS moved to report SB 191 from committee with individual recommendations and accompanying zero fiscal note(s). There being no objection, the motion carried.

There being no further business to come before the committee, Chair Davis adjourned the meeting at [2:07:46 PM](#).