

SENATE BILL NO. 28

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS

Introduced: 1/21/09

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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

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

6 The governing body of a school district shall, to the extent feasible, comply with the
7 requirements for continuing the public education of a homeless student in the student's
8 school of origin and for providing comparable education services during the
9 homelessness under 42 U.S.C. 11431 - 11435 (McKinney-Vento Homeless Education
10 Assistance Improvement Act of 2001).

11 (b) In this section,

12 (1) "homeless student" has the meaning given in 42 U.S.C. 11434a for
13 "homeless child or youth," and the phrase "awaiting foster care placement" in that
14 definition shall be interpreted to include all students who are placed in out-of-home

1 care and in the custody of the Department of Health and Social Services under
 2 AS 47.10.080(c) or who are committed to the custody of the Department of Health and
 3 Social Services under AS 47.12.120(b)(1) or (3);

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

6 * **Sec. 2.** AS 47.05.060 is amended to read:

7 **Sec. 47.05.060. Purpose and policy relating to children.** The purpose of this
 8 title as it relates to children is to secure for each child the care and guidance,
 9 preferably in the child's own home, as well as an adequate education, that will serve
 10 the moral, emotional, mental, intellectual, and physical welfare of the child and the
 11 best interests of the community; to preserve and strengthen the child's family ties
 12 unless efforts to preserve and strengthen the ties are likely to result in physical or
 13 emotional damage to the child, removing the child from the custody of the parents
 14 only as a last resort when the child's welfare or safety or the protection of the public
 15 cannot be adequately safeguarded without removal; and, when the child is removed
 16 from the family, to secure for the child adequate custody, education, and care and
 17 adequate planning for permanent placement of the child.

18 * **Sec. 3.** AS 47.05.065 is amended to read:

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

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

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

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

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

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

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

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

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

8 (A) except in those cases involving serious risk to a child's
9 health or safety, the Department of Health and Social Services should provide
10 time-limited family support services to the child and the child's family in order
11 to offer parents the opportunity to remedy parental conduct or conditions in the
12 home that placed the child at risk of harm so that a child may return home
13 safely and permanently; and

14 (B) the state also recognizes that when a child is removed from
15 the home, visitation between the child and the child's parents or guardian and
16 family members reduces the trauma for the child and enhances the likelihood
17 that the child will be able to return home; therefore, whenever a child is
18 removed from the parental home, the Department of Health and Social
19 Services should encourage frequent, regular, and reasonable visitation of the
20 child with the child's parent or guardian and family members;

21 (3) it is the policy of the state to recognize that, when a child is a ward
22 of the state, the child is entitled to reasonable safety, adequate care, and adequate
23 treatment and that the Department of Health and Social Services as legal custodian and
24 the child's guardian ad litem as guardian of the child's best interests and their agents
25 and assignees, each should make reasonable efforts to ensure that the child is provided
26 with reasonable safety, adequate care, and adequate treatment for the duration of time
27 that the child is a ward of the state;

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

31 (A) the child should be placed in a safe, secure, and stable

1 environment;

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

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

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

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

9 (F) parents and guardians must actively participate in family
10 support services so as to facilitate the child's being able to remain in the home;
11 when children are removed from the home, the parents and guardians must
12 actively participate in family support services to make return of their children
13 to the home possible; **and**

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

16 (5) numerous studies establish that

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

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

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