

TITLE

XX

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
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ORIGINAL.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

May 8, 1975

17.0
JAY S. HAMMOND, Governor

~~POUCH V - JUNEAU 99811~~

Pouch H01 - Juneau 99811

Members of Senate, State of Alaska
% Honorable Chancy Croft
President, Alaska State Senate
Pouch V
Juneau, Alaska 99811

Subject: Alaska Implementation:
Public Law 93-647
Title XX, Social Security
Act

Public Law 93-647, Title XX of the Social Security Act, "Grants to States for Services," has been signed into law. That Act will replace Title IV-A and Title VI which were previously in effect in Alaska. Title XX provides more flexibility in planning for Health and Social Services in Alaska for Fiscal Year 1977. Under Title XX states may provide a wider range of services of their choice directed at five broad goals.

These national goals are:

- I. Economic self support reducing dependency
- II. Self Sufficiency reducing dependency
- III. Reduced exploitation of children and adults unable to protect own interests
- IV. Reduced inappropriate institutional care
- V. Institutional care where appropriate

Family planning is the only specific service mandated by Title XX.

The Act was not signed by the President until January 4, 1975. Draft regulations were issued on April 14, 1975. The final regulations are not out as of this date. Because of the timing of the Fiscal Year 1976 budget submittal to the Legislature, the Department of Health and Social Services has recommended the distribution of available federal "ceiling" social service funds for Fiscal Year 1976 as shown on the enclosed report. The budget pending before the legislative committees reflects that distribution of funds.

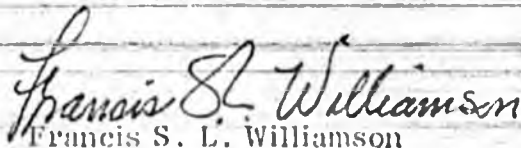
Members of Senate, State of Alaska

May 8, 1975

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Thank you for your time and consideration of this matter. The Department welcomes any further views or comments on the allocation of the federal funds listed herein.

Sincerely,

Handwritten signature of Francis S. L. Williamson in cursive script.

Francis S. L. Williamson

Commissioner

Enclosure: Report on Allocation of Social Security Act, Titles IV and VI
"ceiling funds."

SOCIAL SERVICES FY 75 AND FY 76

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

SCHEDULE OF TITLES IV AND VI CEILING FUNDS

	FY 75		FY 76
	Actual	Restriction	Governor's Budget
	\$3901.7		\$4000.0
PROGRAM SERVICES:			
Reverend	354.5		172.5
Day Care	296.3		296.3
Other Services	7.1		
SUBTOTAL	657.9		468.8
ALCANTRA (Youth Campus)	426.0		416.1
SOCIAL SERVICES	1269.3	32.3	1726.8
SOCIAL SERVICES PIPELINE			18.5
PIONEER'S HOME			
Sitka	32.8		
Palmer	12.3		
Fairbanks	13.3		
SUBTOTALS	58.4		
ALCOHOLISM	1322.4		1327.8
QUALITY CONTROL			17.0
ADMIN. & SUPPORT (Dept. & Statewide)	200.0		25.0
TOTAL	3934.0	32.2	4000.0
Minus Restriction	(37.2)		
GRAND TOTAL	3901.7	32.2	4000.0

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ORIGINAL.

GENERAL INFORMATION
P.L. 93-647 - Title XX of the Social Security Act
"Social Services Amendments of 1974"

Title XX of the Social Security Act is a new program to provide social services to needy people. The law was enacted in December and signed by the President January 4, 1975.

Background

Social Services are services such as day care, family planning, home-maker services, counseling, transportation and foster care. For a number of years, federal funding has been available to the states under Titles IV-A and VI of the Social Security Act to provide these kinds of services to needy people who are present, former or potential welfare recipients. These services were aimed at preventing or reducing the individual's dependency on welfare. Thus, individuals receiving Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI) and/or Medicaid and people who have been eligible in the past ("former" recipients) or might be eligible in the future ("potential" recipients) were eligible for social services. Under Titles IV-A and VI the social services program is a federal-state program under which prescriptive federal regulations have set the parameters and design of the program. States have had little opportunity to participate in the planning and definition of services.

Up until 1972, the social service program had an open-ended federal appropriation; that is, the federal government automatically provided a 75% match for whatever state funds were legally expended on social services. The program began to expand rapidly, and Congress placed a

national \$2.5 billion ceiling on it in 1972 and stipulated that the total was to be divided among the states based on a population ratio. In addition, Congress required in this legislation that 90% of a state's services funds must be spent on current welfare recipients (recipients of AFDC, SSI and/or Medicaid), with only 10% of the funds allowed for "former" or "potential" recipients.

New and more stringent federal regulations were proposed following the Congressional changes, and all of these factors brought together a number of organizations to work on a reform of the social services program. The result is a new Title XX which replaces the old social service programs under Titles IV-A and VI.

Title XX

Title XX is a block grant of federal funds to states to provide for a program of social services which is defined and developed by the states. States will have much greater flexibility, authority and responsibility under the new program than they had under previous prescriptive federal regulations.

Service Goals: Under Title XX states must provide services designed to address five broad goals:

- (1) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;
- (2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

- (3) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;
- (4) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or
- (5) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

Only one specific service -- family planning -- is mandated by the law. This is quite different than under previous law and regulation, which mandated 15 specific services which each state was required to provide. The state may choose whatever services it wants to provide to serve its citizens based on the goals above except that at least one service must be provided to meet each of the goals. The law gives the following examples of services which might be provided, if the state desires:

- child care
- protective services for children and adults
- services for children and adults in foster care
- home maintenance and management services
- adult day care services
- transportation services
- training and related services
- employment services
- information
- referral
- counseling services
- preparation and delivery of meals
- health support services
- appropriate combinations of services designed to meet the special needs of:

- children
- aged
- mentally retarded
- blind
- emotionally disturbed
- physically handicapped
- alcoholics
- drug addicts

Target Groups & Eligibility: Title XX requires states to make social services available to current welfare recipients (AFDC, SSI, and/or Medicaid), and mandates that 50% of the Federal funds expended must go to these current recipients. You will recall that earlier law required 90% of the funds to be expended on current recipients, so this represents a substantial change. Of course, this does not mean that the state could not spend more than 50% of its Federal funds on current recipients if it so chose.

There is also a change in the eligibility of "former" and "potential" welfare recipients. Instead of these somewhat ambiguous designations, eligibility under Title XX is specifically related to income. Under the previous law, eligibility based on "former" or "potential" status sometimes meant that a mother who was able to get off the welfare rolls and return to work by enrolling her children in a day care program, would be forced to quit her job to take care of the children when her designation as a "former or potential" recipient expired. She would, in turn, be forced to apply for AFDC payments once more.

Under the income eligibility provisions of Title XX, states may provide, if they so desire, services to individuals and families who earn up to

80% of the state's median income, or of the full national median, whichever is lower. If the state wants to provide services to people over 80% of that income, but below 115% of the median income, they may do so if they charge fees for the services. Any services provided to persons over the 115% level would have to be provided without any federal matching funds. Because of these new provisions, Title XX will be attractive to many citizens who have previously been ineligible for Title IV-A or Title VI program funds. The problems legislatures will jointly face with the Governor is how to meet the needs of people within current state fiscal constraints. In the states which have reached their ceiling, like Washington, Alaska and Oregon, the entitlement is now committed to service programs currently ongoing under Titles IV-A and VI, and meeting additional needs may require shifting of funds from current programs and/or appropriating new state funds.

Planning: Title XX requires the state to develop each year a Comprehensive Service Plan, to be prepared by the agency which is designated by the state's executive officer to administer Title XX programs and services. Major components of this plan must describe: objectives of the state's social service program; the services to be provided; the people who will be served; the geographic areas which will be covered by this program; planning, evaluation and reporting process; organizational structures to be used in carrying out the services; coordination with other human services programs; steps to assure that needs have been taken into account. This plan must be made available annually in the

state for public comment at least 90 days before the program begins (July 1, 1975 of this year). Forty-five days must be allowed for public comment and the final plan must describe any changes made in response to public comment. This plan will not be approved or disapproved by HEW.

In order for this plan to be of greater value to states and their citizens, it is recommended that states develop a needs assessment and current resource inventory. It will be important to coordinate other federally funded human services programs and Title XX planning. Recent Congressional Acts of particular importance are the Comprehensive Employment and Training Act of 1973 (CETA) and the Housing and Community Development Act of 1974 (HCDA) which together with Title XIX (Medicaid), Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI) form a core of federal financing to meet human service needs. Funds for alcoholism, mental health, mental retardation, health services, drug addiction, employment security, child care and other services in communities, whether from the federal, state, local, or private agencies, all contribute to the existing services system. To fairly assess need and existing resource allocations so as to develop the state's comprehensive service plan, all of these programs should be reviewed.

Special concerns in your state may make it appropriate for the Legislature to communicate planning priorities to the agency designated by the Governor so that legislative concerns are properly addressed by the

planning staff. Such early participation will avoid delays in implementation of the final plan which could cause the state loss of federal matching funds.

Funding: The \$2.5 billion national ceiling on federal social services expenditures continues. No new funds will be available. The 75% federal/25% state matching formula for service funds is also unchanged by enactment of Title XX. Family planning services, the only services mandated in the law, will continue at the higher 90% federal/10% state match. Title XX requires that the state continue to maintain its current effort in spending on social services. Privately donated funds will continue to be allowed as part of the state social services match.

Federal Role: Since the federal government will no longer mandate services and requirements for the delivery of services to the states, the federal role under Title XX will be one of technical assistance to the states, evaluation of the overall impact of the program, collection of statistical reports, and periodic reports to the Congress on the operation of the social service program as carried out by the states.

Summary

Title XX becomes effective October 1, 1975. States will receive substantial long term benefits from Title XX in terms of greater flexibility. State responsibility for development of the Comprehensive Annual Service Plan can assure that State government has the opportunity to coordinate the myriad of programs funded by Federal, state and local

government. The federal evaluation activity required by the Act will ensure a better understanding of the results of those coordinated program operations.

Title XX presents new opportunities for state flexibility in planning social services. It is important that the legislature establish priorities for the guidance of the designated agency in the planning process particularly as the agency develops the state Comprehensive Service Plan.

II. Title IV-D - CHILD SUPPORT PROVISIONS (LOCATING ABSENT PARENTS)

The Bill which enacted Title XX also adds a new Title IV-D to the Social Security Act which requires the Federal Government to assume a more active role in monitoring a State's efforts to locate absent parents and collect child support from children on AFDC. HEW is required to set up a separate unit to review and approve state child support plans, evaluate the implementation of the child support program in each state, and provide technical assistance to states to help them to establish effective systems for determining paternity and collecting support. HEW will be required to determine the adequacy of child support programs by conducting an annual audit. A State will not be found to have an acceptable program unless it adequately cooperates in obtaining child support payments from the absent parents of AFDC children who reside in other states. If the minimum standards are not met, HEW would be required to impose a penalty equal to 5% of the Federal AFDC match. In order for states to have reasonable lead time to develop effective programs, no penalties will be imposed prior to January 1, 1977.

A mother must agree to try to help locate an absent father in order to receive AFDC payments. Lack of cooperation will preclude her payments, but her children will continue to receive benefits.

3. National Health Planning and Resources Development Act of 1974

The Health Planning and Development bill was signed by the President on January 4. A summary of the law is attached. Clarification of the bill will come through regulation and policy developed by Bureau of Planning and Resource Development.

The following are items which may require State legislation:

- (1) Authority to reorganize the State Agency. The Governor is to designate a State Agency as the sole agency for the performance of State planning functions except that any functions may be performed by another agency of the State Government upon request of the Governor under an agreement with State Agency satisfactory to the Secretary of HEW. This may also require authorization of the State Health Coordinating Council and repeal of Health Facilities Construction Council and Community Mental Health Center Construction Councils.
- (2) Certificate of Need legislation which applies to new institutional health services proposed to be offered or developed within the State. The Certificate of Need program shall provide for review and determination of need prior to the development or offering of services, facilities or organizations or substantial expenditures undertaken in preparation for such offering. The State Agency shall consider recommendations made by health systems agencies. Such program shall also periodically review (not less than every five years) all institutional health services being offered in the State and after considering the recommendations of the health systems agencies, make public its findings. This requirement applies to the State Agency at the expiration of the first regular session of a State legislature after the enactment of the law.
- (3) Enabling legislation so that private non-profit organizations and the State Health Coordinating Council can review State health plans.
- (4) Authority to compel private medicine to report to health systems agencies and the State Agency who will be reviewing all institutional services periodically.

1974 AMENDMENTS TO THE
PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

BACKGROUND

The purpose of the Public Works and Economic Development Act of 1965 is to help restore the economic health of areas burdened with high unemployment and low family incomes.

To be eligible for assistance, a project must be located within an EDA-designated Area or designated Economic Development Center and must be consistent with the approved Overall Economic Development Program (OEDP). The principal requirements for an area's designation are high unemployment or low family income.

Areas also may be designated if they have experienced or are expected to experience a sudden rise in unemployment due to the closing of a major source of income, or if they have suffered a substantial loss of population due to the lack of job opportunities.

Eligibility of Applicant

Applicants may be States, local subdivisions thereof, Indian tribes, or private or public non-profit organizations or associations representing an EDA-designated Area or Economic Development Center. Applicants must be legally empowered to receive and disburse Federal grants and loans for its construction.

SECTION 302 ECONOMIC DEVELOPMENT PLANNING

Section 302 was added to the Act to enable the Economic Development Administration to make grants up to 80 per cent of the cost for economic development planning to States, cities, and sub-state planning and development organizations. For FY 1975 there have been appropriated \$5.5 million to carry out this program.

The Agency has decided that first priority for these funds will be given to States and second priority to cities. There has long been a need for statewide economic planning and under the provisions of this section, such planning is encouraged. It is even a requirement of the legislation that any such statewide planning must be a continuous process involving public officials and private citizens in analyzing local economy and that the plan as developed shall

incorporate the goals and objectives of local and economic development district planning. In this initial year, the process of cooperation and mutual plans is perhaps even more important than the end product which will result from all of these efforts. There is also some limited assistance available to districts to assist them in defraying costs of their A-95 reviews carried out pursuant to the Intergovernmental Cooperation Act of 1968.

SECTION 304
PUBLIC WORKS CONSTRUCTION FUNDS

Section 304 of the Act authorizes \$35 million in Fiscal Year 1975 and \$17 million in Fiscal Year 1976 for allocation by the Secretary of Commerce to States for supplementing or providing first-dollar grants and loans authorized by Titles I, II and IV of the Act. For Fiscal Year 1975, \$13 million has been appropriated. These funds are available for construction of Public Works facilities under either a grant or loan program. Funds are apportioned to the States according to the ratio which grants have been made under Title I to the respective State since August of 1965. Applying the appropriated funds to the formula, we find that the States in this federal region would be entitled to the following sums:

Alaska	-	\$321,000
Washington	-	\$578,000
Idaho	-	\$184,000
Oregon	-	\$177,000

In addition, there must be a 25% infusion of State funds under this Section and projects selected must be consistent with State plans developed under Section 302 which was just discussed.

A State may use these funds to reduce or waive the non-federal share otherwise required for an EDA project. A State may also use its 304 funds as first-dollar funds on a new project after the Secretary has determined that the project meets all of the eligibility requirements for an EDA project the same as if federal funding were available.

TITLE IX
ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE

The Agency received an important new tool with the addition of Title IX to the Act entitled "Special Economic Development and Adjustment Assistance." This legislation enables EDA to provide assistance programs to meet special needs arising from action of the federal government and change in economic conditions. By way of limited example, funds from this Title may be used to obtain compliance with environmental requirements which remove economic activities from a locality, and economic adjustment problems resulting from severe changes in economic conditions such as occurred in this area with the drastic curtailment in the employment of the Boeing Company a few years ago. The uses to which the funds may be put are very broad as long as the purpose of the Act has been met. Perhaps the most important aspect of this legislation is that it permits the Agency to act as soon as there has even been threatened severe unemployment instead of waiting until a plant closes down. It is this Title that has been used to grant recent assistance to the State of Washington to develop a plan to solve its commercial salmon fishing problem.

Funds may be used for goals as diversified as erection of public facilities, rent supplements, training, relocation of individuals and unemployment compensation. Any unemployment compensation payments would be handled by the Department of Labor and the State involved. So far the Agency has not favored the use of the funds for unemployment compensation but rather for the development and solution of economic adjustment problems.

An eligible recipient for these funds can be a redevelopment area or economic development district established under the Act, an Indian tribe, a State, a city or other political subdivision of the State, or a combination of political subdivisions. Funds granted to an eligible recipient may be used in direct expenditures by the recipient or through redistribution by public and private non-profit entities in grants, loans, loan guarantees or other assistance.

Prior to receiving any funding, the eligible grantee must submit a detailed plan which will be approved by the Secretary of Commerce. The plan will identify each adjustment need for which assistance is sought, describe the activity planned to meet each need, and the details for carrying out the plan.

Under this Title, it is now possible for EDA to offer assistance just as soon as there is a threatened severe unemployment arising from economic dislocation. Such needs can be readily met and a community assisted to overcome its economic adjustment problems before its residents are unemployed.

TITLE X
JOB OPPORTUNITIES PROGRAM

Title III of the Comprehensive Employment and Training Act of 1973, better known as CETA, has been enacted as Title X of the Public Works and Economic Development Act of 1965. The purpose of this legislation is to provide emergency financial assistance to stimulate, maintain, or expand job-creating activities in areas which are suffering from unusually high levels of unemployment.

Under this legislation an eligible area could be any area which meets one of the following definitions:

1. Any area which the Secretary of Labor designates as an area which has unemployment equal to or in excess of 6.5 per cent for three months.
2. Any area designated pursuant to Section 204(c) of CETA.
3. Any area which has been designated as a redevelopment area under the Public Works and Economic Development Act of 1965.

The legislation requires that at least 50 per cent of the funds be used on projects or programs which are 75 per cent labor intensive so the real emphasis here is upon jobs.

The Secretary of Commerce and the Secretary of Labor are jointly to determine which programs or projects will contribute significantly to the reduction of unemployment in the eligible area, can be initiated promptly, substantially completed within twelve months, and are consistent with locally approved comprehensive plans. Once these tests are met, the funds can be used for nearly any activity that is labor intensive.

To date, \$125 million have been appropriated for this legislation, but there can be a division of these funds between other federal agencies and the Economic Development Administration.

EDA has administratively decided to fund these projects at an 80 per cent grant rate except in those cases where it has been determined that the non-federal contribution cannot reasonably be obtained by the State or local government concerned. In these cases, the grant rate would be 100 per cent.

The emphasis in expending these funds will be upon projects that are labor intensive and have obtained the approval of locally involved levels of government.


THE NATIONAL CONFERENCE OF STATE LEGISLATURES

1150 17th Street, N.W.
Washington, D.C. 20036
(202) 785-5610

Earl S. Mackey
Executive Director

M E M O R A N D U M

TO: Chairmen, Human Resources Committees

FROM: Dick Merritt, Special Assistant for Human Resources 

DATE: March 11, 1975

Recently, I forwarded to you a copy of some regulatory questions surrounding the new Title XX (Social Services Amendments) to the Social Security Act. I am enclosing additional information related to the new program which I hope you will find useful. If it is the case that your particular committee is not responsible for social service programs in your State, I would be grateful if you would share the enclosed information with the appropriate committee chairman.

As you know, the new Title XX authorizes \$2.5 billion to the States for Social Services programs. October 1 is the effective start-up date for the law. Each State must publish its proposed Annual Services Program Plan before July 3, 1975. Legislators should recognize that HEW is no longer responsible for approving the content of the State plan. That is to say, HEW will not define for a State what is or is not a social service. States must allow at least 45 days for public comment on the plan and then publish its final version 45 days prior to the beginning of its services' program year.

May I make a particular request which I hope you will not find troublesome? In my effort to keep legislators and legislative staff informed about important Federal issues in the Human Resources field which may affect States, it would be helpful for me to know the name of the Chairman of the Committee which is responsible for issues such as health, social services, and welfare. Moreover, it would also be good to know the names of any staff individuals serving that committee or committees. Therefore, I would appreciate it very much if you would supply me with this information.

Finally, if this office can serve you in any way, we would welcome your call.

2/5/75

PLANNING FOR TITLE XX IMPLEMENTATION

HEW SCHEDULE

STATE SCHEDULE

MAJOR PRIORITY -

ANNUAL SERVICES PROGRAM PLAN

INTERRELATIONSHIPS WITH OTHER HUMAN SERVICES

HEW SCHEDULE

COMPLETED

6-STATE PLANNING SURVEY

DRAFT PLANNING FORMAT

HEW FIELD STAFF MEETINGS ON POLICY
AND IMPLEMENTATION

REGIONAL DIRECTORS

SRS REGIONAL COMMISSIONERS

SRS ASSOC. RC FOR COMMUNITY SERVICES

SECRETARY'S ORIENTATION LETTER TO GOVERNORS

DRAFT SSRR

HEW SCHEDULE

IN PROCESS

POLICY ISSUE IDENTIFICATION AND RESOLUTION

COMPLETION DATE

FEBRUARY 14

PROPOSED REGULATION DEVELOPMENT

ISSUE DATE

MARCH 14

GUIDE DEVELOPMENT

PLANNING GUIDES

FEBRUARY

FINANCIAL CONTROLS AND AUDIT GUIDES

JULY

PURCHASE OF SERVICE MODELS

JULY

EVALUATION MANUAL

MARCH

GUIDELINES FOR THE PLANNING-

PUBLIC REVIEW PROCESS

APRIL

REGIONAL OFFICE LIAISON

HEW SCHEDULE

PLANNED

THREE JOINT REGIONAL ORIENTATION MEETINGS FOR STATES
(SAN FRANCISCO, DALLAS, WASHINGTON)

AFTER PROPOSED REGULATIONS ISSUED, IN MARCH

ORIENTATION MEETING FOR NATIONAL PUBLIC AND PRIVATE INTEREST GROUPS
IN WASHINGTON, D.C. IN MARCH

DEVELOP AND PUBLISH A "CITIZENS GUIDE" FOR THE GENERAL PUBLIC AVAILABLE
IN MAY

"ADMINISTRATIVE" STATE PLAN FORMAT AND GUIDELINES ISSUED, MARCH
PLAN REVIEWED AND APPROVED, JULY-AUGUST

PHASE OUT TITLE IV-A AND VI
NOW TO DECEMBER

STATE SCHEDULE

ASAP

DESIGNATE TITLE XX AGENCY
ORGANIZE FOR TITLE XX ADMINISTRATION

NOW TO JULY 1

DEVELOP COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN

NOW TO JULY 1

DEVELOP AND IMPLEMENT PROCEDURE FOR PUBLIC REVIEW PROCESS

NOW TO OCTOBER 1

DEVELOP AND INSTALL FINANCIAL CONTROL SYSTEMS
FOR PROHIBITIONS AND ELIGIBILITY

NOW TO OCTOBER 1

DEVELOP AND INSTALL CAPABILITY FOR TITLE XX REPORTING

JULY 1

PUBLISH AND MAKE GENERALLY AVAILABLE TO THE PUBLIC:
PROPOSED COMPREHENSIVE ANNUAL SERVICES PROGRAM

JULY 1 PLUS AT LEAST 45 DAYS

RECEIVE PUBLIC COMMENT ON PLAN

BEFORE OR ON OCTOBER 1

PUBLISH AND MAKE GENERALLY AVAILABLE TO THE PUBLIC:
FINAL COMPREHENSIVE ANNUAL SERVICES PROGRAM,
INCLUDING EXPLANATION OF DIFFERENCE BETWEEN
PROPOSED AND FINAL PLAN, AND THE REASONS

DURING PROGRAM YEAR

ANY AMENDMENT TO A FINAL COMPREHENSIVE PLAN IS PUBLISHED
AS A PROPOSED AMENDMENT; PUBLIC COMMENT IS ACCEPTED FOR
30 DAYS; THE FINAL AMENDMENT IS PUBLISHED WITH EXPLANATION
OF DIFFERENCE BETWEEN PROPOSED AND FINAL AMENDMENT, AND
THE REASONS

COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN

SIX-STATE SURVEY

TO ASSIST HEW IN DEVELOPING REALISTIC REGULATIONS AND GUIDELINES
FOR TITLE XX PLANNING

STATES SURVEYED

	ADMINISTRATION	
	STATE	COUNTY
OREGON	X	
VIRGINIA		X
NORTH CAROLINA		X
KENTUCKY		X
MICHIGAN	X	
NEW YORK		X

GENERAL FINDINGS

- MOST PLANNING BASED ON FEDERAL MANDATES.
- TITLE IV/VI HAS NOT REQUIRED SERVICES PLAN ON AN ANNUAL BASIS.
PRESENT FEDERAL PLAN IS STATIC DOCUMENT.
- BUDGET SERVES AS THE PLAN IN MOST STATES.
- WHERE PLANNING IS REQUIRED BY FEDS (AGING), OR SPECIFIC MONEY
IS AVAILABLE FOR PLANNING (HEALTH), IT IS DONE.

COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN

CHANGES IN PLANNING IN THE STATES AS A RESULT OF TITLE XX

- PLANNING WILL BECOME A FLUID ONGOING PROCESS, MUCH LIKE THAT USED TO DEVELOP THE BUDGET.
- STATES WILL HAVE TO LEARN TO DEAL OPENLY WITH EXTERNAL FORCES.
- MORE INFORMATION MUST BE AVAILABLE ON PROGRAMS IN ORDER TO JUSTIFY PRIORITY SETTING.
- OTHER STATE PROGRAMS WILL BE FORCED TO DEVELOP DETAILED PLANS.
- SERVICES WILL IMPROVE WITH BETTER PLANNING.

COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN

GOAL AND OBJECTIVE SETTING

- STATES ARE USING MBO, BUT THE OBJECTIVES VARY WIDELY BETWEEN STATES.
- SOME OBJECTIVES GROSSLY STATED—THEY RELATE TO WHOLE PROGRAMS OR PARTS OF PROGRAMS, RATHER THAN SPECIFIC SERVICES.
- CLIENT-ORIENTED OBJECTIVES
- CLIENT-ORIENTED OBJECTIVES WITH GOAL ACHIEVEMENT ESTIMATES
- ACTIVITY AND ADMINISTRATIVE OBJECTIVES
- BE ABLE TO MEASURE.
- BE ABLE TO GET PUBLIC AND PIGS TO RELATE TO GOALS AND GOAL MEASUREMENT.

COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN

ESTIMATED COSTS BY SERVICE, CATEGORY AND GEOGRAPHIC AREA

- STATES DO NOT BREAK DOWN EXPENDITURES ENTIRELY BY INDIVIDUAL SERVICE, BUT HAVE SOME CAPACITY TO DO SO THROUGH ADJUSTMENT OF PRESENT COST ALLOCATION PROCEDURES.
- INFORMATION ON ESTIMATED EXPENDITURES AND REPORTING ON SERVICES COSTS CAN BEST BE OBTAINED THROUGH THE BUDGETING SYSTEM CURRENTLY.
- MOST STATES CAN BREAK DOWN COSTS BY COUNTY OR DISTRICT, THROUGH EXPENDITURES FOR STAFF AND PURCHASED SERVICES.
- IN STATES WITH COUNTY-ADMINISTERED SYSTEMS, COST ALLOCATION AND REPORTING IS MORE DIFFICULT. THE MORE UNITS INVOLVED IN SERVICES DELIVERY, THE MORE DIFFICULT TO MONITOR COSTS.

COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN

NEEDS ASSESSMENT

PROGRAM INVENTORY DATA

SERVICES OFFERED IN AGENCY PROGRAM ———> TARGET GROUP/INDIVIDUALS

ANALYSIS OF REQUESTS FOR SERVICES NOT MET (IF STATE MAINTAINS DATA ON DENIED APPLICATIONS)

SERVICES OFFERED BY STATE AND LOCAL PUBLIC AND PRIVATE AGENCIES' PROGRAMS ———> TARGET GROUP/INDIVIDUALS

ANALYSIS OF SURVEYS MADE BY THESE AGENCIES OF NEEDS, IF AVAILABLE.

NEEDS ASSESSMENT DATA FROM PARTNERSHIP AND SITO PROJECTS IN YOUR STATE, IF AVAILABLE.

DATA DEVELOPED BY:

AREA PLANNING AGENCIES

STATE AGENCIES COMPILED FOR STATE BUDGET

CETA MANPOWER PLANNING COUNCILS ON PROGRAM NEEDS

STATE AND COMMUNITY PROGRAMS ON AGING IN PUBLIC HEARINGS

CONSUMER AND CITIZEN EXPRESSIONS OF NEED

CENSUS DATA - 1970

SITO SITE DEMONSTRATIONS *

HARTFORD, CONN.

HOWARD CO, MARYLAND

DULUTH, MINN.

UTAH (STATE)

AUGUSTA, MAINE (STATE)

MON VALLEY, PENN.

EAST CLEVELAND, OHIO

ARIZONA (STATE)

MAINE (STATE)

BENJAMIN BANNEKER
CENTER

LANSING, MICH.

CONTRA COSTA, CALIF.

BROCKTON, MASS.

VIRGINIA

MICHIGAN (STATE)

HONOLULU (STATE)

MASSACHUSETTS (STATE)

ANACOSTIA, WASH.,

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JONESBORO, ARK.

WASHINGTON (STATE)

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LOUISIANA (STATE)

DEVILS LAKE, N. DAK.

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SO. DAK. STATE UNIV.

*NEEDS ASSESSMENT COMPLETED - UNDERLINED

PROGRAM SERVICES	TITLE XX	CETA	HCDA	COMMUNITY SERVICES	AGING	MENTAL HEALTH	DRUG ABUSE	ALCO HOLISM	VR	DD
Child Care	X	X	X	X		X			X	X
Protective Services	X			X	X	X	X	X	X	X
Foster Care	X			X	X	X				X
Home Services	X		X	X	X	X			X	X
Adult Services	X	X	X	X	X	X	X	X		X
Transportation	X	X		X	X					X
Training	X	X	X	X	X				X	X
Employment Services	X	X	X	X	X				X	
Information and Referral	X	X	X	X	X	X	X	X	X	X
Counseling	X	X	X	X	X	X	X	X	X	X
Meals	X			X	X					
Health Support Services	X	X	X	X		X	X	X	X	X

CETA= Comprehensive Employment and Training Act
 HCDA= Housing and Community Development Act
 VR= Vocational Rehabilitation
 DD= Developmental Disabilities

washington report for state legislatures

From the National Conference of State Legislatures

March 10, 1975

CHILD NUTRITION PROGRAMS

Latest Developments

A number of programs authorized by the National School Lunch and Child Nutrition Acts are due to expire June 30, 1975. The Administration, in the FY 1976 budget, indicated its desire to have these categorical programs replaced with a block grant approach to the States. Congressional reaction to the Administration's plan, so far, has been largely negative. Hearings have already taken place on legislation designed simply to extend, with minor changes, the basic categorical authorizations for funding child nutrition programs.

Background

The Administration will soon submit legislation which would combine all child nutrition programs into a single block grant to the States. This proposal would affect school breakfast, school lunch, special milk, day care, summer feeding, equipment assistance, supplemental feeding, and women, infants and children programs (WIC). Block grant funds, however, would be available solely for children; hence, Federal aid for pregnant and nursing women now funded under WIC and supplemental feeding would be terminated. States would be required to develop a State plan which would allow for public comment. Prior approval of the State plan by the Department of Agriculture would not be required. States, however, must publish for public review a list of accomplishments achieved under the block grant.

Under the Administration's program, States would be able to provide meals to children from families with incomes only up to 125 percent of the poverty line. Present law makes children from families with incomes up to 175 percent of poverty cutoff eligible for reduced-price meals. Termination of Federal support for the so-called non-needy is expected to save the Federal treasury about \$600 million annually. Much of the shortfall, however, is expected to be filled through State and local supplementation.

Even if the block grant proposal is not accepted by Congress, the Administration will not seek to renew school breakfast, day care, summer feeding, supplemental feeding, WIC and special milk programs. The Administration has indicated it will request funds only for the school lunch program, equipment assistance for schools and commodities to schools if the block grants are not enacted.

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Carol Weissert, Editor

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The House Elementary, Secondary and Vocational Education Subcommittee has already reported its version of the legislation(H.R. 3736) to the full Education and Labor Committee. Mark-up sessions on the bill are expected to begin before mid-March. Senator McGovern has introduced his own proposal(S. 850) for extending and amending the child nutrition laws, however, the Agriculture Subcommittee has yet to schedule hearings on the measure.

H. R. 3736, introduced by Chairman Carl Perkins, and S. 850, McGovern's bill, would retain completely the categorical funding approach to child nutrition and, therefore, differ sharply with the Administration's recommendations. Both Perkins' and McGovern's bills would extend day care feeding, summer feeding, school breakfast and WIC, all of which expire June 30 of this year. Both bills would make children from families with incomes up to 200 percent of the poverty line eligible for reduced-price meals. Hence, whereas now a child from a family of four with an income of \$7,900 a year can receive a reduced-price meal, a child from a different family of four with an income of \$9,020 would be eligible under the Perkins or McGovern approach. (A comparison of the McGovern and Perkins' proposals is attached).

State Role

While the National Conference of State Legislatures' policy strongly supports a block grant approach to Federal aid, the States could hardly be enthusiastic about greater flexibility over the application of what would amount to be one-half billion dollars less of Federal child nutrition funds. Significantly, the willingness and capability of the States to administer efficiently and equitably a block grant program was doubted seriously by many members of the House Subcommittee. In the words of Chairman Perkins, "A block grant would destroy everything we have tried to build up in this area."

Staff Contact: Richard E. Merritt

75-I-12

THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACT
AMENDMENTS OF 1975 (S. 850, H.R. 3736)

	<u>S. 850</u>	<u>H.R. 3736</u>
A. <u>School Breakfast</u>	Permanent Extension of authority Directs the Secretary in cooperation with State Education Agencies, to carry out a program of information to the schools in furtherance of this policy.	Permanent Extension of authority Same provision
B. <u>Special Food Service</u>		
1) Day Care Feeding	Would retain Day Care as a separate program but require reimbursements and commodity donations at exactly the same level as provided in School Food Programs. Meals served to non-poor children would be reimbursed at lower rates than meals served to needy children. Includes reimbursements for suppers and supplements. "especially needy" Day Care Centers could receive extra funding. \$5 million/year authorized for equipment assistance to Day Care and Summer Feeding Programs. <u>Eligibility</u> Family Day Care Centers of 12 or fewer children(must be licensed or meet Federal Interagency Day Care Requirements of 1968)	Would terminate Day Care Food Program and bring it as well as Head Start Centers into the School Lunch and Breakfast programs. Same Provision <u>No</u> reimbursement for suppers and supplements. No similar provision. No separate equipment funding for Day Care Centers. No similar provision

THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACT
AMENDMENTS OF 1975 (S. 850, H.R. 3736)

	<u>S. 850</u>	<u>H.R. 3736</u>
2) Summer Feeding	2 year extension	1 year extension
	Would set maximum reimbursement rates for meals served in 1975 summer's program of 80 cents for lunches and suppers and 25 cents for supplements.	No similar provision
	Rates must be adjusted annually.	No similar provision
	Permits breakfasts to be served in the program and sets a 45 cent maximum reimbursement for this meal.	No similar provision
	State Education Agency shall determine the eligibility of institutions applying for reimbursement.	No similar provision
	Short-term residential camps for low income children (i.e. wherein children attend for less than a month) would become eligible.	No similar provision
	Proposed regulation must be published by January 1 of each year and final regulations by March 1.	No similar provision
C. <u>Special Supplemental Food Program(WIC)</u>	Would make authorization permanent, \$300 million annual authorization.	Would extend for 3 years without changes, \$200 million annual authorization.
	Would allow WIC clinics to use 25% of funds on administrative costs, which must include outreach and nutrition education (previous ceiling was 10%). Clinics could exceed 25% ceiling during first 6 months of operation or until full capacity, whichever comes first.	No similar provisions

THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACT
AMENDMENTS OF 1975 (S. 850, H.R. 3736)

S. 850

H.R. 3736

C. Special Supplemental
Food Program(WIC)
(Continued)

Permits mothers to remain in program until 6 months after childbirth, instead of 6 weeks. Children would remain eligible until age 5 instead of 4.

No similar provision

Creates a National Advisory Committee on Maternal, Infant and Fetal Nutrition to study and report to Congress and USDA annually on the status of the WIC program.

No similar provision

D. School Lunch

Would amend the Act making the following institutions eligible for reimbursement:
--public or licensed non-profit orphanages, homes for mentally retarded children, homes for emotionally disturbed children, temporary shelters for run-away or abused children, hospitals for chronically ill children, juvenile detention centers and homes for unmarried mothers and their infants.

Similar provision

E. Commodities Provisions

Extends for 3 years USDA authority to purchase non-surplus commodities at market prices for schools and other nutrition programs.

Same provision

Would require that 75% of the commodities or cash in lieu of commodities USDA is required to provide to schools actually be in the form of commodities rather than cash

Same provision

Would require USDA to provide schools with the same quantities of grain, oils and shortening as they received in FY 74.

Same provision

THIS PAPER HAS COME TO THE ATTENTION OF THE OFFICE OF CHILD ADVOCACY; WE
THOUGHT IT MIGHT BE HELPFUL TO YOU AND/OR YOUR GROUP IN REVIEWING TITLE XX,
SOCIAL SECURITY AMENDMENTS..... *BWM-Guire*

2/24/75

Issue: Eligibility of Children

Does a current recipient include a child whose parents' parental rights have been terminated or a child who has been placed under agency custody by a court order?

These questions may become critical in determining that the requirements of 2002(a)(4) are being met, and regulations will be necessary to make these determinations clear and uniform.

For Your Information
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Issue: Charging of Maintenance Costs to Title XX

Regulation should specify what if any proportion of maintenance costs in a residential facility may be regarded as service expenditures under 2002(a)(7)(A). Indications are that the States may subsume large maintenance costs as services in many settings.

Issue: Foster Care

Section 2002(11)(B) as presented requires a definition of "foster care." Consensus of committee is that the definition should provide for care in the traditional facilities such as foster family homes, group homes and other social care facilities and should be available to children as well as other age groupings, i.e., the elderly.

The definition of "special need" will clearly be required in regulations.

If the definition of foster care proposed above is not the definition intended by legislation, we would recommend that the legislation be amended to incorporate foster care in group homes and other social care facilities.

Issue: Transitional Arrangements

One State has asked if any regulations will allow transitional arrangements between the July 1 beginning of their fiscal year and the October 1 effective date of Title XX. Their fiscal year planning, if transitional arrangements are not allowed, may require them to provide services in one way for one quarter and another for the three following quarters. This will have implications for decisions about adding, deleting or consolidating some services, and for related funding and staffing decisions.

Issue: Can Services be Limited to Current Recipients?

May a State limit its service program under Title XX to current recipients of assistance, Medicaid, etc. (categories enumerated in 2002(a)(4)) and not serve any others? If not, this should be addressed by regulation.

Issue: Eligibility Ceiling

May a State set its financial eligibility ceiling below the 80% of median income level noted in the Act? Regulations should address whether this is or is not possible.

Issue: Maintenance of State Effort - Title XX

Section 2003(b) requires maintenance of State and/or sub-State appropriated matching funds at the FY '73 or FY '74 level, whichever is less. The language seems clear.

The potential problem, however, is that we may have no way of knowing what the States' appropriate effort was for those years, and what portion of the State match was donated funds. It should not be assumed that we could determine this from the State legislative budgets, since often the services match comes from a number of different budget lines, and may not be identifiable in the budget. Local government or donated portions of the State match may or may not be included in the State budget. In some States such donations are "appropriated", i.e., run through the legislative approval process, so that even the work "appropriated" may be subject to misinterpretation.

One solution may be to state in the regulations that the maintenance of effort level shall be construed as one-third of the lower of FY '73 or FY '74 Federal expenditure of each State for services under the old titles, unless the State documents a claim to the contrary by a given date, subject to acceptance by the Secretary. However it is done, each State's maintenance of effort level should be nailed down early, so that we won't have to fight the battle if and when some State tries to supplant appropriated funds with donated funds.

Issue: Services Outside Institutions

Section 2002(11)(A) indicates that expenditures may be reimbursed "for the provision of service that (i) is provided by other than the hospital, facility, prison, or foster family home in which the individual is living . . ."

Our questions:

- 1) What does "other" mean?
- 2) Does it mean provided by a staff or individual not under the direct control or supervision of the institution?
- 3) Does it mean provided by a staff or individual who is not physically located in the institution?
- 4) Are there any other institutional settings, not mentioned in this subsection, which may be or should be included under the authority spelled out in this section? i.e., halfway houses, residential treatment centers, and other facilities related to treatment for alcohol and drug abusers.

Responses or definitions developed from these questions should be in regulatory form.

Issue: Maintenance of Effort

In Section 2002(b) the Act mandates maintenance of effort by the States based on their FY '73 or FY '74 expenditures. We believe it is imperative that regulations and instructions be written to state the specific data which will be needed. If services are to be dropped, added or consolidated under Title XX, what effect will this have on the maintenance of effort computation? These regulations should stipulate that the MOE level be determined before or at the time Title XX becomes effective.

Issue: Emergency Shelter

Section 2002(11)(C)

We feel that emergency shelter as a protective service should be provided not in excess of 30 days per emergency episode.

This should be a regulatory statement.

Issue: Need for a Service Plan

We are concerned that a service plan may not be required under Title XX, for the following reasons:

- 1) Unless there is an assessment of service needs for an individual, how does agency make a rational determination as to what services are to be given? To set up a service plan, you must do such an assessment. The sequence of orderly planning with an individual requires a contractual-type arrangement such as is provided by a service plan.
- 2) Federal audit will be much more easily facilitated if service plans are available.
- 3) The Act requires that someone must determine that service is needed and that the service relates to the goals of the Act. A service plan is a logical extension of this requirement.
- 4) The demands of the SSRS may implicitly demand a service plan.
- 5) Effective coordination with other human resources programs requires that someone (optimally a service worker) make a decision about what services an individual needs and refer him or her to programs where that service is available. This process would necessitate an orderly service planning effort.

If these items are appropriate concerns, a regulation might be necessary. The flexibility intended by Title XX may preclude such regulation, however. If this is the case, guides should be developed to help the States choose an effective case management system.

Issue: Availability of Training

Several questions are raised in our reading of Title XX as enacted:

- 1) Is training of assistance workers (vis service workers) covered at 75%?
- 2) Is training of provider staff covered? At what percentage?
- 3) Is training of volunteers covered at 75%?

All of these questions are of extreme importance to the continued efficient and effective functioning of State agencies. Clear guides should be prepared to address these questions.

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Issue: Citizen Involvement

Further definition is needed of how citizen participation may be accomplished. We feel that guides should be developed showing means and systems for participation. Particular attention (perhaps regulations) should be addressed to the manner in which comments received from the public by Agency which develops the plan will be utilized and taken into consideration in developing the final plan. We feel the authority for such regulations would be found in Section 2004(2)(J).

Issue: Fee Schedules Under 2002(a)(5)

We believe that equity demands that the Secretary by regulation mandate that fees may not be charged to individuals at or below the minimum income level (lower of 80% of median income of family of 4 of the State or U.S. median income). If fees are allowed in this group, the disincentives to self-sufficiency and removing oneself from welfare are greatly enhanced.

Issue: Definition of Goals (Sections 2001 & 2002)

Further definition of the goals specified in Sections 2001 and 2002 is necessary in either regulations or program guide. Program guide would be preferable in light of the spirit and intent of Title XX. States have already requested further clarification as to Congressional intent re specific services intended under the goals. However, AoA has found that general goal descriptions have been helpful to the States, and nitty gritty goal definition would inhibit flexibility.

Section 2002(a)(3), however, specifies that the Secretary cannot withhold funds when a State defines something as service.

On balance, we recommend program guides on the definition of goals which would give examples, or list types of services and/or further definition which can lend guidance but which will not seem or be restrictive. Although some States may want tighter definitions, we need to help them realize their responsibility under Title XX to set their own priorities and goals.

5

Issue: Redetermination of Eligibility

A regulation should specify intervals for the redetermination of financial eligibility for non-recipients of public assistance who are receiving services. Assistance and "medically needy" recipients are required by law to undergo these periodic eligibility redeterminations.

In addition, program guides should be developed to help the states develop systems and ways of periodically assessing the initial and/or continuing need for particular services. A periodic assessment of the need for services should be accomplished for both recipients and non-recipients of public assistance.

Issue: Further Definition of Services - Section 2002(a)(1)(E)

The broad general nature of the services listed in 2002(a)(1)(E) will lead to confusion and possible misconstruing of Congressional intent unless there is further clarification. For example, "protection services", without further definition, might be extended to a logical extreme where police and public safety activities were funded from Title XX.

Further, the reporting system required will necessitate further definition.

We believe that this further definition should be by regulation to promote uniformity (i.e., conform with major standard setting organizations) accountability through reporting systems, and clarity.

Issue: Eligibility: Determination of Income

A method should be developed for specifying median income which failed in inflationary factors. This should be specified by regulation so that there is uniformity among the states.

A definition of gross income 2002(a)(5)(B) should also be specified by regulation (i.e., traditional IRS disregard of income like VA Benefits, SSA benefits, etc. apply, or some other standard).

6

Issue: Reversion of Funds to Donors

Section 2002(a)(7)(D)(iii) seems to delete the non-reversion-to-donor rule, "if the donor is a nonprofit organization". It appears that, for example, United Way could donate funds to the State and receive them back with federal matching funds in tow.

We read this section and Section 2002(a)(7)(D)(ii) to indicate that any non-profit organization may donate funds, specify services they will provide and have funding then reverted to them. We are not sure this is correct, however.

Because of the nature of the donated funds issue and the confusion this change may bring, we believe that the terms need to be further defined in regulations so that there are no questions about the intent that donated funds can revert to non-profit donors, and can be counted for federal match.

Further, we believe that specific clarification should be made with respect to the status of Indian and native American groups as "non-profit" groups.

(7)