

**HB**

**126**

**Louie Flora**


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**From:** Mary C Sullivan [anmcs1@uaa.alaska.edu]  
**Sent:** Monday, March 09, 2009 5:18 PM  
**To:** Rep. Paul Seaton  
**Cc:** Rep. Les Gara; Rep. Cathy Munoz; Rep. Bryce Edgmon; Rep. Wes Keller; Rep. Peggy Wilson;  
 Rep. Bob Buch; Rep. Berta Gardner  
**Subject:** Support of HB 126

March 9, 2009

Good evening, esteemed Representatives:

I am respectfully writing to communicate my *ardent* support of HB 126. The number one demographic

[1]  
 in the homeless population in Alaska is children . In my work with adolescents as a chemical dependency counselor, in special education departments at two Title I schools (Williwaw and Fairview), and as the Community-Service Learning Advocate working with Project Homeless Connect in Anchorage, I have seen the dire impact of homelessness upon a child's ability to learn and engage in school. These challenges are only exacerbated when a child is moved from school to school each year.

A child living in an "out-of-home" environment benefits from a consistent, stable school environment. Research shows that: "Since it takes the average child four to six months to recover academically after

[2]  
 each school change, many children in foster care not only fail to recover, they actually lose ground."

A review of the literature explains that homelessness and unstable home life is related with decreased plasticity of the brain in early childhood, which has a negative impact on school achievement and the learning process. Therefore, many homeless children and youth are eventually referred to the Special Education system.

More disturbing is the correlation between youth who once in the special education become involved with the juvenile justice system. According to the U.S. Department of Justice, "...youth with learning

[3]  
 disabilities or an emotional disturbance are arrested at higher rates than their non-disabled peers" . Additionally, once in the juvenile system, these youth are more likely to have longer stays and/ or increased levels of incarceration. Homeless children and youth are at an increased risk for involvement in both the special education and juvenile justice systems, and both are systems that cost the state a considerable amount of money.

Passing HB 126 will ensure that children in the foster care system will receive the stability needed to make adequate annual yearly progress and increase school achievement and attachment. Increased scholastic achievement and attachment will help mitigate risks of involvement in the Special Education system and also will provide a higher opportunity for these children to identify with positive scholastic communities. Therefore, HB 126 helps to provide a resiliency factor against entering the juvenile justice system.

Not only will the school consistency in HB 126 help these children, but also it will support youth aging out of foster-care. Since Casey Family Programs is going to be transitioning out of Alaska, this means that we will be losing our non-state matching funds to receive Chaffee dollars for foster youth aging out of care. I'm sure you are aware of the gap in services this creates for youth in terms of housing and

other vital necessities. The proposed policy changes in HB 126 would continue to allow foster and "out-of-home" youth seeking secondary and post-secondary education to receive the Chaffee funds for housing, tuition waivers and other **much needed** forms of aide, so long as they remain in good academic standing. These policy proposals not only reward the self-determination and hard work of dedicated students, but also increase opportunities to develop healthy civic engagement and positive citizenship in Alaska's youth as they gain an education.

Although there will be some financial investment needed for the success of this Bill, the \$15,000 per year in tuition and fees that this policy proposes is *considerably* less expensive than the \$40,000 per year it costs the state for someone who becomes incarcerated. Moreover, supporting these youth *now* to gain an education increases their likelihood for independent living in the long run and decreases the chances that they will become permanently dependent upon the State, since with a good education they will be more able to become gainfully employed.

Please sign HB 126 into law. Alaska desperately needs this Bill.

Respectfully,  
 Mary C. Sullivan  
 MSW candidate, School of Social Work  
 &  
 Administrative Assistant to the Associate Dean, College of Education  
 University of Alaska, Anchorage  
 907-727-8773 (cell)  
 anmcs1@uaa.alaska.edu

[1] <http://www.anchoragehomeless.org/>

<sup>2</sup> Casey Family Programs Research, Educating Children in Foster Care, The McKinney Vento and No Child Left Behind Acts. (2007)

<sup>3</sup> Wilson, John J. (2000) Special Education and the Juvenile Justice System. Juvenile Justice Bulletin. US Department of Justice, office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Website: <http://www.ncjrs.gov/pdffiles1/ojjdp/179359.pdf> Please take a moment to look over the bill (attached) and contact your legislators to let them know what you think as educators.

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[1] <http://www.anchoragehomeless.org/>

[2] Casey Family Programs Research, Educating Children in Foster Care, The McKinney Vento and No Child Left Behind Acts. (2007)

[3] Wilson, John J. (2000) Special Education and the Juvenile Justice System. Juvenile Justice Bulletin. US Department of Justice, office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Website: <http://www.ncjrs.gov/pdffiles1/ojjdp/179359.pdf> Please take a moment to look over the bill (attached) and contact your

**Louie Flora**

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**From:** Katie Conway  
**Sent:** Monday, March 09, 2009 12:03 PM  
**To:** LAA Legal  
**Cc:** Louie Flora  
**Subject:** attn: Jean Mischel re: Amendments to HB 126.

Hi Jean,

In House Education today the committee asked Rep. Gara to make a few additional changes to the bill. I believe Rep. Seaton's office will be requesting a new CS for the committee to adopt during the next meeting in order to see all the changes, including these new ones, and move the bill out. I've copied Louie from Rep. Seaton's office to this email so he's in the loop on the changes we're requesting.

I think we'll be trying to call as soon as Rep. Gara has a few moments. That might not be until after Finance today, or it could be within the next five minutes.

Thank you!

**Katie Conway**  
Staff to Representative Les Gara  
State Capitol Room 500, Juneau, Alaska 99801  
Phone: (907) 465-6591  
Fax: (907) 465-3518

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**From:** Rep. Les Gara  
**Sent:** Monday, March 09, 2009 11:56 AM  
**To:** Katie Conway  
**Subject:** Amendments to HB 126.

Hi Katie – here is the additional work that needs to be done on HB 126 in addition to what was added into the CS by today's amendments.

We weren't clear what portions of the McKinney Vento act we are incorporating. We just want to incorporate the provisions relating to "transportation" and maintaining the school of origin.

So –

1. The only provision of the McKinney Vento Act we are incorporating is what's in 722 (g)(3) ("Local Education Agency Requirements"), 722 (g)(5)(A), "and the provisions cited therein".

Add a provision that states:

A School District may, but is not required to, hire additional staff to implement this section, and may utilize a "liason" provided under Section 722 (g)(1)(J)(ii) to implement the additional requirements of this section.

2. "Adequacy" – maybe just add "Educational" after "intellectual" on p. 3 line 31. Delete other references to adequate education.

Representative Les Gara  
Alaska State Legislature  
716 W. 4th Avenue, Suite 310  
Anchorage, Alaska 99501  
Phone: 907-269-0106  
Fax: 907-269-0109  
www.akdemocrats.org

20  
Years



**Covenant  
House  
Alaska**

Crisis Center • Community Services Center • Transitional Living

Representative Les Gara and Senator Bettye Davis  
State Capitol  
Juneau, AK 99801

February 23, 2009

Dear Representative Gara and Senator Davis,

Thank you for introducing legislation to address the needs of foster care youth, both while they are in the state's custody and when they "age-out" of the current system. Providing resources and support to our foster care children decreases the need for long-term public assistance and criminal justice resources. Responding to research that clearly identifies proven strategies for assisting our youth to independent adulthood is not only compassionate, it is fiscally sound policy.

Between 35% and 50% of foster care youth become homeless after being released from care. Covenant House Alaska (CHA) serves the homeless and at-risk youth of our state through four main programs (50% of CHA youth have been involved in the foster care system). Our Crisis Center provides shelter, food, clothing, primary health care and support resources to homeless youth. Our Community Services Center is a drop-in center that provides case management, employment assistance, educational tutoring, counseling and substance abuse referrals and life skills training. Two different programs, Rights of Passage and Passage House help youth transition to independent living and self-sufficiency. Youth can participate in either program for 18 months with up to 12 months of additional aftercare.

Through these programs, CHA is certain that increased job training, educational opportunities, rental assistance and social worker visits will benefit children in foster care. Similarly, offering consistency whenever possible through maintaining one school for children despite changes in foster care placement is essential. CHA appreciates the multi-faceted approach HB 126 and SB 105 offers.

Thank you for sponsoring this legislation and providing a voice to youth in foster care.

Sincerely,

Deirdre A. Cronin  
Executive Director

Facing Foster Care in Alaska (FFCA)  
3108 W. 42<sup>nd</sup> 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:

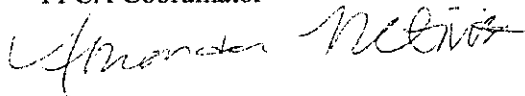
Your continued concern for Alaska's foster children and youth is admirable, and House Bill 126 demonstrates that concern.

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



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

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

February 23<sup>rd</sup>, 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*

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB126(EDC)  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB126CS(EDC)-DHSS-CSM-02-25-09 Dept. Affected: Health & Social Services  
Title: Foster Care/CINA/Education of Homeless RDU: Children's Services  
Component: Children's Services Management  
Sponsor: Gara  
Requester: House EDC Component Number: 2666

### 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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual	204.2		0.0	0.0	0.0	0.0	0.0	0.0
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>204.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES (</b>								
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### FUND SOURCE (Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts	73.5						
1003 GF Match	130.7						
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>204.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2009) cost: \_\_\_\_\_

### POSITIONS

Full-time							
Part-time							
Temporary							

### ANALYSIS: (Attach a separate page if necessary)

The intent of CS HB 126 is to address the educational, medical, financial, and housing challenges that face youth as they transition out of foster care and to support those care providers that are willing to help them during that period of transition.

The Office of Children's Services Online Resource for the Children of Alaska (ORCA) data base is mandated by the federal government and must be continuously updated to reflect changes in both state and federal law and policy. The following provides the estimated cost of ORCA updates that will be required to implement this bill.

Prepared by: Tammy Sandoval, Director Phone 465-3191  
Division: Office of Children's Services Date/Time 2/20/09 12:00 AM  
Approved by: Alison Elgee, Assistant Commissioner Date 2/25/2009  
DHSS Finance & Management Services

FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

BILL NO. CS HB 126 (EDC)

ANALYSIS CONTINUATION

Requirement	Functional LOE (hours)	Development LOE (hours)	Total LOE (hours)	Cost
Update Services page for new services.	120	80	200	\$22,000.00
Update Education page with post-secondary educational institutions.	80	60	140	\$15,400.00
Update OHP for unlicensed independent living service categories and service types.	120	80	200	\$22,000.00
Update OHP for licensed service categories and service types over 18.	120	100	220	\$24,200.00
Update Ref Value for age change from 18 to 21	80	60	140	\$15,400.00
Update Eligibility page calculations for new age requirement.	180	160	340	\$37,400.00
Update Medicaid Eligibility page calculations for new page	180	160	340	\$37,400.00
Visitation Report	40	36	76	\$8,360.000
Batch updates for OHP and Eligibility	40	160	200	\$22,000.00
<b>Days:</b>	<b>960/8 = 120 days</b>	<b>896/8 = 112 days</b>	<b>1856/8 = 232 total days</b>	<b>Total Estimate \$204,160.00</b>

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB126(EDC)  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB126CS(EDC)-DHSS-FCBR-02-25-09 Dept. Affected: Health & Social Services  
Title: Foster Care/CINA/Education of Homeless RDU: Children's Services  
Component: Foster Care Base Rate  
Sponsor: Gara  
Requester: House EDC Component Number: 2236

**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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims		725.0		445.2	445.2	445.2	445.2	445.2
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>725.0</b>	<b>0.0</b>	<b>445.2</b>	<b>445.2</b>	<b>445.2</b>	<b>445.2</b>	<b>445.2</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES (</b>								
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**FUND SOURCE** (Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts	0.0		55.6	73.9	73.9	73.9	73.9
1003 GF Match	725.0		389.6	371.3	371.3	371.3	371.3
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>725.0</b>	<b>0.0</b>	<b>445.2</b>	<b>445.2</b>	<b>445.2</b>	<b>445.2</b>	<b>445.2</b>

Estimate of any current year (FY2009) cost: \_\_\_\_\_

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

The intent of CS HB 126 is to address the educational, medical, financial, and housing challenges that face youth as they transition out of foster care and to support those care providers that are willing to help them during that period of transition.

Sec. 11 amends AS 47.10.990 to change the definition of child to include under age 21 years if that person is living in out-of-home care as defined in AS 47.14.400.

Prepared by: Tammy Sandoval, Director Phone 465-3191  
Division: Office of Children's Services Date/Time 2/23/09 12:00 AM  
Approved by: Alison Elgee, Assistant Commissioner Date 2/25/2009  
DHSS Finance & Management Services

**FISCAL NOTE**

**STATE OF ALASKA**  
**2009 LEGISLATIVE SESSION**

**BILL NO. CS HB 126 (EDC)**

**ANALYSIS CONTINUATION**

Assumptions applied to this fiscal note:

Foster care reimbursement payments will be made available to care for children who remain in the custody of the state, who are age 18 through 20;

Approximately 15% (17 children) of the 110 that turn age 18 annually will chose to stay in foster care until age 19; 10% (10) to age 20; 5% to 21 (6); totaling 34 children. This is based simply on program experience and the assumption that most children will want to leave foster care at age 18, but that others who have stable homes will decide to stay with their foster families and that most of these children will attend post secondary education programs.

In addition to the 33 children who may wish to participate in the program in its initial year, approximately 12 of those special needs children who are 18 years of age, 6 at age 19, and 6 at age 20 will remain in care for 2010, bringing the total for 2010 to 57 children. This is based on the current numbers of children who age out with special needs. We estimate that 18 children with special needs age out annually, with 6 of them already staying in foster care until age 20, leaving 12 that may chose to stay in care.

For years 2011 - 2015, the number of participants has been reduced to 35, where it may stabilize because OCS speculates those children reaching the age of 19 or 20 will more likely opt to chose the monetary stipend in this bill.

Calculations are based on 360 days at an average base foster care base rate of \$35.33 a day  $35.33 \times 30 = 1,060$ . This calculation is used to equally distribute funding estimates, and makes very little difference to the resulting totals.

Currently, federal reimbursement for the extension of the foster program is not available, however, the Adoption and Guardianship Fostering Connections to Success and Increasing Adoptions Act of 2008 includes the option to extend the assistance age through 20. This fiscal note assumes that option will be implemented when available October 1, 2010, therefore is available for the final three quarters of state fiscal year 2011 forward only.

SFY	# of Children	Age	Annual Cost Per Child	Total Est.	FFP	GF
2010	57	18, 19, 20	\$12,719	\$724,972	\$0	\$724,972
2011	35	18, 19, 20	\$12,719	\$445,158	\$55,631	\$389,527
2012	35	18, 19, 20	\$12,719	\$445,158	\$73,862	\$371,296
2013	35	18, 19, 20	\$12,719	\$445,158	\$73,862	\$371,296
2014	35	18, 19, 20	\$12,719	\$445,158	\$73,862	\$371,296
2015	35	18, 19, 20	\$12,719	\$445,158	\$73,862	\$371,296

26-LS0309P  
Mischel  
3/9/09

**CS FOR HOUSE BILL NO. 126(EDC)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE EDUCATION COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GARA, Crawford, Kerttula

**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; and relating to out-of-  
 5 home care transition to independent living."

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) and (d) of this section, the governing body of a school  
 10 district shall comply with the requirements for continuing the public education of a  
 11 homeless student in the student's school of origin and for providing transportation  
 12 services for the remainder of the current school year or, if the student is attending  
 13 school for a summer term, for the remainder of the summer term, under 42 U.S.C.

1 11431 - 11435 (McKinney-Vento Homeless Education Assistance Improvement Act  
2 of 2001), as those provisions existed on February 1, 2009.

3 (b) The requirements in (a) of this section do not apply if the student moves to  
4 a school district other than the school district in which the student's school of origin is  
5 located.

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

11 (d) A school district is required to comply with this section only

12 (1) if the legislature appropriates funds for the purpose; and

13 (2) to the extent possible using funds appropriated for the purpose.

14 (e) In this section,

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

21 (2) "school of origin" means the school in which the student was last  
22 enrolled.

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

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

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

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

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

1 (3) has applied for educational grants or scholarships that the person is  
2 otherwise eligible for as recommended by the educational institution;

3 (4) has applied for an available federal education loan; and

4 (5) is under 29 years of age.

5 (b) The amount of the waiver to which a person is entitled under this section is  
6 the amount of unmet need for tuition, room, and board expenses, as determined by the  
7 commission, after deducting funding for the school year from education loans, grants,  
8 or scholarships received by a person eligible for a waiver.

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

12 (d) A state-supported educational institution in the state is required to provide  
13 a waiver under (a) of this section only if the legislature appropriates funds for the  
14 purpose of offsetting waivers under this section. If an appropriation is not sufficient to  
15 fully offset waivers for each person entitled to a waiver under (a) of this section, the  
16 institution may offer full or partial waivers to eligible applicants as funding permits  
17 and at the discretion of the institution.

18 \* **Sec. 3.** AS 14.43.160 is amended by adding a new paragraph to read:

19 (7) "out-of-home care" has the meaning given in AS 47.14.400.

20 \* **Sec. 4.** AS 36.30.850(b)(42) is amended to read:

21 (42) grants and contracts with qualified entities for services under  
22 AS 47.18.330 for the out-of-home [FOSTER] care transition program;

23 \* **Sec. 5.** AS 47.05.060 is amended to read:

24 **Sec. 47.05.060. Purpose and policy relating to children.** The purpose of this  
25 title as it relates to children is to secure for each child the care and guidance,  
26 preferably in the child's own home, as well as an education, that will serve the moral,  
27 emotional, mental, intellectual, and physical welfare of the child and the best interests  
28 of the community; to preserve and strengthen the child's family ties unless efforts to  
29 preserve and strengthen the ties are likely to result in physical or emotional damage to  
30 the child, removing the child from the custody of the parents only as a last resort when  
31 the child's welfare or safety or the protection of the public cannot be adequately

1 safeguarded without removal; and, when the child is removed from the family, to  
2 secure for the child adequate custody, education, and care and adequate planning for  
3 permanent placement of the child.

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

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

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

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

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

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

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

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

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

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

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

31 (B) the state also recognizes that when a child is removed from

1 the home, visitation between the child and the child's parents or guardian and  
2 family members reduces the trauma for the child and enhances the likelihood  
3 that the child will be able to return home; therefore, whenever a child is  
4 removed from the parental home, the Department of Health and Social  
5 Services should encourage frequent, regular, and reasonable visitation of the  
6 child with the child's parent or guardian and family members;

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

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

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

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

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

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

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

26 (F) parents and guardians must actively participate in family  
27 support services so as to facilitate the child's being able to remain in the home;  
28 when children are removed from the home, the parents and guardians must  
29 actively participate in family support services to make return of their children  
30 to the home possible; and

31 (G) the child should continue to attend the child's school of

1                    **origin as provided under AS 14.03.096;**

2                    (5) numerous studies establish that

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

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

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

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

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

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

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

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

28                    (4) aged, blind, or disabled persons, who, because they do not meet  
29 income and resources requirements, do not receive supplemental security income  
30 under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not  
31 receive a mandatory state supplement, but who are eligible, or would be eligible if

1 they were not in a skilled nursing facility or intermediate care facility to receive an  
2 optional state supplementary payment;

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

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

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

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

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

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

26 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title  
27 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom  
28 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title  
29 XVI, Social Security Act) because they meet all of the following criteria:

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

1 (B) the department has determined that

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

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

6 (iii) the estimated amount that would be spent for  
7 medical assistance for their individual care outside an institution is not  
8 greater than the estimated amount that would otherwise be expended  
9 individually for medical assistance within an appropriate institution;

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

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

15 (12) disabled persons, as described in 42 U.S.C.  
16 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under  
17 applicable federal regulations or guidelines, is less than 250 percent of the official  
18 poverty line applicable to a family of that size according to the United States  
19 Department of Health and Human Services, and who, but for earnings in excess of the  
20 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be  
21 individuals with respect to whom a supplemental security income is being paid under  
22 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is  
23 not eligible under another provision of this section shall pay a premium or other cost-  
24 sharing charges according to a sliding fee scale that is based on income as established  
25 by the department in regulations;

26 (13) persons under 19 years of age who are not covered under (a) of  
27 this section and whose household income does not exceed 175 percent of the federal  
28 poverty line as defined by the United States Department of Health and Human  
29 Services and revised under 42 U.S.C. 9902(2);

30 (14) pregnant women who are not covered under (a) of this section and  
31 whose household income does not exceed 175 percent of the federal poverty line as

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

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

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

9 \* Sec. 8. AS 47.07.020 is amended by adding a new subsection to read:

10 (o) In this section, "out-of-home care" has the meaning given in AS 47.14.400.

11 \* Sec. 9. AS 47.10.080 is amended by adding a new subsection to read:

12 (v) A social worker employed by or under contract with the department shall,  
13 not less than monthly, conduct visits with a child committed to the custody of the  
14 department under (c) of this section. The visits must be of sufficient substance and  
15 duration to address issues pertinent to case planning and service delivery to ensure the  
16 child's safety, permanency, and well-being. The majority of the visits conducted under  
17 this subsection must be at the location of the child's current placement. Nothing in this  
18 paragraph creates a private right of action against the department or the department's  
19 contractors. In this subsection, "visit" means face-to-face contact between social  
20 worker and child.

21 \* Sec. 10. 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. 11. AS 47.10.990 is amended by adding a new paragraph to read:

30 (33) "out-of-home care" has the meaning given in AS 47.14.400.

31 \* Sec. 12. AS 47.18.300(a) is amended to read:

1 (a) The department, in coordination with local public and private agencies,  
2 shall design, develop, and implement an out-of-home care [A FOSTER CARE]  
3 transition program to provide support and services to individuals who

4 (1) reach or have reached the age of 16 or older while in state custody  
5 and placed in out-of-home [FOSTER] care and have not yet reached 23 years of age;  
6 and

7 (2) meet other eligibility criteria established by the department under  
8 (b) of this section.

9 \* **Sec. 13.** AS 47.18.310 is amended to read:

10 **Sec. 47.18.310. Program design.** The department, in coordination with local  
11 public and private agencies, shall design the program as a continuation of the training  
12 efforts related to independent living skills that were initiated for a child in state  
13 custody who was placed in out-of-home care and [WHEN THE STATE FOSTER  
14 CARE RECIPIENTS WERE] identified as being likely to remain in out-of-home  
15 [STATE FOSTER] care until reaching not less than the age of 18. The program  
16 design must require that program participants are directly involved in identifying the  
17 program activities that will prepare them for independent living.

18 \* **Sec. 14.** AS 47.18.320(a) is amended to read:

19 (a) Subject to the availability of an appropriation made for the purposes of  
20 AS 47.18.300 - 47.18.390, the program may provide

21 (1) education and vocational training;

22 (2) assistance in obtaining basic education and training;

23 (3) career and employment services;

24 (4) training in basic life skills;

25 (5) housing and utility assistance;

26 (6) mentoring and counseling; and

27 (7) other appropriate services to complement the efforts of former state  
28 foster care recipients or a child who was in state custody and placed in out-of-  
29 home care to achieve self-sufficiency.

30 \* **Sec. 15.** AS 47.18 is amended by adding a new section to read:

31 **Sec. 47.18.335. Monetary living expense stipend.** The department shall

1 provide to an individual receiving services under the program a monthly stipend in an  
2 amount set by the department that is not less than the daily rate provided to a licensed  
3 foster parent for necessary living expenses. The stipend shall continue for a period of  
4 not more than one year after the individual leaves out-of-home care. The department  
5 may adopt regulations to implement this section.

6 \* **Sec. 16.** AS 47.18.390(1) is amended to read:

7 (1) "program" means the out-of-home [FOSTER] care transition  
8 program authorized under AS 47.18.300 - 47.18.390;

9 \* **Sec. 17.** AS 47.18.390(3) is repealed and reenacted to read:

10 (3) "out-of-home care" has the meaning given in AS 47.14.400.

**AMENDMENT**

OFFERED IN THE HOUSE

TO: CSHB 126(EDC), Draft Version "P"

1 Page 1, line 9, through page 2, line 2:

2 Delete all material and insert:

3 "Except as provided in (b) and (d) of this section and notwithstanding the availability  
4 of federal funding, the governing body of a school district shall comply with the requirements  
5 for continuing the education of a homeless student under 42 U.S.C. 11432(g)(3)(A) and (B)  
6 and 11432(g)(5)(A) (McKinney-Vento Homeless Education Assistance Improvement Act of  
7 2001), as those provisions existed on February 1, 2009, for the remainder of the school year,  
8 or, if the student is attending school for a summer term, for the remainder of the summer  
9 term."

10

11 Page 2, following line 13:

12 Insert a new subsection to read:

13 "(e) Nothing in this section is intended to limit a school district's compliance  
14 with 42 U.S.C. 11431 - 11435 (McKinney-Vento Homeless Education Assistance  
15 Improvement Act of 2001) or to require the hiring of additional personnel if the school  
16 district is receiving federal funding under that Act."

17

18 Reletter the following subsection accordingly.

### **(3) Local educational agency requirements**

#### **(A) In general**

The local educational agency serving each child or youth to be assisted under this part shall, according to the child's or youth's best interest -

(i) continue the child's or youth's education in the school of origin for the duration of homelessness -

(I) in any case in which a family becomes homeless between academic years or during an academic year; or

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

#### **(B) Best interest**

In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall -

(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

### **(5) Coordination**

#### **(A) In general**

Each local educational agency serving homeless children and youths that receives assistance under this part shall coordinate -

(i) the provision of services under this part with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

26-LS0309\S  
Mischel  
2/24/09

**CS FOR HOUSE BILL NO. 126( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES GARA, Crawford, Kerttula**

**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; and relating to out-of-**  
5 **home care transition to independent living."**

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).

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

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

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

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

13 (d) In this section,

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

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

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

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

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

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

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

31 (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" has the meaning given in AS 47.14.400.

25 \* **Sec. 5.** AS 36.30.850(b)(42) is amended to read:

26 (42) grants and contracts with qualified entities for services under  
27 AS 47.18.330 for the out-of-home [FOSTER] care transition program;

28 \* **Sec. 6.** AS 47.05.060 is amended to read:

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

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

9 \* Sec. 7. AS 47.05.065 is amended to read:

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

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

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

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

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

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

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

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

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

30 (A) except in those cases involving serious risk to a child's  
31 health or safety, the Department of Health and Social Services should provide

1 time-limited family support services to the child and the child's family in order  
2 to offer parents the opportunity to remedy parental conduct or conditions in the  
3 home that placed the child at risk of harm so that a child may return home  
4 safely and permanently; and

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

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

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

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

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

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

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

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

31 (F) parents and guardians must actively participate in family

1 support services so as to facilitate the child's being able to remain in the home;  
2 when children are removed from the home, the parents and guardians must  
3 actively participate in family support services to make return of their children  
4 to the home possible; and

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

7 (5) numerous studies establish that

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

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

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

18 \* Sec. 8. AS 47.07.020(b) is amended to read:

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

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

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

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

1 institutions;

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

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

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

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

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

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

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

31 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title

1 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom  
2 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title  
3 XVI, Social Security Act) because they meet all of the following criteria:

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

6 (B) the department has determined that

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

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

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

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

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

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

31 (13) persons under 19 years of age who are not covered under (a) of

1 this section and whose household income does not exceed 175 percent of the federal  
2 poverty line as defined by the United States Department of Health and Human  
3 Services and revised under 42 U.S.C. 9902(2);

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

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

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

14 \* Sec. 9. AS 47.07.020 is amended by adding a new subsection to read:

15 (o) In this section, "out-of-home care" has the meaning given in AS 47.14.400.

16 \* Sec. 10. AS 47.10.080 is amended by adding a new subsection to read:

17 (v) A social worker employed by or under contract with the department shall,  
18 not less than monthly, conduct visits with a child committed to the custody of the  
19 department under (c) of this section. The visits must be of sufficient substance and  
20 duration to address issues pertinent to case planning and service delivery to ensure the  
21 child's safety, permanency, and well-being. The majority of the visits conducted under  
22 this subsection must be at the location of the child's current placement. Nothing in this  
23 paragraph creates a private right of action against the department or the department's  
24 contractors. In this subsection, "visit" means face-to-face contact between social  
25 worker and child.

26 \* Sec. 11. AS 47.10.990(3) is amended to read:

27 (3) "child" means a person who is

28 (A) under 18 years of age;

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

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

\* **Sec. 12.** AS 47.10.990 is amended by adding a new paragraph to read:

(33) "out-of-home care" has the meaning given in AS 47.14.400.

\* **Sec. 13.** AS 47.18.300(a) is amended to read:

(a) The department, in coordination with local public and private agencies, shall design, develop, and implement **an out-of-home care** [A FOSTER CARE] transition program to provide support and services to individuals who

(1) reach or have reached the age of 16 or older while in state **custody and placed in out-of-home** [FOSTER] care and have not yet reached 23 years of age; and

(2) meet other eligibility criteria established by the department under (b) of this section.

\* **Sec. 14.** AS 47.18.310 is amended to read:

**Sec. 47.18.310. Program design.** The department, in coordination with local public and private agencies, shall design the program as a continuation of the training efforts related to independent living skills that were initiated **for a child in state custody who was placed in out-of-home care and** [WHEN THE STATE FOSTER CARE RECIPIENTS WERE] identified as being likely to remain in **out-of-home** [STATE FOSTER] care until reaching **not less than** the age of 18. The program design must require that program participants are directly involved in identifying the program activities that will prepare them for independent living.

\* **Sec. 15.** AS 47.18.320(a) is amended to read:

(a) Subject to the availability of an appropriation made for the purposes of AS 47.18.300 - 47.18.390, the program may provide

- (1) education and vocational training;
- (2) assistance in obtaining basic education and training;
- (3) career and employment services;
- (4) training in basic life skills;
- (5) housing and utility assistance;
- (6) mentoring and counseling; and

1 (7) other appropriate services to complement the efforts of former state  
2 foster care recipients or a child who was in state custody and placed in out-of-  
3 home care to achieve self-sufficiency.

4 \* Sec. 16. AS 47.18.390(1) is amended to read:

5 (1) "program" means the out-of-home [FOSTER] care transition  
6 program authorized under AS 47.18.300 - 47.18.390;

7 \* Sec. 17. AS 47.18 is amended by adding a new section to read:

8 **Sec. 47.18.335. Monetary living expense stipend.** The department shall  
9 provide to an individual receiving services under the program a monthly stipend in an  
10 amount set by the department that is not less than the daily rate provided to a licensed  
11 foster parent for necessary living expenses. The stipend shall continue for a period of  
12 not more than one year after the individual leaves out-of-home care. The department  
13 may adopt regulations to implement this section.

14 \* Sec. 18. AS 47.18.390(3) is repealed and reenacted to read:

15 (3) "out-of-home care" has the meaning given in AS 47.14.400.

AMENDMENT # 1

Adapted w/out  
objection

OFFERED IN THE HOUSE

TO: CSHB 126( ), Draft Version "S"

1 Page 1, line 9, following "(b)":

2 Insert "and (d)"

3

4 Page 2, following line 12:

5 Insert a new subsection to read:

6 "(d) A school district is required to comply with this section only

7 (1) if the legislature appropriates funds for the purpose; and

8 (2) to the extent possible using funds appropriated for the purpose."

9

10 Reletter the following subsection accordingly.

11

12 Page 3, following line 8:

13 Insert a new subsection to read:

14 "(d) A state-supported educational institution in the state is required to provide  
15 a waiver under (a) of this section only if the legislature appropriates funds for the  
16 purpose of offsetting waivers under this section. If an appropriation is not sufficient to  
17 fully offset waivers for each person entitled to a waiver under (a) of this section, the  
18 institution may offer full or partial waivers to eligible applicants as funding permits  
19 and at the discretion of the institution."

AMENDMENT #2 with page 3 and 4  
deleted  
(passed)  
Adopted

OFFERED IN THE HOUSE

TO: CSHB 126( ), Draft Version "S"

- 1 Page 1, line 9:
- 2 Delete "Except as provided in (b) of this section, the"
- 3 Insert "The"
- 4
- 5 Page 1, line 12:
- 6 Delete "during the homelessness"
- 7 Insert "for the remainder of the current school year or, if the student is attending
- 8 school for a summer term, for the remainder of the summer term,"
- 9
- 10 Page 1, line 13, following "2001)":
- 11 Insert ", as those provisions existed on February 1, 2009"
- 12
- 13 Page 2, line 2:
- 14 Delete "(1)"
- 15
- 16 Page 2, line 3:
- 17 Delete "; or"
- 18 Insert "."
- 19
- 20 Page 2, lines 4 - 7:
- 21 Delete all material.
- 22
- 23 Page 2, lines 20 - 21:

1 Delete "that the student attended when permanently housed or the school"

2

3 Page 2, line 31:

4 Delete "loans, grants,"

5 Insert "grants"

6

7 Page 3, line 1:

8 Delete "and"

9

10 Page 3, following line 1:

11 Insert a new paragraph to read:

12 "(4) has applied for an available federal education loan; and"

13

14 Renumber the following paragraph accordingly.

15

16 Page 3, lines 3 - 4:

17 Delete all material and insert:

18 "(b) The amount of the waiver to which a person is entitled under this section  
19 is the amount of unmet need for tuition, room, and board expenses, as determined by  
20 the commission, after deducting all available funding for the school year from  
21 education loans, grants, or scholarships for a person eligible for a waiver."

22

23 Page 3, line 5:

24 Delete "including a loan under AS 14.43.112,"

25

26 Page 3, lines 9 - 22:

27 Delete all material.

28

29 Renumber the following bill sections accordingly.

30

31 Page 9, following line 15:

1 Insert a new bill section to read:

2 **\*\* Sec. 9. AS 47.10.080(c) is amended to read:**

3 (c) If the court finds that the child is a child in need of aid, the court shall

4 (1) order the child committed to the department for placement in an  
5 appropriate setting for a period of time not to exceed two years or in any event not to  
6 extend past the date the child becomes 19 years of age, except that the department or  
7 the child's guardian ad litem may petition for and the court may grant in a hearing

8 (A) one-year extensions of commitment that do not extend  
9 beyond the child's 19th birthday if the extension is in the best interests of the  
10 child; and

11 (B) one-year extensions of commitment that do not extend  
12 beyond the child's 21st birthday [AN ADDITIONAL ONE-YEAR PERIOD  
13 OF STATE CUSTODY PAST 19 YEARS OF AGE] if the continued state  
14 custody is in the best interests of the person and the person consents to it;

15 (2) order the child released to a parent, adult family member, or  
16 guardian of the child or to another suitable person, and, in appropriate cases, order the  
17 parent, adult family member, guardian, or other person to provide medical or other  
18 care and treatment; if the court releases the child, it shall direct the department to  
19 supervise the care and treatment given to the child, but the court may dispense with  
20 the department's supervision if the court finds that the adult to whom the child is  
21 released will adequately care for the child without supervision; the department's  
22 supervision may not exceed two years or in any event extend past the date the child  
23 reaches 19 years of age, except that the department or the child's guardian ad litem  
24 may petition for and the court may grant in a hearing

25 (A) one-year extensions of supervision that do not extend  
26 beyond the child's 19th birthday if the extensions are in the best interests of the  
27 child; and

28 (B) an additional one-year period of supervision past 19 years  
29 of age if the continued supervision is in the best interests of the person and the  
30 person consents to it; or

31 (3) order, under the grounds specified in (c) of this section or

1 AS 47.10.088, the termination of parental rights and responsibilities of one or both  
2 parents and commit the child to the custody of the department, and the department  
3 shall report quarterly to the court on efforts being made to find a permanent placement  
4 for the child "

5  
6 Renumber the following bill sections accordingly.

7  
8 Page 11, line 9:

9 Delete "receiving services under the program"

10 Insert "eligible for services under the program who has left out-of-home care"

11  
12 Page 11, line 10:

13 Delete "less"

14 Insert "more"

15  
16 Page 11, line 12:

17 Delete "after the individual leaves out-of-home care"

18 Insert "and shall end before the individual is 23 years of age"

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 126( ), Draft Version "S"

1 Page 1, line 9:

2 Delete "Except as provided in (b) of this section, the"

3 Insert "The"

4

5 Page 2, line 2:

6 Delete "(1)"

7

8 Page 2, line 3:

9 Delete "; or"

10 Insert "."

11

12 Page 2, lines 4 - 7:

13 Delete all material.

14

15 Page 2, line 31:

16 Delete "loans, grants,"

17 Insert "grants"

18

19 Page 3, line 1:

20 Delete "and"

21

22 Page 3, following line 1:

23 Insert a new paragraph to read:

1           "(4) has applied for an available federal education loan; and"

2  
3       Renumber the following paragraph accordingly.

4  
5       Page 3, lines 3 - 4:

6           Delete all material and insert:

7                   "(b) A waiver under this section shall be provided for the amount of unmet  
8           need for tuition, room, and board expenses, as determined by the commission after  
9           deducting all available funding for the school year from education loans, grants, or  
10          scholarships for a person eligible for a waiver."

11  
12       Page 3, line 5:

13           Delete "including a loan under AS 14.43.112,"

14  
15       Page 3, lines 9 - 22:

16           Delete all material.

17  
18       Page 9, following line 15:

19           Insert a new bill section to read:

20       **\*\* Sec. 10.** AS 47.10.080(c) is amended to read:

21                   (c) If the court finds that the child is a child in need of aid, the court shall

22                           (1) order the child committed to the department for placement in an  
23           appropriate setting for a period of time not to exceed two years or in any event not to  
24           extend past the date the child becomes 19 years of age, except that the department or  
25           the child's guardian ad litem may petition for and the court may grant in a hearing

26                                   (A) one-year extensions of commitment that do not extend  
27           beyond the child's 19th birthday if the extension is in the best interests of the  
28           child; and

29                                   (B) one-year extensions of commitment that do not extend  
30           beyond the child's 21st birthday [AN ADDITIONAL ONE-YEAR PERIOD  
31           OF STATE CUSTODY PAST 19 YEARS OF AGE] if the continued state

1 custody is in the best interests of the person and the person consents to it;

2 (2) order the child released to a parent, adult family member, or  
 3 guardian of the child or to another suitable person, and, in appropriate cases, order the  
 4 parent, adult family member, guardian, or other person to provide medical or other  
 5 care and treatment; if the court releases the child, it shall direct the department to  
 6 supervise the care and treatment given to the child, but the court may dispense with  
 7 the department's supervision if the court finds that the adult to whom the child is  
 8 released will adequately care for the child without supervision; the department's  
 9 supervision may not exceed two years or in any event extend past the date the child  
 10 reaches 19 years of age, except that the department or the child's guardian ad litem  
 11 may petition for and the court may grant in a hearing

12 (A) one-year extensions of supervision that do not extend  
 13 beyond the child's 19th birthday if the extensions are in the best interests of the  
 14 child; and

15 (B) an additional one-year period of supervision past 19 years  
 16 of age if the continued supervision is in the best interests of the person and the  
 17 person consents to it; or

18 (3) order, under the grounds specified in (o) of this section or  
 19 AS 47.10.088, the termination of parental rights and responsibilities of one or both  
 20 parents and commit the child to the custody of the department, and the department  
 21 shall report quarterly to the court on efforts being made to find a permanent placement  
 22 for the child."  
 23

24 Renumber the following bill sections accordingly.

25  
 26 Page 11, line 9:

27 Delete "receiving"

28 Insert "eligible for"

29  
 30 Page 11, line 9, following "program":

31 Insert "who has left out-of-home care"

1

2 Page 11, line 10:

3 Delete "that is not less than"

4 Insert "that is not more than"

5

6 Page 11, line 12:

7 Delete "after the individual leaves out-of-home care"

8 Insert "and shall end before the individual is 23 years of age"

Conceptual Amendment #

OFFERED IN THE HOUSE EDUCATION COMMITTEE

TO: CSHB 126

Page 2, line 22:

Insert new subsection (e) which reads: "A school district is not required to comply with the requirements of this section to the extent the legislature has not appropriated sufficient funds to implement its requirements."

Page 3, line 9:

Insert new subsection (d) which reads: "A state-supported educational institution is not required to comply with the requirements of this section to the extent the legislature has not appropriated sufficient funds to implement its requirements."

# Educational Stability for Youth in Foster Care

The McKinney-Vento Act<sup>1</sup> applies to many children in DFCS custody and provides those children with rights that promote educational stability.

## What is the McKinney-Vento Act?

- ❖ McKinney-Vento is a federal law that promotes stability, access, and academic success for homeless youth. McKinney-Vento also provides assistance for homeless youth with enrollment in a new school, transportation to school, and other educational and supplemental services. It promotes educational stability by allowing homeless youth to remain in their school of origin even if homelessness has caused them to move outside the school district. School of origin is defined as the school a student attended before becoming homeless or the school where the student was last enrolled.

## Are children in foster care homeless?

- ❖ In order to be eligible for the benefits and services provided for by the McKinney-Vento Act, a student must meet the criteria for homelessness. Some children in foster care meet the criteria and are therefore considered homeless under the Act.
- ❖ The McKinney-Vento Act defines homeless children and youth as "(A) individuals who lack a fixed, regular and adequate nighttime residence...; and (B) includes – (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; *are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement...*"<sup>2</sup> Thus, some children in DFCS custody are considered homeless for the purpose of the McKinney-Vento Act, specifically children living in shelters, abandoned in hospitals, and children awaiting foster care placement
- ❖ Using McKinney-Vento to secure rights for children in foster care helps to minimize educational disruption. The child is able to remain in the same school, continue with the current academic curriculum, and is less likely to fall behind academically.

## Are children covered by McKinney-Vento after they move into a foster home?

- ❖ Once the provisions of McKinney-Vento have been met, an eligible child remains eligible for services for the remainder of that school year even if s/he moves into a foster home.
- ❖ When the next school year begins, if the child continues to live in a foster home, s/he will no longer qualify under McKinney-Vento and at that time may have to transfer to a school in the district where s/he is residing.

## What about the documents schools require to enroll a child in school?

- ❖ McKinney-Vento requires schools to immediately enroll homeless children in school even without records normally required for enrollment, such as previous academic records, medical records including immunization records, proof of guardianship, and proof of residency.
- ❖ The enrolling school must contact the last school attended to obtain relevant records to facilitate enrollment and the school should refer the child to the school liaison for assistance in obtaining immunization records.

## What if the child has moved out of district and the old school refuses to allow the child to continue to attend?

- ❖ All decisions about where a homeless child shall be allowed to go to school must be made according to the child's best interests. In determining best interests of the child, the local educational agency shall "to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian."<sup>3</sup>

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- ❖ Whenever there is a disagreement between a school and a parent, guardian, or youth, the school must:
  - Immediately enroll the student in the school the parent, guardian, or youth chooses;
  - Keep the student at that school until the disagreement is settled;
  - Explain, in writing, its decision and the right to have the disagreement settled; AND
  - Send the parent, guardian or youth to the Georgia Liaison/Coordinator of Education for Homeless Children and Youth to settle the disagreement quickly. Please see the contact information below.

**What if it is best to transfer the child to a new school in the district where the foster parents or relative placement live?**

- ❖ Homeless children and youth have the right to stay in the school they went to before they lost their housing, to stay at whatever school they were enrolled in last, or to attend the local school where they are now living.

**Is there any help with transportation?**

- ❖ If McKinney-Vento applies to the child, then the school district must provide or arrange transportation for the student to stay at the school of origin, even if the student moves to a different city, county, or school district.
  - If a student is living in the same school district as the school of origin, then that school district has to provide transportation. If the student moves across district lines, then both districts have to work together to provide transportation.

**What type of transportation will the school provide?**

- ❖ Schools can provide transportation in different ways, including:
  - Re-routing school buses and making sure buses go to shelters, group homes and other places where students live;
  - Providing passes for public buses and subways, including passes for caretakers when needed;
  - Using the transportation systems social services use;
  - Using approved van or taxi services;
  - Reimbursing parents, guardians or youth for gas;
  - Working with service providers and public assistance agencies to make transportation plans or provide transportation;
  - Getting local businesses or other agencies to help with transportation costs; and

**Where can I get more information?**

- ❖ The National Law Center on Homelessness & Poverty, [www.nlchp.org](http://www.nlchp.org).
- ❖ Georgia's Education for Homeless Children and Youth Coordinator is Mr. David Davidson. He can be reached at phone 404-651-7555 or e-mail [ddavidso@doe.k12.ga.us](mailto:ddavidso@doe.k12.ga.us).
- ❖ The Georgia Law Center for the Homeless, [www.galawcenter.org](http://www.galawcenter.org) , phone: 404-681-0680.

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<sup>1</sup> The McKinney -Vento Act codified as amended at 42 U.S.C.A. §11432 through §11434a(2)(2004).

<sup>2</sup> 42 U.S.C.A. §11434a(2)(B)(2004)(emphasis added).

<sup>3</sup> 42 U.S.C.A. §11432(3)(B)(i)(2004).

origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

(2) COMPLIANCE-

(A) IN GENERAL- Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

(B) COORDINATION- Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

(A) IN GENERAL- The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest--

(i) continue the child's or youth's education in the school of origin for the duration of homelessness--

(I) in any case in which a family becomes homeless between academic years or during an academic year; or

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) BEST INTEREST- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall--

(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local

educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

(C) ENROLLMENT- (i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

(D) RECORDS- Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained--

(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(E) ENROLLMENT DISPUTES- If a dispute arises over school selection or enrollment in a school--

(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

(F) PLACEMENT CHOICE- The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

(G) SCHOOL OF ORIGIN DEFINED- In this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

(H) CONTACT INFORMATION- Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

(4) COMPARABLE SERVICES- Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

(C) Programs in vocational and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.

(5) COORDINATION-

(A) IN GENERAL- Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate--

(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

(B) HOUSING ASSISTANCE- If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

(C) COORDINATION PURPOSE- The coordination required under subparagraphs (A) and (B) shall be designed to--

(i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

(6) LOCAL EDUCATIONAL AGENCY LIAISON-

(A) DUTIES- Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that--

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## MEMORANDUM

DATE: February 24, 2009  
TO: Representative Paul Seaton, Chair, House Education Committee  
FROM: Representative Les Gara  
RE: CS for HB 126 – Foster Care

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Here is the list of changes in the committee substitute (26-LS0309\S).

- Section 4 – The definition of “out-of-home care” was changed to be consistent with the definition already in law under AS 47.14.400(e)(4). This change is reflected throughout the bill.
- Section 5 – This new section also applies “out-of-home” in lieu of “foster” care.
- Section 9 – This new section also applies “out-of-home” in lieu of “foster” care.
- Section 10 – New language to the previous Section 8 adds legal immunity for social workers relating to the monthly visit issue.
- Section 11 from the original bill was deleted because it unnecessarily affected juvenile prosecutions.
- Section 13 rewrites the original Section 12. The proposal in this section of the original HB126 could have been interpreted to mean that the program would apply only to those individuals that, at the time that the training efforts related to independent living skills were initiated, were identified as being likely to remaining in foster care until age 21. That would mean that if the training efforts were initiated when the individual was 16, and at that time it was believed that foster care would end shortly after the individual’s 18<sup>th</sup> birthday, the program would not apply to that person, even if it later turns out that the individual needs to remain in foster care until age 21. If that interpretation was used, the proposed change to statute would be more restrictive than the current statute. The CS adopts changes requested by OCS to mitigate this concern.

- Section 14 – This new section adds language that reflects the broadened definition of youth in state custody, from “foster care” to “out-of-home care”, for application to independent living programs.
- Section 16 – This new section also applies “out-of-home” in lieu of “foster” care.
- Section 17 – This revises the old Section 13, adding the language “living expense” to the title of the stipend and making more flexible the amount given to the youth to give more discretion to the department.

# 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  
FAX (907) 465-2029  
Mail Stop 3101

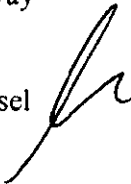
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## 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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	***	***	***	***	***	***	***

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	***	***	***	***	***	***	***

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*.<sup>1</sup>

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 <sup>2</sup> )
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.<sup>3</sup>
- 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.<sup>4</sup>
- 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.<sup>5</sup>
- 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.<sup>6</sup>

- 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.<sup>7</sup>
- 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.<sup>8</sup>

#### 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.<sup>9</sup>
- 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.<sup>10</sup>
- 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.<sup>11</sup>
- 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.<sup>12</sup>

#### 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.<sup>14</sup>

#### 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.<sup>14</sup>
- 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."<sup>15</sup>

## 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.<sup>16</sup>
- 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.<sup>17</sup>
- 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.<sup>18</sup>

### 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.<sup>19</sup>
- Nearly 45% of youth in care in the New York State study reported being retained at least once in school.<sup>20</sup>
- In the Midwest Study, 37% of youth in foster care (compared with 22% of a comparable national sample) reported repeating a grade.<sup>21</sup>
- 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.<sup>22</sup>
- The national study of Casey foster care alumni found that 36% of them had repeated a grade.<sup>23</sup>

## 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.<sup>24</sup> The national average of school-aged children and youth served in special education each year is close to 12%.<sup>25</sup>
- 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.<sup>26</sup>
- 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.<sup>27</sup>
- 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.<sup>28</sup>
- 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:<sup>29</sup>
  - » 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.<sup>30</sup>
- 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.<sup>31</sup>
  - » 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."<sup>32</sup>
- 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).<sup>31</sup>
- 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.<sup>31</sup>
- 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.<sup>35</sup>

### 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.<sup>36</sup>
- 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.<sup>37</sup>

## 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 (9<sup>th</sup>: 35%; 10<sup>th</sup>: 28%; 11<sup>th</sup>: 20%; 12<sup>th</sup>: 17%).<sup>38</sup>
- 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 11<sup>th</sup> grade completed high school by the end of 12<sup>th</sup> grade.<sup>39</sup>
  - » 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,<sup>40</sup> and one in five (19%) in the Casey national study.<sup>41</sup>
  - » 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.<sup>42</sup>
  - » A national study in 1994 of young adults who had been discharged from foster care found that 54% had completed high school.<sup>43</sup>
  - » 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%).<sup>44</sup>
- 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.<sup>45</sup>

### 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.<sup>46</sup>
- School mobility has also been implicated as a clear risk factor for dropout in several studies.<sup>47</sup>
- 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.<sup>48</sup>
- 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.<sup>49</sup>

## 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.<sup>53</sup>
- 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.<sup>54</sup>
- 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.<sup>55</sup>
- 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.<sup>56</sup>
  - » Only 20% of all African American and 16% of all Hispanic students leave high school college-ready.<sup>57</sup>
  - » Between 30–60% of students “now require remedial education upon entry to college, depending on the type of institution they attend.”<sup>58</sup>

### Postsecondary Entrance/Completion Rates

- The Northwest Alumni Study<sup>59</sup> 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%).<sup>61</sup>
- The Casey national alumni study reported college completion rates of 9% (at any age) compared to the general population rate of 24%.<sup>62</sup>

## 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.<sup>59</sup>
- 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.<sup>60</sup>
- In the Northwest Alumni Study, more than one in five alumni reported experiencing homelessness since discharge from foster care.<sup>61</sup> In the Midwest Study, one in seven youth reported experiencing homelessness since leaving care.<sup>62</sup>

### 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.<sup>63</sup>

### 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.<sup>64</sup>

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.<sup>65</sup>
  - » 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 Study<sup>66</sup> 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.<sup>67</sup>

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.<sup>68</sup>
- 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.<sup>69</sup>

### Existence of Education Advocates

- Multiple studies indicate that foster children often lack a knowledgeable, consistent educational advocate.<sup>70</sup>
- 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.<sup>71</sup>

## 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.<sup>72</sup>
- 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).<sup>73</sup>
- 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.<sup>74</sup>

### 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.<sup>75</sup>
- 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.<sup>76</sup>

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## Endnotes

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- 1 National AFCARS data (2007)
- 2 Kids Count (2007)
- 3 National AFCARS data (2002)
- 4 Burley & Halpern, 2001, p. 1
- 5 Advocates for Children of New York, Inc., 2000, p. 5
- 6 Courtney, et al., 2004, p. 42
- 7 Smithgall et al., 2004, p. 46
- 8 Pecora, et al., 2006, p. 223
- 9 Kerbow, University of Chicago, 1996, p. 20
- 10 Rumberger, et al., 1999, p. 37
- 11 Pecora et al., 2006, p. 226
- 12 Rubin, et al., 2004, p. 5
- 13 Courtney, et al., 2004, p. 42
- 14 Advocates for Children of New York, Inc., 2000, p. 4
- 15 Choice, et al., 2001, p. 44
- 16 Burley & Halpern, 2001, p. 13
- 17 Courtney, et al., 2004, pp. 43, 45
- 18 Smithgall et al., 2004, pp. 14, 17
- 19 Burley & Halpern, 2001, p. 1
- 20 Advocates for Children of New York, Inc., 2000, p. 45
- 21 Courtney, et al., 2004, p. 42
- 22 Smithgall et al., 2004, p. 22
- 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](http://www.ideadata.org/arc_toc7.asp#partbCC).
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- 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
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- 58 Conley, 2005, p. xi
- 59 Courtney, et al., 2005, p. 54
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- 61 Pecora, et al., 2005, p. 23
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- 63 Boesel, Alsalam, and Smith, 1998, pp. xii-xiv.
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- 72 Advocates for Children of New York, Inc., 2000, p. 35
- 73 Reynolds, et al., 2002, p. 278, p. 289
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