SB 105

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/11/09

FURTHER: Health and Social Services
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/6/09

Education Committee considered SENATE BILL NO. 105

SB 105 FOSTER CARE/CINA/EDUCATION OF HOMELESS

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

and recommends:

[ ] be **replaced** with [ ] **SCS** or [X] **CS** SB 105 (EDC)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[X] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS/CSM	3/5/09	✓			
HSS/FCDR	3/5/09	✓			
HSS/FP	3/5/09	✓			
UA/SYSTRA	3/24/09	✓			
EED/ACPE	3/27/09			✓	
EED/SFF	3/25/09	✓			

[ ] **APPROPRIATION - no fiscal note**

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
[signature]	Olson			✓	
[signature]	Steele			X	X
[signature]	Huggins				
CHAIR: Benny Davis	DAVIS	X			

1081

26th
ALASKA STATE LEGISLATURE

Senator Bettye Davis, Vice Chair
Senator Gary Stevens
Senator Charlie Huggins
Senator Donald Olson

State Capitol, Room 506
465-4947

Senate Education Committee

Theresa Tanoury
The Annie E. Casey Foundation
701 St. Paul Street
Baltimore, MD 21202

Dear ~~Ms. Tanoury~~ Theresa:

The Alaska Senate Education Committee will be hearing Senate Bill 105 FOSTER CARE/CINA/EDUCATION OF HOMELESS tomorrow, Monday, April 6. I am sorry for the short notice, but if at all possible, we would appreciate hearing from you on this important subject. The meeting will begin at 8:00 AM Alaska time. You can dial in at 1-888-295-4546.

As you may know, because of the resignation of Senator Kim Elton, the committee is currently under my direction as Vice Chair. Please regard this letter as a formal request from the committee for your participation.

Sincerely,

Dana Cook

for Senator Bettye Davis

1082

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
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Session: (Jan. - May)
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Senator_Bettye_Davis@legis.state.ak.us
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Senator Bettye Davis

Senate Bill No. 105

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

Sponsor Statement

SB 105 provides much needed additional educational, medical, financial, and housing assistance to foster care or "out-of-home" care children and students as they transition through and out of the Alaska state foster care system. An estimated 40% of the 2,000 Alaska foster care youth become homeless after being released from care. Many others wind up in poverty or are incarcerated at higher levels than their peers. SB 105 codifies and increases assistance beyond certain provisions of the federal McKinney-Vento Act, which was reauthorized as Title X, Part C, of the No Child Left Behind Act in January 2002. The McKinney-Vento Act is the primary piece of federal legislation dealing with the education of children and youth experiencing homelessness in U.S. public schools. Fourteen or more states have enacted foster care/educational legislation modeled after some provisions of the McKinney-Vento Act.

Children in foster care struggle academically and suffer more poverty, low self-esteem, emotional trauma, social stigma, and higher mobility than others. They are more likely to drop out of school, repeat grades, and be placed in special education. A 2004 study of Chicago Public School youth found that fifteen-year-old students in out-of-home care were half as likely as other students to have graduated from high school five years later, with 55% having dropped out and 10% having been incarcerated. Only 54% of young adults who age out of care have completed high school. Youth in foster care attending public schools score 16 to 20 percentile points below youth in the general population in statewide standardized tests. And Youth in foster care on average read at only at a 7th grade level after completing 10th or 11th grade. (Casey Family Programs, White Paper, Educating Children in Foster Care, McKinney-Vento and NCLB; also, ABANET.org/Child/Education).

Low educational outcomes are exacerbated by the high mobility of children in foster care. Frequent school changes are associated with an increased risk of failing a grade in school and of repeated behavior problems. By 6th grade, students who have changed schools four or more times have lost approximately 1 year of educational growth. A Casey Foundation study of 1,087 foster care alumni found that youth who

had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care. The Legal Center for Foster Care and Education reported that children and youth in out-of-home care experience, on average, 1 or 2 foster care placement changes per year, citing U.S. Dept. of Health & Human Services Administration for Children and Families. One third of children in foster care stay in care for less than 5 months, and another 17% remain in care for one year or less.

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Senator Bettye Davis

CS for Senate Bill No. 105 ( ), 26-LS0056\R

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

Changes in CSSB 105( ), 26-LS0056\R from SB 105, 26-LS0056\A

- Extends McKinney-Vento Act provisions for comparable education and transportation of a homeless student to "school of origin" for the "remainder of the school year, or if the student is attending school for a summer term." (Section 1).
- Removes exemption of McKinney-Vento provisions regarding "school of origin" if the "superintendent of the school district makes a written finding that a waiver of the requirement is in the student's best academic interest and the finding is mailed to the school board and to the person in charge of children's services for the Department of Health and Social Services."
- Changes "foster care" to "out-of-home care" for purposes of the transition to the independent living program under Sections 13-15.
- Increases one-year extensions of commitment to state custody in the best interest of the child beyond age 19 from a maximum age of 20 to age 21. (Section 9).
- Eliminates state educational loans and deferred payment and interest for a child who was in out-of-home care and was eligible for a tuition waiver to offset the person's tuition, fees, and room and board expenses in a state-supported educational institution.
- Limits monetary stipend upon leaving foster care to not more than one year and shall end before individual is 23 years of age. (Section 17).

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CS for Senate Bill No. 105( ), 26-LS0056\R

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

Key Provisions

- Replaces "foster care" with "out-of-home care" throughout the bill.
- Provides for the continuation of a public education in a student's "school of origin" (last school attended) for a homeless student under requirements of federal McKinney Vento Act; and provides exceptions for student who moves out of a school district or for insufficient funding by the legislature.
- Requires that when foster youths are transferred to a new school, they be allowed to attend immediately, and that their transcripts and other records will be transferred to the new school within seven (7) days.
- Defines "homeless students" the same as the McKinney-Vento Act, as "homeless children or youths" who lack a "fixed, regular, and adequate nighttime residence, or are living in emergency or transitional shelters, or are awaiting foster care placement." The phrase, "awaiting foster care placement" under SB 105 is interpreted to include "all students who are placed in 'out-of-home' care and in the custody of the Department of Health and Social Services. . . ."
- 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.
- Provides a waiver of unmet need for tuition, fees, and room and board expenses at a state-supported educational institution for a person who was placed in an out-of-home care at age 16 or older and who meets specified eligibility requirements. The waiver is subject to appropriation.
- Establishes a monetary stipend to be paid to persons who are eligible for the out-of-home care transition program up to one year in an amount equivalent to the applicable foster care

reimbursement rate. Current rules allow the Office of Children's Services (OCS) to pay for one month of full rent, and then 2 months of rent at 50% of the youth's cost.

- 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. A recent federal review of the Alaska foster care system found that in roughly 1/3 of the cases OCS staff are able to meet only once every 8 months with foster youth.

26-LS0556\R
Mischel
3/6/09

CS FOR SENATE BILL NO. 105( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DAVIS, Ellis

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 and medical assistance for a child placed in out-of-home care by the state;**
4 **relating to foster care; relating to children in need of aid; and relating to out-of-home**
5 **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 comparable
12 education and transportation services for the remainder of the current school year or, if
13 the student is attending school for a summer term, for the remainder of the summer

1 term, under 42 U.S.C. 11431 - 11435 (McKinney-Vento Homeless Education
2 Assistance Improvement Act of 2001), as those provisions existed on February 1,
3 2009.
4 (b) The requirements in (a) of this section do not apply if the student moves to
5 a school district other than the school district in which the student's school of origin is
6 located.
7 (c) If a homeless student is transferred to a school other than the student's
8 school of origin, the school of origin shall provide a copy of the student's records to
9 the student's new school within 7 school days after notification of the transfer. The
10 student's new school shall allow the student to attend school while awaiting the
11 transfer of records under this subsection.
12 (d) A school district is required to comply with this section only
13 (1) if the legislature appropriates funds for the purpose; and
14 (2) to the extent possible using funds appropriated for the purpose.
15 (e) In this section,
16 (1) "homeless student" has the meaning given in 42 U.S.C. 11434a for
17 "homeless child or youth," and the phrase "awaiting foster care placement" in that
18 definition shall be interpreted to include all students who are placed in out-of-home
19 care and in the custody of the Department of Health and Social Services under
20 AS 47.10.080(c) or who are committed to the custody of the Department of Health and
21 Social Services under AS 47.12.120(b)(1) or (3);
22 (2) "school of origin" means the school in which the student was last
23 enrolled.
24 * **Sec. 2.** AS 14.43 is amended by adding a new section to read:
25 **Article 3A. Free Tuition for a Person Who Was in Out-of-Home Care.**
26 **Sec. 14.43.086. Free tuition and fees for a person who was in out-of-home**
27 **care.** (a) A person who enrolls as a student in good standing in a state-supported
28 educational institution in the state is entitled to a waiver of tuition, fees, and room and
29 board expenses if the person provides adequate proof that the person
30 (1) was in the custody of the state under AS 47.10 or AS 47.14;
31 (2) was placed in out-of-home care for a period of not less than six

consecutive months on or after the person became 16 years of age; and

(3) is under 29 years of age.

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

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

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

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

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

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

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

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

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

1 adequate planning for permanent placement of the child.
2 * **Sec. 6.** AS 47.05.065 is amended to read:
3 **Sec. 47.05.065. Legislative findings related to children.** The legislature finds
4 that
5 (1) parents have the following rights and responsibilities relating to the
6 care and control of their child while the child is a minor:
7 (A) the responsibility to provide the child with food, clothing,
8 shelter, education, and medical care;
9 (B) the right and responsibility to protect, nurture, train, and
10 discipline the child, including the right to direct the child's medical care and
11 the right to exercise reasonable corporal discipline;
12 (C) the right to determine where and with whom the child shall
13 live;
14 (D) the right and responsibility to make decisions of legal or
15 financial significance concerning the child;
16 (E) the right to obtain representation for the child in legal
17 actions; and
18 (F) the responsibility to provide special safeguards and care,
19 including appropriate prenatal and postnatal protection for the child;
20 (2) it is the policy of the state to strengthen families and to protect
21 children from child abuse and neglect; the state recognizes that, in some cases,
22 protection of a child may require removal of the child from the child's home; however,
23 (A) except in those cases involving serious risk to a child's
24 health or safety, the Department of Health and Social Services should provide
25 time-limited family support services to the child and the child's family in order
26 to offer parents the opportunity to remedy parental conduct or conditions in the
27 home that placed the child at risk of harm so that a child may return home
28 safely and permanently; and
29 (B) the state also recognizes that when a child is removed from
30 the home, visitation between the child and the child's parents or guardian and
31 family members reduces the trauma for the child and enhances the likelihood

that the child will be able to return home; therefore, whenever a child is removed from the parental home, the Department of Health and Social Services should encourage frequent, regular, and reasonable visitation of the child with the child's parent or guardian and family members;

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

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

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

(B) the child should not be moved unnecessarily;

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

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

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

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

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

(5) numerous studies establish that

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

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

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

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

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

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

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

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

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

1 (5) persons under 21 years of age who are in an institution designated
2 as an intermediate care facility for the mentally retarded and who are financially
3 eligible as determined by the standards of the federal program designated as the
4 successor to the aid to families with dependent children program;
5 (6) persons in a medical or intermediate care facility whose income
6 while in the facility does not exceed $1,656 a month but who would not be eligible for
7 an optional state supplementary payment if they left the hospital or other facility;
8 (7) persons under 21 years of age who are receiving active treatment in
9 a psychiatric hospital and who are financially eligible as determined by the standards
10 of the federal program designated as the successor to the aid to families with
11 dependent children program;
12 (8) persons under 21 years of age and not covered under (a) of this
13 section [,] who would be eligible for benefits under the federal program designated as
14 the successor to the aid to families with dependent children program, except that they
15 have the care and support of both their natural and adoptive parents;
16 (9) pregnant women not covered under (a) of this section and who
17 meet the income and resource requirements of the federal program designated as the
18 successor to the aid to families with dependent children program;
19 (10) persons under 21 years of age not covered under (a) of this section
20 who the department has determined cannot be placed for adoption without medical
21 assistance because of a special need for medical or rehabilitative care and who the
22 department has determined are hard-to-place children eligible for subsidy under
23 AS 25.23.190 - 25.23.210;
24 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title
25 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom
26 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title
27 XVI, Social Security Act) because they meet all of the following criteria:
28 (A) they are 18 years of age or younger and qualify as disabled
29 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);
30 (B) the department has determined that
31 (i) they require a level of care provided in a hospital,

1 nursing facility, or intermediate care facility for the mentally retarded;
2 (ii) it is appropriate to provide their care outside of an
3 institution; and
4 (iii) the estimated amount that would be spent for
5 medical assistance for their individual care outside an institution is not
6 greater than the estimated amount that would otherwise be expended
7 individually for medical assistance within an appropriate institution;
8 (C) if they were in a medical institution, they would be eligible
9 for medical assistance under other provisions of this chapter; and
10 (D) home and community-based services under a waiver
11 approved by the federal government are either not available to them under this
12 chapter or would be inappropriate for them;
13 (12) disabled persons, as described in 42 U.S.C.
14 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
15 applicable federal regulations or guidelines, is less than 250 percent of the official
16 poverty line applicable to a family of that size according to the United States
17 Department of Health and Human Services, and who, but for earnings in excess of the
18 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be
19 individuals with respect to whom a supplemental security income is being paid under
20 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is
21 not eligible under another provision of this section shall pay a premium or other cost-
22 sharing charges according to a sliding fee scale that is based on income as established
23 by the department in regulations;
24 (13) persons under 19 years of age who are not covered under (a) of
25 this section and whose household income does not exceed 175 percent of the federal
26 poverty line as defined by the United States Department of Health and Human
27 Services and revised under 42 U.S.C. 9902(2);
28 (14) pregnant women who are not covered under (a) of this section and
29 whose household income does not exceed 175 percent of the federal poverty line as
30 defined by the United States Department of Health and Human Services and revised
31 under 42 U.S.C. 9902(2);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) [AND A PERSON] 19 years of age if that person was under 18 years of age at the time that a proceeding under this chapter was 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.

1 * **Sec. 13.** AS 47.18.300(a) is amended to read:
2 (a) The department, in coordination with local public and private agencies,
3 shall design, develop, and implement **an out-of-home care** [A FOSTER CARE]
4 transition program to provide support and services to individuals who
5 (1) reach or have reached the age of 16 or older while in state **custody**
6 **and placed in out-of-home** [FOSTER] care and have not yet reached 23 years of age;
7 and
8 (2) meet other eligibility criteria established by the department under
9 (b) of this section.
10 * **Sec. 14.** AS 47.18.310 is amended to read:
11 **Sec. 47.18.310. Program design.** The department, in coordination with local
12 public and private agencies, shall design the program as a continuation of the training
13 efforts related to independent living skills that were initiated **for a child in state**
14 **custody who was placed in out-of-home care and** [WHEN THE STATE FOSTER
15 CARE RECIPIENTS WERE] identified as being likely to remain in **out-of-home**
16 [STATE FOSTER] care until reaching **not less than** the age of 18. The program
17 design must require that program participants are directly involved in identifying the
18 program activities that will prepare them for independent living.
19 * **Sec. 15.** AS 47.18.320(a) is amended to read:
20 (a) Subject to the availability of an appropriation made for the purposes of
21 AS 47.18.300 - 47.18.390, the program may provide
22 (1) education and vocational training;
23 (2) assistance in obtaining basic education and training;
24 (3) career and employment services;
25 (4) training in basic life skills;
26 (5) housing and utility assistance;
27 (6) mentoring and counseling; and
28 (7) other appropriate services to complement the efforts of former state
29 foster care recipients **or a child who was in state custody and placed in out-of-**
30 **home care** to achieve self-sufficiency.
31 * **Sec. 16.** AS 47.18.390(1) is amended to read:

1 (1) "program" means the **out-of-home** [FOSTER] care transition
2 program authorized under AS 47.18.300 - 47.18.390;
3 * **Sec. 17.** AS 47.18 is amended by adding a new section to read:
4 **Sec. 47.18.335. Monetary living expense stipend.** The department shall
5 provide to an individual eligible for services under the program who has left out-of-
6 home care a monthly stipend in an amount set by the department that is not more than
7 the daily rate provided to a licensed foster parent for necessary living expenses. The
8 stipend shall continue for a period of not more than one year and shall end before the
9 individual is 23 years of age. The department may adopt regulations to implement this
10 section.
11 * **Sec. 18.** AS 47.18.390(3) is repealed and reenacted to read:
12 (3) "out-of-home care" has the meaning given in AS 47.14.400.

LEGAL SERVICES

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

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

MEMORANDUM March 23, 2009

SUBJECT: Sectional Summary (CSSB 105( ); Work Order No. 26-LS0556\R)

TO: Senator Bettye Davis
Attn: Thomas Obermeyer

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 for insufficient funding by the legislature. 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 unmet need for tuition, fees, and room and board expenses at a state-supported educational institution for a person who was placed in out-of-home care at age 16 or older and who meets specified eligibility requirements. The waiver is subject to appropriation.

Section 3. Defines out-of-home care for purposes of student loans and waivers.

Section 4. Changes "foster care" to "out-of-home care" under the procurement code.

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. Defines "out-of-home care" for purposes of medical assistance eligibility.

Section 9. Authorizes the extension of court orders for a child who is in state custody to age 21.

Section 10. 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 11. Amends the definition of "child" for purposes of the child in need of aid statutes.

Section 12. Defines "out-of-home care" for purposes of the child in need of aid statutes.

Sections 13 - 15. Changes "foster care" to "out-of-home care" for purposes of the transition to the independent living program.

Section 16. Defines "program" to mean "out-of-home care" transition program.

Section 17. Establishes a monetary stipend to be paid to persons who are eligible for the out-of-home care transition program.

Section 18 Defines "out-of-home care" for purposes of the transition program.

JMM:ljw
09-177.ljw

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB105**
() Publish Date:

Identifier (file name): **SB105-DHSS-CSM-03-05-09**
Title: Foster Care/CINA/Education of Homeless
Sponsor: Davis
Requester: Senate EDC

Dept. Affected: Health & Social Services
RDU: Children's Services
Component: Children's Services Management
Component Number: 2666

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual	204.2		0.0	0.0	0.0	0.0	0.0
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**204.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES (							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	73.5						
1003 GF Match	130.7						
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**204.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The intent of SB 105 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.

(continued on page 2)

Prepared by: Tammy Sandoval, Director — Phone 465-3191
Division: Office of Children's Services — Date/Time 3/3/09 12:00 AM

Approved by: Alison Elgee, Assistant Commissioner — Date 3/5/2009
DHSS Finance & Management Services

(Revised 9/10/2008 OMB)

1102

FISCAL NOTE

STATE OF ALASKA

2009 LEGISLATIVE SESSION

BILL NO. SB105

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
Days:	**960/8 = 120 days**	**896/8 = 112 days**	**1856/8 = 232 total days**	**Total Estimate $204,160.00**

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB105**
() Publish Date:

Identifier (file name): **SB105-DHSS-FCBR-03-05-09**
Title: Foster Care/CINA/Education of Homeless
Sponsor: Davis
Requester: Senate EDC

Dept. Affected: Health & Social Services
RDU: Children's Services
Component: Foster Care Base Rate
Component Number: 2236

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims	725.0		445.2	445.2	445.2	445.2	445.2
Miscellaneous							
TOTAL OPERATING	**725.0**	**0.0**	**445.2**	**445.2**	**445.2**	**445.2**	**445.2**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES (							

FUND SOURCE (Thousands of Dollars)

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							
TOTAL	**725.0**	**0.0**	**445.2**	**445.2**	**445.2**	**445.2**	**445.2**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The intent of SB 105 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.

(continued on page 2)

Prepared by: Tammy Sandoval, Director
Division: Office of Children's Services
Phone: 465-3191
Date/Time: 3/3/09 12:00 AM

Approved by: Alison Elgee, Assistant Commissioner
DHSS Finance & Management Services
Date: 3/5/2009

(Revised 9/10/2008 OMB)

1104

FISCAL NOTE

STATE OF ALASKA

2009 LEGISLATIVE SESSION

BILL NO. SB105

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 33 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 x 30 = $1,060 a month. 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

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB105**
() Publish Date:

Identifier (file name): **SB105-DHSS-FP-03-05-09**
Title: Foster Care/CINA/Education of Homeless
Sponsor: Davis
Requester: Senate EDC

Dept. Affected: Health & Social Services
RDU: Children's Services
Component: Family Preservation
Component Number: 1628

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims	1,971.4		953.9	953.9	953.9	953.9	953.9
Miscellaneous							
TOTAL OPERATING	**1,971.4**	**0.0**	**953.9**	**953.9**	**953.9**	**953.9**	**953.9**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES (							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts			119.2	158.3	158.3	158.3	158.3
1003 GF Match			834.7	795.6	795.6	795.6	795.6
1004 GF	1,971.4						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**1,971.4**	**0.0**	**953.9**	**953.9**	**953.9**	**953.9**	**953.9**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The intent of SB 105 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. 14 amends AS 47.18 by adding a new section which will allow a monetary stipend, equal to the applicable foster care reimbursement rate, to individuals who are leaving foster care for a 1 year period only.

(contunued on page 2)

Prepared by: Tammy Sandoval, Director
Division: Office of Children's Services
Phone: 465-3191
Date/Time: 3/3/09 12:00 AM

Approved by: Alison Elgee, Assistant Commissioner
DHSS Finance & Management Services
Date: 3/5/2009

(Revised 9/10/2008 OMB)

1106

FISCAL NOTE

STATE OF ALASKA

2009 LEGISLATIVE SESSION

BILL NO. SB105

ANALYSIS CONTINUATION

Assumptions applied to this fiscal note:

The monetary stipends will be made available to children leaving out of home care, who are age 18 through 20, and does not need to be requested immediately upon leaving care;

70% of the 220 children currently participating in the Independent Living Program (IL) will become eligible for monetary stipends in FY2010 (ages 18, 19, and 20) – equating to about 155 FTEs (full time equivalents), resulting in higher program costs the first year the stipends are available. FTEs help provide a more stable count as it is assumed that recipients will migrate on and off the program and not all will receive a full year's stipends;

After the first year of stipends, it is assumed that about 1/3 of the IL population will be eligible for and request monetary stipends annually equaling 75 FTEs, and that number will remain somewhat static;

Calculations are based on 360 days at an average base foster care base rate of $35.33 a day: $35.33 x 30 = $1,060 a month.

Currently, federal reimbursement for the extension of the IL 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 under certain conditions. This fiscal note assumes those conditions will be established in regulation and when met, IV-E reimbursement will apply. This option is available October 1, 2010, therefore is available for the final three quarters of state fiscal year 2011.

	FTEs	Cost Per Month	Total Cost	Estimated FFP	GF
SFY 2010	155	$1,060	$1,971,414	$0	$1,971,414
SFY2011	75	$1,060	$953,910	$119,207	$834,703
SFY2012	75	$1,060	$953,910	$158,273	$795,637
SFY2013	75	$1,060	$953,910	$158,273	$795,637
SFY2014	75	$1,060	$953,910	$158,273	$795,637
SFY2015	75	$1,060	$953,910	$158,273	$795,637

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB105
Bill Version:
() Publish Date:

Identifier (file name): SB105-UA-Sysbra-3-23-09
Title: Tuition Waiver for a child who was in foster care
Sponsor: Senators Davis and Ellis
Requester: Education Committee

Dept. Affected: University of Alaska
RDU: University of Alaska
Component: Sysbra
Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual		266.2	279.5	293.5	308.2	323.6	339.7
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**266.2**	**279.5**	**293.5**	**308.2**	**323.6**	**339.7**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF		266.2	279.5	293.5	308.2	323.6	339.7
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**266.2**	**279.5**	**293.5**	**308.2**	**323.6**	**339.7**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

SB105 extends the current age limit for youth eligible to participate from 23 to 29. The impact of the age limit increase is difficult to predict. Older students could be more apt to take advantage of the opportunity for a higher education than their younger counterparts. It is estimated that each fiscal year 111 youth fit the initial eligibility requirements for this program and may be eligible to receive benefits under this program. If only 20% (22) of these youth enroll at the UA, this would equate to $266,200 per year. A 5% inflation increase is assumed for future fiscal years.

Prepared by: Alesia Kruckenberg
Division: University of Alaska
Phone: 907-450-8426
Date/Time: 03/24/09 2:00PM

Approved by: Michelle Rizk
Agency: University of Alaska
Date: 03/24/09 2:00PM

(Revised 9/2008 OMB)

1108

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB105

ANALYSIS CONTINUATION

For each student taking advantage of the Foster Youth Tuition Waiver Program, the cost in FY10 will be $12,100. This covers tuition and mandatory fees of $5,040 and room and board of $7,060. Under the current agreement with the Department of Health and Social Services, Office of Children's Services (OCS), the University of Alaska annually makes available ten Foster Youth Tuition Waiver Scholarships and the OCS provides additional financial support, up to $5,000 per academic year/per student for approved education related expenses such as; fees, books, supplies, room/board. Under this program youth are eligible until they turn 23 years of age.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 105**
() Publish Date:

Identifier (file name): SB105-EED-ESS-03-25-09
Title "An Act relating to continuing the secondary public education of a
Sponsor Senators Davis, Ellis
Requester Education, HSS, Finance

Dept. Affected: Education & Early Development
RDU Education Support Services
Component School Finance & Facilities
Component Number 2737

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel		900.0	900.0	900.0	900.0	900.0	900.0
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**900.0**	**900.0**	**900.0**	**900.0**	**900.0**	**900.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF		900.0	900.0	900.0	900.0	900.0	900.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**900.0**	**900.0**	**900.0**	**900.0**	**900.0**	**900.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This fiscal note is in response to Section 1. of SB-105. The intent of this section is for a school district to provide transportation services for the remainder of the current school year for homeless students to the students school of origin.

In estimating the impact of this bill the following school districts were contacted and provided feedback to what there costs may be, Anchorage, MatSu, Juneau, Kenai, and Fairbanks.

Prepared by: Eddy Jeans, Director — Phone 465-8679
Division School Finance — Date/Time 3/25/09 12:00 AM
Approved by: Larry LeDoux, Commissioner — Date 3/25/2009

(Revised 9/10/2008 OMB)

1110

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB105
Bill Version:
() Publish Date:

Identifier (file name): SB105-EED-ACPE-03-27-09
Dept. Affected: Education
Title: An Acct relating to continuing the secondary public education of a homeless student, relating to the purpose of certain
RDU: ACPE
Component: Program Administration and Operations
Sponsor: Senator Davis
Requester: (S)EDC
Component Number: 2738

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

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

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

Prepared by: Diane Barrans, Executive Director
Phone 465-6740
Division: Alaska Commission on Postsecondary Education
Date/Time 3/27/09 9:00 AM
Approved by: Diane Barrans, Executive Director
Alaska Commission on Postsecondary Education
Date 3/27/2009

(Revised 9/10/2008 OMB)

1111

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB105

ANALYSIS CONTINUATION

In the event the intent of the sponsor is to allow an institution to require the individual to apply for a *federally guaranteed and subsidized education loan under the Federal Family Education Loan Program* , it may be assumed the individual could do so with minimal costs to the state.

Educational Stability for Youth in Foster Care

The McKinney-Vento Act[1] 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*…."[2] 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."[3]

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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.
- 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.
- The Georgia Law Center for the Homeless, www.galawcenter.org , phone: 404-681-0680.

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[1] The McKinney -Vento Act codified as amended at 42 U.S.C.A. §11432 through §11434a(2)(2004).
[2] 42 U.S.C.A.§11434a(2)(B)(2004)(emphasis added).
[3] 42 U.S.C.A. §11432(3)(B)(i)(2004).

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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 Cronin

Deirdre A. Cronin
Executive Director

Opening Doors for Homeless Youth
Celebrating 25 years of serving in the State of Alaska
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