

SB

105

Alaska State Legislature

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Session: (Jan. - May)
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[Senator Bettye Davis@legis.state.ak.us](mailto:Senator_Bettye_Davis@legis.state.ak.us)
<http://www.akdemocrats.org>

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.

LEGAL SERVICES

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MEMORANDUM

April 7, 2009

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

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.

Senator Bettye Davis
April 7, 2009
Page 2

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:plm
09-259.plm

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 Dept. Affected: University of Alaska
Title: Tuition Waiver for a child who was in foster care RDU: University of Alaska
Sponsor: Senators Davis and Ellis Component: Sysbra
Requester: Education Committee Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
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)

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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	339.7

Estimate of any current year (FY2009) cost: _____

POSITIONS

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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
Approved by: Michelle Rizk
Agency: University of Alaska

Phone 907-450-8426
Date/Time 03/24/09 2:00PM
Date 03/24/09 2:00PM

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: SB105
 () Publish Date: _____

Identifier (file name): SB105-DHSS-CSM-03-05-09 Dept. Affected: Health & Social Services
 Title: Foster Care/CINA/Education of Homeless RDU: Children's Services
 Component: Children's Services Management
 Sponsor: Davis
 Requester: Senate 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 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
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							
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CHANGE IN REVENUES (
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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

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 Dept. Affected: Health & Social Services
 Title: Foster Care/CINA/Education of Homeless RDU: Children's Services
 Component: Foster Care Base Rate
 Sponsor: Davis
 Requester: Senate 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 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
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							
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CHANGE IN REVENUES (
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FUND SOURCE (Thousands of Dollars)

	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						
TOTAL	725.0	0.0	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 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

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: $\$35.33 \times 30 = \$1,060$ 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 Dept. Affected: Health & Social Services
Title: Foster Care/CINA/Education of Homeless RDU: Children's Services
Component: Family Preservation
Sponsor: Davis
Requester: Senate EDC Component Number: 1628

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
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							
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CHANGE IN REVENUES (
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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.

(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

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 equating 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: $\$35.33 \times 30 = \$1,060$ 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



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

Opening Doors for Homeless Youth

10th Anniversary 2009 • 20 Years of Service in the State of Alaska

Mailing: P.O. Box 104640, Anchorage, Alaska 99510-4640 • (907) 272-1255 • www.covenanthouseak.org

Educational Stability for Youth in Foster Care

The McKinney-Vento Act¹ 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

Created by:
The Barton Child Law and Policy Clinic
Emory University School of Law
Gambrell Hall
Atlanta, GA 30322

Tel 404.727.6664
www.childwelfare.net
childlaw@law.emory.edu

- ❖ 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.

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).

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--

Foster kids find college help after 'aging out'

AP Associated Press

By ZINIE CHEN SAMPSON, Associated Press Writer
Fri Mar 13, 4:58 am ET

RICHMOND, Va. – Community colleges in several states are working to establish stronger support systems for former foster-care children, who are more likely to wind up homeless or in jail than earn a degree as they struggle to overcome unstable lives.

Among them is Virginia, where the Community College System's Great Expectations program uses grants and donations to provide money for tuition, transportation and living expenses. It also connects more than 120 students with mentors, career counselors and other help at seven of the state's two-year schools.

Many other states have started their own initiatives to help youths in foster care once they "age out" of the system and venture into adulthood. And it's needed: More than a quarter of foster-care youth will be incarcerated and more than 20 percent will be homeless before age 25, according to a 2007 report by public-policy group Pew Charitable Trusts.

Only 20 percent of foster-care youth nationally will seek education beyond high school, and fewer than 3 percent are expected to graduate from college.

"I never thought I'd ever get my high school diploma, and never thought I'd start college at 17, too," said Andrea Hatcher, who dropped out of high school and was shuffled among group homes and foster care in different cities after her mother lost custody of her when she was 14.

Hatcher, now 18, hopes to pursue a nursing degree now that she's completed her nursing assistant certificate at Southside Virginia Community College through the program, which started this school year. She regularly communicates with her academic adviser, who helped her navigate the education system and kept her on task.

In California, higher-education officials set up a support network for former foster children in the state's 110 community colleges, and the state's four-year systems offer similar help for housing, financial aid, academic advising and other needs. A 1996 state law called on state schools to expand services for former foster youth.

Federal legislation that took effect in 2003 helped such initiatives, said John Emerson, a postsecondary education adviser for Casey Family Programs, a foster-care advocacy group. It provided an initial \$42 million, allocated to every state based on its percentage of foster-care youth, to cover up to \$5,000 annually per student for college or job training.

And when Congress reauthorized the Higher Education Act last fall, it required some federally funded

programs to target students who had been in foster care, including initiatives that help low-income students pursue postsecondary education.

Giving foster-care students money for college or career-training courses opens the door but doesn't help them overcome poor academic preparation, lack of family support and homelessness, Emerson said.

"We've heard from students who have enrolled in college so they can find a place to sleep," he said. "They're using their survival skills to find a place to stay and food to eat — let alone transportation and health insurance."

Nationally, more than 800,000 children are in the foster-care system, according to the National Working Group on Foster Care and Education, a coalition of child-welfare groups.

Virginia has about 8,000 children in foster care, and about half — a higher percentage than any other state — leave the system without a permanent home, according to Great Expectations.

Many foster children must overcome their belief that everything in life is unstable because of their experiences moving from home to home, said Casey Irving, Hatcher's case worker at Southside Virginia Community College. They also must learn to trust others for guidance.

Hatcher admits her earlier attitude and behavior made things difficult.

After her mother lost custody of her and she moved in with an aunt, Hatcher said she skipped school to "party all night, and I would drink and get high and do pills every day." Her aunt eventually turned her over to the state, and such behavior got her booted from two group homes.

Two other group homes shut down, and Hatcher eventually moved into a foster home.

But with her social worker's help, Hatcher earned a high school equivalency diploma and finished her nursing assistant certificate in December. Now, she regularly checks in with Irving and others at the school.

"I always have somebody to go to — they're still there any time I need to talk to them," she said. "They'd do anything for me."

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Alaska State Legislature

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Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

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).

105**Lynda Zaugg**

From: Laughlin, Wilda J (HSS) [wilda.laughlin@alaska.gov]
Sent: Wednesday, April 08, 2009 6:21 PM
To: Lynda Zaugg; Jennifer Thorsteinson
Cc: Rowland, Mindy B (GOV); Horton, Tara J (HSS); Elgee, Alison M (HSS)
Subject: RE: SB 105 Fiscal Notes

Lynda, Mindy asked me to clarify with you that only the Family Preservation fiscal note changed. We've been instructed by OMB only to re-submit fiscal notes that change and let the senate secretary/house clerk revise the fiscal note number and publish date to reflect existing notes that still pertain to a CS. In this case, we mistakenly submitted all three. We may need to get this straightened out with the senate secretary's office. I can to you more about it tomorrow if you have questions.

w.

From: Yerkes, Reuben A (GOV)
Sent: Wednesday, April 08, 2009 4:41 PM
To: Davis, Bettye J (LAA); Obermeyer, Thomas S (LAA); Zaugg, Lynda (LAA); Thorsteinson, Jennifer A (LAA)
Cc: Rowland, Mindy B (GOV); Laughlin, Wilda J (HSS); Horton, Tara J (HSS)
Subject: SB 105 Fiscal Notes

Please find three fiscal notes attached for SB 105. Let me know if I can be of further assistance.

Have a great day,

Reuben Yerkes
Governor's Legislative Office
Office of the Governor
(907)465-4021

Lynda Zaugg

From: Thomas Obermeyer
Sent: Tuesday, April 07, 2009 6:46 PM
To: Lynda Zaugg
Subject: FW: SB 105 Homeless Students

Lynda, For HSS committee member distribution. Tom

-----Original Message-----

From: Friedman_Jeff [mailto:Friedman_Jeff@asdk12.org]
Sent: Tuesday, April 07, 2009 4:23 PM
To: Sen. Bettye Davis; Thomas Obermeyer
Cc: Comeau_Carol; Siegfried_Robin; Steiner_John
Subject: SB 105 Homeless Students

Dear Senator Davis

As you know, the Anchorage School District has been supportive of this bill, but some of the recent changes raise a caution flag.

The extension of the transportation requirement through summer school is one possible problem. We do not provide transportation for summer school except for some of the Title I programs. If the homeless student wanted to attend summer school, and they were not in a Title I school, would we still be required to provide transportation? Also, not all of our schools have a summer school program. Would we be required to make the school of origin a summer school if there was a homeless student attending that school? The bill is not provide entirely clear answers to these questions.

Second, if the homeless or foster care student is living in Anchorage, but the school of origin is in Palmer, Kenai, or Nome, are we required to provide transportation? I think I know the answer to this one, but it is important that the legislative history make this clear in case it is challenged later.

Third, there are sometimes situations where it is important for the Superintendent to be allowed to issue a waiver. That was recently removed from this bill. For example, sometimes the homeless or foster care student would prefer to attend a school where his or her cousin attends rather than the school of origin. Sometimes that is in the student's best interests, and there should be a waiver process in place.

I will try to follow up on these three issues before this bill gets its next committee hearing, but I wanted to give you some advance notice of our potential concerns.

Jeff Friedman
Anchorage School Board
1534 D Street
Anchorage, AK 99501
907-742-4699 (Home)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB105(HSS)
() Publish Date: _____

Identifier (file name): SB105CS(HSS)-DHSS-FP-04-14-09 Dept. Affected: Health & Social Services
Title: Foster Care/CINA/Education of Homeless RDU: Children's Services
Component: Family Preservation
Sponsor: Davis, Ellis
Requester: Senate HSS Component Number: 1628

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims	555.9		617.1	382.5	382.5	382.5	382.5
Miscellaneous							
TOTAL OPERATING	555.9	0.0	617.1	382.5	382.5	382.5	382.5

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES (
-----------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts		77.1	63.1	63.1	63.1	63.1
1003 GF Match		540.0	319.4	319.4	319.4	319.4
1004 GF	559.1					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other Interagency Receipts						
TOTAL	559.1	0.0	617.1	382.5	382.5	382.5

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The intent of CS 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 bill amends AS 47.18 by adding a new section which will allow a monetary stipend to individuals leaving out-of-home care. Fiscal analysis is not supported by data but based on assumptions from program experience. The note addresses the following assumptions:

The living expense stipend will be made available to youth between the ages of 18 and 21 (18, 19 & 20 year olds) (continued on next page)

Prepared by: Tammy Sandoval, Director Phone 465-3191
Division: Office of Children's Services Date/Time 4/13/09 12:00 AM

Approved by: Alison Elgee, Assistant Commissioner Date 4/14/2009
DHSS Finance and Management Services

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. CSSB105(HSS)

ANALYSIS CONTINUATION

who have left out of home care and does not need to be requested immediately upon leaving care. The stipend will be available to youth who age out of foster care for 6 months at a maximum monthly rate of \$1,060.00, and 3 months at an adjusted maximum rate of \$525.00 per month. Any one stipend cannot exceed \$6,120 per nine month period. Stipend availability expires at age 21 years.

An exception will be made for youth who remain in custody to age 21. The stipend will be available to youth who age out of foster care at age 21, for 6 months at a maximum monthly rate of \$1,060.00 and 3 months at an adjusted maximum rate of \$525.00 per month immediately after release from custody. Any one stipend cannot exceed \$6,120. We anticipate that the youth who remain in custody to age 21 will fall within the 70% calculation used in this fiscal note. No additional funding has been requested for these youth as the numbers are minimal – 10 or less.

Approximately 70% of the 220 youth who currently participate in the Independent Living Program will continue their involvement in the program after being released from custody and will more likely than not apply for the living expense stipend. This note also assumes that 70% of those 155 youth likely to participate will apply during the first year the stipend is available. The remaining 30% will apply during the second year of the program.

OCS assumes that under regulation yet to be written, a scaled methodology to determine the exact amount of each stipend will be developed. To that point, the stipend will be available within the authorized funding only. It is assumed that the program is not meant to be an entitlement program but a definitive amount of limited funds distributed based on each youth's Independent Living Program participation plan.

Applying the previous assumption, this fiscal note is calculated on a daily rate based on the mean between a minimum of \$300 and a maximum of \$1,060 per month, or \$680 per month. Federal fund participation is not available for an extension of the Independent Living Program until October 1, 2010, so therefore federal participation is adjusted to none for FY 2010 and three quarters for FY 2011.

Maximum availability of stipend:		
\$1,060.00 per month for 6 months	\$6,360.00	annual maximum
\$525.00 per month for 3 months	\$1,575.00	annual maximum
Total annual maximum	\$7,935.00	

Program Participation:
FY 2010

- 220 average number of youth participating in Independent Living at any given time
- 70% assumption that 70% of those 220 youth will apply for stipends and continue participation in the IL program
- 155 youth currently ages 18, 19, and 20 years will apply for stipends the first or second year of the program
- 70% of the 155 (109) youth will apply for stipends in the first year of the program
- 109 youth will participate in the program during FY 2010

FY 2011

- 70% assumption that 70% of those 110 youth will apply for stipends and continue in the IL program annually
- 75 youth who turn 18 each year and age out of foster care will apply for stipends
- 30% of the 155 (46) youth will apply for stipends in the second year of the program
- 121 youth will participate in the program during FY 2011

FY 2012 - FY 2105

- 110 average number of youth who turn 18 and age out of foster care annually
- 70% assumption that 70% of those 110 youth will apply for stipends and continue in the IL program annually
- 75 youth who turn 18 each year and age out of foster care will apply for stipends

Fiscal Year	FTEs Participating	Approximate Cost per 6 Months	Approximate Cost per 3 Months	Total Cost Per FTE for 9 Months	Total Program Cost	Estimated Federal Participation	Estimated General Fund
SFY 2010	109	\$4,080.00	\$1,020.00	\$5,100.00	\$555,900.00	0	\$555,900.00
SFY 2011	121	\$4,080.00	\$1,020.00	\$5,100.00	\$617,100.00	\$77,137.50	\$539,962.50
SFY 2012	75	\$4,080.00	\$1,020.00	\$5,100.00	\$382,500.00	\$63,112.50	\$319,387.50
SFY 2013	75	\$4,080.00	\$1,020.00	\$5,100.00	\$382,500.00	\$63,112.50	\$319,387.50
SFY 2014	75	\$4,080.00	\$1,020.00	\$5,100.00	\$382,500.00	\$63,112.50	\$319,387.50
SFY 2015	75	\$4,080.00	\$1,020.00	\$5,100.00	\$382,500.00	\$63,112.50	\$319,387.50

LEGAL SERVICE

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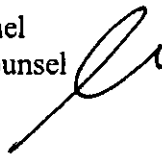
MEMORANDUM

April 11, 2009

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

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

Section 4. Amends the state's purpose and policy related to children to include education and intellectual development.

Section 5. Amends the legislative intent related to children to include providing a public education as provided under section 1.

Section 6. 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 7. Defines "out-of-home care" for purposes of medical assistance eligibility.

Section 8. Authorizes the extension of court orders for a child who is in state custody to age 21.

Section 9. 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 10. Amends the definition of "child" for purposes of the child in need of aid statutes.

Section 11. Defines "out-of-home care" for purposes of the child in need of aid statutes.

Sections 12 - 14. Changes "foster care" to "out-of-home care" for purposes of the transition to the independent living program.

Section 15. Defines "program" to mean "out-of-home care" transition program.

Section 16. Establishes a monetary stipend to be paid to persons who are participating in the out-of-home care transition program.

Section 17 Defines "out-of-home care" for purposes of the transition program.

JMM:ljw
09-242.ljw

26-LS0556C
Mischel
4/11/09

CS FOR SENATE BILL NO. 105(HSS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DAVIS, Ellis

*4/13/09
Accepted
Mischel*

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 seven school days after notification of the transfer.
10 The 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

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

2 (3) is under 29 years of age.

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

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

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

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

17 * Sec. 3. AS 36.30.850(b)(42) is amended to read:

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

20 * Sec. 4. AS 47.05.060 is amended to read:

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

1 * Sec. 5. AS 47.05.065 is amended to read:

2 **Sec. 47.05.065. Legislative findings related to children.** The legislature finds
3 that

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

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

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

11 (C) the right to determine where and with whom the child shall
12 live;

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

15 (E) the right to obtain representation for the child in legal
16 actions; and

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

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

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

28 (B) the state also recognizes that when a child is removed from
29 the home, visitation between the child and the child's parents or guardian and
30 family members reduces the trauma for the child and enhances the likelihood
31 that the child will be able to return home; therefore, whenever a child is

1 removed from the parental home, the Department of Health and Social
2 Services should encourage frequent, regular, and reasonable visitation of the
3 child with the child's parent or guardian and family members;

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

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

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

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

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

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

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

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

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

30 (5) numerous studies establish that

31 (A) children undergo a critical attachment process before the

1 time they reach six years of age;

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

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

10 * Sec. 6. AS 47.07.020(b) is amended to read:

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

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

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

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

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

31 (5) persons under 21 years of age who are in an institution designated

1 as an intermediate care facility for the mentally retarded and who are financially
2 eligible as determined by the standards of the federal program designated as the
3 successor to the aid to families with dependent children program;

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

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

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

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

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

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

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

29 (B) the department has determined that

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

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

2 (iii) the estimated amount that would be spent for medical assistance for their
3 individual care outside an institution is not greater than the estimated amount that
4 would otherwise be expended individually for medical assistance within an
5 appropriate institution;

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

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

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

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

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

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

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

5 * Sec. 7. AS 47.07.020 is amended by adding a new subsection to read:

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

7 * Sec. 8. AS 47.10.080(c) is amended to read:

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

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

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

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

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

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

1 child; and

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

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

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

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

20 * Sec. 10. AS 47.10.990(3) is amended to read:

21 (3) "child" means a person who is
22 (A) under 18 years of age;
23 (B) [AND A PERSON] 19 years of age if that person was
24 under 18 years of age at the time that a proceeding under this chapter was
25 commenced; and
26 (C) under 21 years of age if that person is living in out-of-
27 home care;

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

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

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

31 (a) The department, in coordination with local public and private agencies,

1 shall design, develop, and implement an out-of-home care [A FOSTER CARE]
2 transition program to provide support and services to individuals who

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

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

8 * **Sec. 13.** AS 47.18.310 is amended to read:

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

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

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

- 20 (1) education and vocational training;
21 (2) assistance in obtaining basic education and training;
22 (3) career and employment services;
23 (4) training in basic life skills;
24 (5) housing and utility assistance;
25 (6) mentoring and counseling; and
26 (7) other appropriate services to complement the efforts of former state

27 foster care recipients or a child who was in state custody and placed in out-of-
28 home care to achieve self-sufficiency.

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

30 **Sec. 47.18.335. Monetary living expense stipend.** (a) The department shall
31 provide a monthly monetary living expense stipend for a period not to exceed nine

1 months in an amount described in (b) of this section to an individual who

2 (1) has left out-of-home care at age 18 or older;

3 (2) is participating in services in the program; and

4 (3) has monthly contact with a social worker involved in the program.

5 (b) A stipend provided under this section shall be in an amount necessary to
6 meet an eligible individual's living expense as determined by the department. The
7 amount may not exceed

8 (1) for the first six months of eligibility, the daily rate provided to a
9 licensed foster parent; or

10 (2) for a period not to exceed three additional months during the period
11 that follows the first six months of eligibility, half of the daily rate provided to a
12 licensed foster parent.

13 (c) The department shall pay the stipend provided under this section until the
14 later of the date that the individual

15 (1) reaches 21 years of age; or

16 (2) has left out-of-home care for six months.

17 (d) The department may adopt regulations to implement this section.

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

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

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

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

LEGAL SERVICE

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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MEMORANDUM

April 7, 2009

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

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.

Senator Bettye Lewis

April 7, 2009

Page 2

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:plm
09-259.plm

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB105(EDC)
() Publish Date: _____

Identifier (file name): SB105CS(EDC)-DHSS-CSM-04-06-09 Dept. Affected: Health & Social Services
Title: Foster Care/CINA/Education of Homeless RDU: Children's Services
Component: Children's Services Management
Sponsor: Davis
Requester: Senate 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
OPERATING EXPENDITURES							
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							
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CHANGE IN REVENUES (
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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 4/6/2009
DHSS Finance & Management Services

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. CSSB105(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
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: CSSB105(EDC)
() Publish Date: _____

Identifier (file name): SB105CS(EDC)-DHSS-FCBR-04-06-09 Dept. Affected: Health & Social Services
Title: Foster Care/CINA/Education of Homeless RDU: Children's Services
Component: Foster Care Base Rate
Sponsor: Davis
Requester: Senate 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
OPERATING EXPENDITURES							
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							
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CHANGE IN REVENUES (
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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 Phone 465-3191
Division: Office of Children's Services Date/Time 3/3/09 12:00 AM
Approved by: Alison Elgee, Assistant Commissioner Date 4/6/2009
DHSS Finance & Management Services

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. CSSB105(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 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: $\$35.33 \times 30 = \$1,060$ 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: CSSB105(EDC)
() Publish Date: _____

Identifier (file name): SB105CS(EDC)-DHSS-FP-4-6-09 Dept. Affected: Health & Social Services
Title: Foster Care/CINA/Education of Homeless RDU: Office of Children's Services
Sponsor: Davis, Ellis Component: Family Preservation
Requester: Senate HSS Component Number: 1628

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
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims		4,833.1		1,907.8	1,907.8	1,907.8	1,907.8	1,907.8
Miscellaneous								
TOTAL OPERATING		4,833.1	0.0	1,907.8	1,907.8	1,907.8	1,907.8	1,907.8

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES (
-----------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts			238.4	316.5	316.5	316.5	316.5
1003 GF Match			1,669.4	1,591.3	1,591.3	1,591.3	1,591.3
1004 GF		4,833.1					
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL		4,833.1	0.0	1,907.8	1,907.8	1,907.8	1,907.8

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The intent of CSSB105 is to address the educational, financial and housing challenges that face youth as they transition out of foster care, and to support foster care providers who are willing to help youth during that period of transition.

CSSB 105, as it relates to the Department of Health and Social Services, Office of Children's Services, amends AS 47.10.080(c) to provide the court the authority to commit a child to placement to age 21 if in the best interest of the youth and the youth is in agreement; amends AS 47.10.990(3) by further defining a child to include youth under 21 years of age if that youth is living in out-of-home care; and expands the current Foster Care Transition Program (AS 47.18.300-390) to include children in state custody who were placed in out-of-home care and (continued on next page)

Prepared by: Tammy Sandoval, Director Phone 465-3191
Division: Office of Children's Services Date/Time 4/7/09 12:00 AM

Approved by: Alison Elgee, Assistant Commissioner Date 4/8/2009
DHSS Finance & Management Services

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. CSSB105(EDC)

ANALYSIS CONTINUATION

identified as likely to remain in out-of-home care until age 18; and allows for a one-year monetary living expense stipend to eligible youth who have left out-of-home care up to age 23. This fiscal note addresses increased costs related to the one-year monetary living expense stipend to eligible youth up to age 23 who have left out-of-home care.

The OCS, lacking historical data or comparative program results, has made the following assumptions and applied them to this fiscal note:

- 1) The monetary stipend will be made available to youth age 18 to 23 who leave out-of-home care at any time during that age span.
- 2) The monetary stipend is not tied to post secondary education.
- 3) The number of youth who age out of foster care will remain somewhat stagnant at about 110 youth annually;
- 4) Assumes that 70% of youth ages 18 to 23 who are eligible to participate in the Independent Living Program (IL) will make use of the monetary stipends in FY2010. This equates to approximately 380 full time equivalents (FTEs) who will become eligible, resulting in higher program costs the first year the stipend is available. FTEs are used to account for the constant change in the population as more youth turn 18 to 23 and move on and off the program at varying rates.
- 5) The out years will lose children aging out of foster care and pick up new youth between ages 19 and 23 who have not yet utilized the program, still maintaining the assumption that 70% will eventually utilize the program. There is no available data or program results upon which to base these assumptions.
- 6) Calculations are based on 360 days at an average daily rate of \$35.33; $\$35.33 \times 30 = \$1,060/\text{month}$.
- 7) 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 enhance the program. This fiscal note assumes that option can be implemented when available, October 1, 2010, and therefore is available for the final three quarters of FY2011 forward, only.
- 8) The foster care penetration rate and the Medical Assistance Percentage Rate will remain somewhat stable over the time period of this fiscal note.

	FFP	IL FTE	MOS FC/FTE	TOTAL EXP	Federal	GF
SFY 2010	0.00%	380	\$1,060	\$4,833,144	\$0	\$4,833,144
SFY2011	12.50%	150	\$1,060	\$1,907,820	\$238,414	\$1,669,406
SFY2012	16.59%	150	\$1,060	\$1,907,820	\$316,546	\$1,591,274
SFY2013	16.59%	150	\$1,060	\$1,907,820	\$316,546	\$1,591,274
SFY2014	16.59%	150	\$1,060	\$1,907,820	\$316,546	\$1,591,274
SFY2015	16.59%	150	\$1,060	\$1,907,820	\$316,546	\$1,591,274

20
Years



Covenant
House
Alaska

Crisis Center • Community Services Center • Transitional Living

Senator Bettye Davis
State Capitol
Juneau, AK 99801

April 13, 2009

Dear Senator Davis,

Thank you for introducing SB 105, "An Act relating to continuing the secondary public education of a homeless student...". Covenant House Alaska (CHA) provides shelter, food, healthcare and transitional living assistance to Alaska's homeless youth. CHA strongly supports SB 105.

The proposed legislation provides access to educational, housing and life skills support that is vital for young people to successfully transition to adulthood. Nearly 50% of CHA youth have been involved with the foster care system at some point in their lives. They arrive on our door step with a plastic bag full of a few belongings. Many of these youth survive for a few months after being released from care, but find at the young age of 18 they don't have the resources and life skills required to live completely independently on their own. After living traumatized lives, they are faced with a new trauma and a new set of dangers that homelessness presents.

This legislation is fundamentally about providing to our foster care youth the resources we would naturally provide to our own children. Youth still require assistance with educational, occupational and housing needs past the age of 18. This bill ensures that while we cannot completely erase the trauma endured by foster care children, we can lessen it. We can actively take steps to help them in a responsible, reasonable fashion.

Thank you for your consideration of this letter and the proposed legislation. Please contact me with any questions you may have.

Sincerely,

Deirdre A. Cronin
Executive Director

Opening Doors for Homeless Youth
Celebrating 20 years of service in the State of Alaska

Mailing: P.O. Box 104640, Anchorage, Alaska 99510-4640 • (907) 272-1255 • www.covenanthouseak.org

26-LS0556(CE)
Mischel
4/116/09

CS FOR SENATE BILL NO. 105(HSSEDC)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES EDUCATION COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DAVIS, Ellis

4/13/09
- before committee
accepted
passed

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 seven⁷ school days after notification of the transfer.
10 The 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

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

2 (3) is under 29 years of age.

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

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

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

16 (e) In this section, —* Sec. 3. AS 14.43.160 is amended by adding a new paragraph to read:

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

18 * Sec. 34. AS 36.30.850(b)(42) is amended to read:

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

21 * Sec. 4.5. AS 47.05.060 is amended to read:

22 **Sec. 47.05.060. Purpose and policy relating to children.** The purpose of this
23 title as it relates to children is to secure for each child the care and guidance,
24 preferably in the child's own home, as well as an adequate education, that will serve
25 the moral, emotional, mental, intellectual, and physical welfare of the child and the
26 best interests of the community; to preserve and strengthen the child's family ties
27 unless efforts to preserve and strengthen the ties are likely to result in physical or
28 emotional damage to the child, removing the child from the custody of the parents
29 only as a last resort when the child's welfare or safety or the protection of the public
30 cannot be adequately safeguarded without removal; and, when the child is removed
31 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. 5.6.~~ 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

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

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

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

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

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

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

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

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

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

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

31 (5) numerous studies establish that

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

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

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

11 * ~~Sec. 6.7.~~ AS 47.07.020(b) is amended to read:

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

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

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

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

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

1 intermediate care facility for the mentally retarded;

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

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

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

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

12 (12) disabled persons, as described in 42 U.S.C.
13 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
14 applicable federal regulations or guidelines, is less than 250 percent of the official
15 poverty line applicable to a family of that size according to the United States
16 Department of Health and Human Services, and who, but for earnings in excess of the
17 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be
18 individuals with respect to whom a supplemental security income is being paid under
19 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is
20 not eligible under another provision of this section shall pay a premium or other cost-
21 sharing charges according to a sliding fee scale that is based on income as established
22 by the department in regulations;

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

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

31 (15) persons who have been diagnosed with breast or cervical cancer

1 and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

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

6 * ~~Sec. 7.8.~~ AS 47.07.020 is amended by adding a new subsection to read:

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

8 * ~~Sec. 8.9.~~ AS 47.10.080(c) is amended to read:

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

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

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

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

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

31 (A) one-year extensions of supervision that do not extend

1 beyond the child's 19th birthday if the extensions are in the best interests of the
2 child; and

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

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

11 * ~~Sec. 9.10.~~ 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. 10.11.~~ 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. 11.12.~~ 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. 12.13.~~ 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. 13.14.~~ 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. 14.15.~~ 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. 15.16.~~ AS 47.18 is amended by adding a new section to read:

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

1 provide a monthly monetary living expense stipend for a period not to exceed nine
2 months in an amount described in (b) of this section to an individual eligible for
3 services under the program who

4 (1) has left out-of-home care at age 18 or older;

5 (2) is participating in services in the program; and

6 (3) has a monthly contact with a social worker involved in the
7 program.

8 (b) A stipend provided under this section shall be in an amount necessary to
9 meet an eligible individual's living expense as determined set by the department. The
10 amount may not exceed

11 (1) for the first six months of eligibility, that is not more than the daily
12 rate provided to a licensed foster parent; or

13 (2) for a period not to exceed three additional months during the period
14 that follows the first six months of eligibility, half of the daily rate provided to a
15 licensed foster parent.

16 (c) The department shall pay the stipend provided under this section until the
17 later of the date that the individual

18 (1) reaches 21 years of age; or

19 (2) has left out-of-home care for six months.

20 (d) for necessary living expenses. The stipend shall continue for a period of
21 not more than one year and shall end before the individual is 23 years of age. The
22 department may adopt regulations to implement this section.

23 * Sec. 1617. AS 47.18.390(1) is amended to read:

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

26 * Sec. 17,18. AS 47.18.390(3) is repealed and reenacted to read:

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