

# NAPCWA Spring Conference-Policy Update

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# NAPCWA

## *Weekly Update*

- New look & critical timely information.
  - Congressional Activity
  - ACF & Other Administrative Activities
  - New Research & Publications
  - In the Trenches (States & Local News)
  - Upcoming Events

# Health Care Reform & Child Welfare

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- During 2009 and into 2010, Congress has been debating health care reform. Both Chambers have passed versions.
- Last weekend, the House of Representatives voted on the Senate version entitled the Patient Protection and Affordable Care Act.
- The President signed the legislation on Tuesday.

# From a 30,000 feet level...

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- Will cover thirty-two million more people who are currently uninsured.
- Expand Medicaid coverage to 133 percent of federal poverty levels.
- Mandate that all have insurance or face penalties.

# What You Should Know...

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- New prevention resources through home visitation initiatives--\$1.5 billion over 5 years.
- Starting 2014-Mandated Medicaid coverage for aging out youth under age 26.
- New mandate for transition plans—information on insurance & health care power of attorney.
- Coverage can no longer be denied for children with pre-existing conditions.

# Home Visitation In the Weeds

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- Amends Title V of the Social Security Act—Maternal and Child Health Block Grant.
- Establishes a state grant program for maternal, infant and early childhood home visitation to improve coordination of services for at-risk communities.
- Includes language that requires collaboration with child welfare agencies.
- No required state match—but includes supplement and not supplant language.

# In the Weeds Continued...

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- Prerequisite for grant funding, a state must conduct a mandatory assessment.
- The statewide assessment must be done in coordination with other assessments—such as CAPTA and Early Head Start.
- Completed within six months after passage of the legislation.

# Who Is Eligible for Services...

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- To receive home visitation services a family must be the following:

--Must be a woman who is pregnant or the father of the child (if available).

or

--Must be a parent/primary caregiver of a child from birth to kindergarten.

# State Grant Application

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- A description of how identified needs will be addressed.
- Assurances--serving low-income, at-risk families and that services are voluntary.
- Information on population served and method including service delivery model.
- Verification of fidelity to chosen practice model.

# Benchmarks to Measure Outcomes

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1. Improvement in maternal & child health.
2. Childhood injury prevention & reduced emergency room visits.
3. School readiness & achievement.
4. Crime or domestic violence.
5. Family economic self-sufficiency.
6. Coordination w/community services & supports.

# Other Critical Requirements...

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- Home visitation models must be grounded in empirically-based knowledge & linked to benchmarks.
- Staff must be well-trained and have access to a high quality level of supervision.
- Monitor program fidelity.

# Core Model Requirements...

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- Existed for 3 years or more & is research based
- Grounded in relevant empirically-based knowledge & linked to outcomes.
- Associated with a national organization or institute for higher learning & has been published in a peer-reviewed journal.
- Quality service delivery & continuous program improvements.
- Demonstrated positive outcomes.
- Has a well-designed & rigorous randomized controlled research or a quasi-experimental research design.

# Addressing the FMAP Cliff

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- Tax Extenders Act of 2009 (H.R. 4213) passed the Senate on March 10, 2010.
- Extends the ARRA FMAP extension of 6.2 percent to June 30, 2011.
- Still needs action in the House of Representatives.

# TANF Reauthorization...

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- Due for reauthorization this year.
- Timeline for the Administration is 2011.
- ARRA included emergency funding for basic cash assistance, emergency short-term benefits and subsidized employment programs.
- Child welfare uses short-term benefits for subsidized employment for youth aging out of foster care, kinship care assistance, and other prevention focused services.

# Extending Emergency Funding

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- Senate tried to attach an amendment to the jobs package, it did not receive a vote.
- House passed legislation known as the Emergency Jobs Program and Assistance for Families Extension Act (H.R. 4564).
- President proposed an extension in his budget blue print with many of the details explained verbally in meetings with ACF.
- Possibility of \$2.5 billion in the TANF Emergency fund for FY 2011 in a new Small Business bill (H.R. 4849)

# Improper Payments...

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- Executive Order Issued in November 2009.
- Protecting program access & reducing improper payments.
- Focus on high-priority & highest IP programs.
- These programs include TANF, Medicaid, and CHIP.
- IV-E is not included in this round of reviews.

# Improper Payment Workgroups

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- Guidance.
- Improving measures of access.
- Publishing websites.
- Internal controls.
- Improving information sharing.
- Enhance contractor accountability.
- Single audit.
- Incentives & accountability.

# Elementary & Secondary Education Act (ESEA) Reauthorization...

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- Also known as the No Child Left Behind Act.
- Hearing held in both the congressional chambers & Education Secretary Duncan testified.
- President issued a blue print on his recommendations earlier this month focusing on preparing young people for college & the workplace.
- Efforts to include language to also hold state & local educational agencies accountable for educational stability provisions for Fostering Connections.

# Legislation to Watch...

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- Senator Al Franken (D-MN) introduced the Fostering Success in Education Act (S. 2801) last November.
- The reauthorization of ESEA would be a legislative vehicle for S. 2801.
- Purpose of S. 2801 is to require collaboration between education and child welfare agencies to meet the academic needs of foster children.
- Covers ALL foster children regardless of IV-E eligibility.

# Foster Children's Educational Rights...

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- Enrolled in or continued enrollment in a child's school of origin.
- Finishing the school year before transfer.
- Necessary transportation to & from current school.
- Treatment as a resident & equal access to educational opportunities.
- Immediate enrollment & transfer of necessary records.
- Being integrated w/other students & not segregated.

# Important concepts...

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- **Education decision maker**-a parent or person identified by dependency court.
- **Enrollment**—means attending classes and fully participating in activities.
- **Placement**—current or proposed living situation.
- **School of origin**—enrolled prior to entering foster care or when a change in foster care placement occurs or is proposed.

# School Selection Decision Making Process...

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- Local education agency in the school of origin shall make the selection decision unless...
  - the state determines the decision should be made solely by the dependency court or state or local child welfare agency.
- The local child welfare agency responsible for the child initiates the school selection process.

# Factors in Decision Making...

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- Harm mobility has on academic process.
- Child's age & length of stay in foster care.
- Impact of commute on child's education or well-being.
- Personal safety issues including family violence.
- Special educational needs of the child.
- Permanency plan.
- Time remaining in school.
- School placement to family.
- Number of school changes.
- Child's connection to school.

# Who pays...

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- Local child welfare agency reimburses education agency (through IV-E)  
or,
- Local education agency agrees to pay,  
or
- Child welfare & education agency agree to share the costs.

# Dispute Resolution...

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- State education agencies must develop a dispute resolution process for school selection decisions.
- Must include safe guards and be prompt.
- Right to appeal.
- School placement during this process is left up to the dependency court or child welfare agency.

# Case Plan Requirements...

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- At the child welfare agency's request, education agencies can collaborate on developing a child's transition plan, particularly around the educational stability component & transitioning to independent living.

# Data Collection Requirements...

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- The state shall collect valid & reliable information on....
  - Number of children in foster care enrolled in school.
  - Number of children who remain in their school of origin.
  - Number of children who experience enrollment delays.
  - State assessment scores & graduation rates.
  - Number of children who repeat a grade.
  - Number of children eligible for special education services.

# Grants to Improve Educational Outcomes...

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- State Foster Care & Education Plan Grants
  - Minimum of \$300,000 per state allotment.
  - Formula based on state number of children against the total foster care population.
  - Education agency develops a plan in collaboration w/child welfare.
  - State education agency provides sub-grants from these resources.
  - 25 percent funding used for implementing plan & 75 percent for sub-grants.

# New IV-E Assurances...

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- Under the Educational Stability for Foster Care Children, state child welfare agencies must assurance that coordination with the education agency has occurred...
  - to ensure the child remains in school & cost for transportation has been paid for when necessary.
  - if school of origin is not in the best interest, that immediate enrollment in new school has occurred.
  - both agencies have worked together to eliminate barriers to educational stability, school enrollment, and educational success of children.

# Amends IV-E...

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- According to CRS summary...the bill requires state child welfare agencies to arrange for, provide, or pay the cost of transportation necessary for foster children to remain in the school they attended at the time of placement.

# Medicaid Services Restoration Act

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- Legislation in both Chambers (S. 1217 & H.R. 4787).
- Senator Debbie Stabenow (D-MI) is the champion in the Senate & Reps. Tammy Baldwin (D-WI) & John Sullivan (R-OK) are the champions in the House.
- NAPCWA supports the legislation.

# In the Weeds...

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- Allows a new service category under Medicaid for therapeutic foster care.
- Therapeutic services would be available for children and youth with mental illness, & those who are medically fragile, or have emotional & behavioral disorders under the age of 21
- Codifies states' ability to use rehabilitative & targeted case management services.

# ACF Evaluating...

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- For the next 5 years, ACF will be evaluating the effectiveness of its TA & training.
- Implementation Centers & National Resource Centers.
- This will include data collection from child welfare administrators.
- ACF is also reviewing its relationship w/outside stakeholders including child welfare administrators.

# GAP Program Instructions...

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- On Feb. 18, 2010, ACF issues revised program instructions on the guardianship assistance program option under the Fostering Connections Act.
- States may now convert existing legal guardianships into the new federal GAP program.

# Latest on Policy Manual...

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## **Being Withdrawn-**

Question: May a title IV-E agency that operates the Guardianship Assistance Program (GAP) require a child to have resided in foster care with the prospective relative guardian for a minimum period longer than six consecutive months for the child to be eligible for the GAP program?

Answer: No. Section 473(d)(3)(A)(i)(II) of the Social Security Act (the Act) provides that an otherwise eligible child must have been eligible for title IV-E foster care maintenance payments while residing in the foster home of the prospective guardian” for at least 6 consecutive months.” This means that after being in foster care and eligible for title IV-E foster care maintenance payments for six consecutive months while residing with the licensed or approved prospective guardian, an otherwise eligible child is eligible for the GAP. A title IV-E agency may not impose a longer time frame or other eligibility requirements beyond those contained in the statute.