

2009 SENATE EDUCATION

SB 2302

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2302

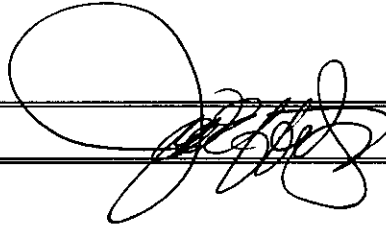
Senate Education Committee

Check here for Conference Committee

Hearing Date: January 27, 2009

Recorder Job Number: 7837

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on SB 2302. All members were present.

Senator Bakke introduced the bill. See written testimony.

Laura Glatt, North Dakota University System, testified in favor of the bill. See written testimony.

Senator Freborg asked if she was for or against the bill.

Laura Glatt said they supported the bill with an adequate appropriation.

Senator Freborg asked what would be an adequate appropriation.

Laura Glatt reviewed the numbers in her written testimony. She also pointed out that section 2 contains a continuation of foster care payments which would be considered as a resource for the determination of financial aid.

Senator Flakoll asked if this bill would be among the top rankings put together by the Board of Higher Education.

Laura Glatt said no.

Senator Flakoll asked how many areas are ranked.

Laura Glatt said the Board of Higher Education base funding request had 14 ranked items.

Senator Taylor asked about Laura Glatt's written testimony which says the cost would be

\$722,300 yet the fiscal note shows \$616,000.

Laura Glatt said the fiscal note blends the fiscal impact of section 1 with section 2. The Human Services Department was helpful in putting the fiscal note together for section 2. The fiscal note shows \$1,339,000 total for the 2009 biennium which includes the foster care payment. Senator Lee asked what the monthly reimbursement is to foster parents.

Laura Glatt said she doesn't know, there is a representative from Human Services in the room who might know.

Chairman Freborg closed the hearing on SB 2302.

Senator Bakke apologized to Senator Freborg that her written testimony refers to Senator Judy Lee and the Human Services Committee. This bill was originally assigned to Human Services.

Senator Lee asked a gentleman in the room to come to the podium for questions.

Jeff Jacobs, Financial Aid Director, Bismarck State College, appeared for questions.

Senator Lee asked if he knows the monthly foster care payment.

Jeff Jacobs said he doesn't know.

(The legislative intern called the Department of Human Services and asked about the monthly payment. She distributed the rates to the committee. A copy is attached.)

Senator Bakke said she took in teenage foster children about 5 years ago and the payment was about \$350 per year.

Laura Glatt said in looking at the work papers from Human Services, they used a rate of \$785 per month in year 1, \$840 in year 2, \$874 in year 3 and \$909 in year 4.

Senator Bakke said those figures seem high.

Senator Lee said they could possibly include medical costs.

Senator Bakke asked if the federal payment and other federal grants referred to in Laura

Glatt's written testimony are paid back by the student.

Laura Glatt said no.

Senator Bakke asked if foster children who age out of the system are guaranteed to receive the payments.

Laura Glatt said they are not guaranteed. They are financial need based so they need to demonstrate need. It would also be dependent on the annual federal budget to assure funds are available.

Jeff Jacobs added that a tuition waiver would be considered a resource so they could lose eligibility for some grants. The Pell grant is an entitlement.

Senator Bakke asked for a review of the Chaffee Education and Training Grant Program.

Jeff Jacobs said all foster children who age out of the system are eligible. Students have to contact the Department of Human Services. The grant is for \$5000 per year for 4 years.

Laura Glatt said regarding the application to Human Services, a caseworker meets with each foster child and follows them for a while after they age out. This caseworker talks with the child about this program.

Senator Bakke said she will be seeking some amendments to the bill.

Senator Freborg said the committee will wait for the amendments before taking further action on the bill..

# 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2302

Senate Education Committee

Check here for Conference Committee

Hearing Date: January 28, 2009

Recorder Job Number: 7990, 8039

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2302. All members were present.

Senator Bakke distributed amendment 90494.0101. The amendment reworks section 2.

Senator Freborg asked if they would receive the foster care payment.

Senator Bakke said yes, as long as they are a fulltime student enrolled in a North Dakota

institution of higher education or a two year program and they have to maintain a 2.5 grade point average.

Senator Taylor said from the information we received, we are looking at \$595/month. A semester is about 3 ½ months, the fiscal note will be somewhat less under this amendment.

Does Senator Bakke know how much less?

Senator Bakke said she talked to Anita Thomas about this and she said they would issue a new fiscal note as soon as the amendment is done. There were 64 students who aged out of the system last year. That would be assuming all 64 would go on for higher education which she doesn't think is realistic, she would guess one third would go on.

Senator Flakoll said if 40 students went on to higher education, that would be 40 X 4 years so we would be looking at potentially 160 students enrolled. We found out in testimony there are

\$5000 per year available from a federal program. This payment would be to cover their out of pocket living expenses, is that correct?

Senator Bakke said that is exactly what it would be for. These are kids who in many cases don't have a place to live. If they are going to turn their lives around, to work full time and go to school full time, something is going to give.

Senator Lee asked if this is for a limited amount of time?

Senator Bakke said that is not her intent, she thinks there should be a limitation. If they are doing a two year program, at the end the payment would cease.

Senator Flakoll asked about age or time limitations.

Senator Freborg asked Senator Bakke to get the amendment drafted by this afternoon so the committee can finish with the bill.

Senator Flakoll asked if a student in East Grand Forks would qualify for the payment.

Senator Bakke said it is intended to be limited to residents of North Dakota. She will be sure to make that clear.

Senator Flakoll asked about the language that allows the payment to be made directly to the child.

Senator Bakke said sometimes a foster child cannot continue to live with his foster family while attending college and this would allow the payment to be made directly to the child for living expenses.

Senator Flakoll asked if the payment would be made for 12 months if the child does not attend summer school – if they attend for the normal school year, will they receive the payment for a year?

Senator Bakke said yes, that is the intent.

The committee reconvened at 3:00.

Senator Bakke distributed amendment 90494.0102. The amendment adds that a child may receive the payment until they are 23 years old. It also adds that they must be a resident of North Dakota.

Senator Bakke moved a Do Pass on Amendment 90494.0102, seconded by Senator Flakoll.

Senator Freborg clarified the amendment becomes the bill since it is a hog house amendment.

Motion passed 4-1-0.

Senator Flakoll moved a Do Pass as Amended and Rerefer to Appropriations on SB 2302, seconded by Senator Bakke.

Senator Freborg asked if they students in foster care would qualify for payments until they are 23 years old.

Senator Bakke said if they are in school, they are full time student at a post secondary school and maintaining a 2.5 grade point, yes.

Senator Freborg asked when it would stop if they don't go to school, when they quit high school or graduate from high school.

Senator Bakke said when they turn 18 the child has to decide, they can stay in foster care until they finish high school or leave foster care. If they decide to stay in foster care, the payments to their foster family continue until they graduate from high school.

The motion passed 4-1-0. Senator Bakke will carry the bill.

Senator Flakoll clarified that as the amendment is written, we would be talking about perhaps 40 students X \$595/month X 12 months.

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/02/2009

Amendment to: SB 2302

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$447,895		\$1,045,553
<b>Expenditures</b>			\$616,985	\$447,895	\$1,559,731	\$1,045,553
<b>Appropriations</b>			\$616,985	\$447,895	\$1,559,731	\$1,045,553

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$205,661			\$519,910		

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill allows for the continuation of foster care maintenance payments for foster care children enrolled in an institution of higher education in the state.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section one of this bill requires the Department of Human Services to continue providing foster care payments for foster care children accepted for enrollment in an institution of higher education. The payments will be provided as long as the child is enrolled as a full-time student and maintains a grade point average of 2.5. Payments will be made to the foster care family or directly to the child at the child's caseworker's recommendation. The foster child is eligible to receive these payments until age twenty-three.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Revenues include federal IV-E funding of \$242,234 in 2009-2011 for children meeting program eligibility requirements. Also included is revenue of \$205,661 in 2009-2011 from counties for their share of the foster care maintenance costs.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditures of \$1,064,880 in the 2009-2011 biennium consist of monthly foster care maintenance payments made on behalf of 36 children at an average cost of \$785 per month for 12 months in SFY2010 and on the behalf of 72 children at an average cost of \$840 per month for 12 months in SFY2011.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Additional General fund appropriation of \$616,985 and other funds appropriation of \$447,895 will be needed for the 2009-2011 biennium.



<b>Name:</b>	Brenda M. Weisz	<b>Agency:</b>	DHS
<b>Phone Number:</b>	701-328-2397	<b>Date Prepared:</b>	02/03/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/20/2009

Bill/Resolution No.: SB 2302

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$274,400)		\$482,900
<b>Expenditures</b>			\$616,985	\$447,895	\$1,559,730	\$1,045,550
<b>Appropriations</b>			\$1,339,195	\$447,895	\$3,131,980	\$1,045,550

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Provides a tuition and fee waiver for foster care children.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 provides for a tuition and fee waiver for approximately 40 new and continuing students per year. Also, provides for continuation of foster payments, based on a total of 36 in year 1 (09-10), 72 in year 2 (10-11), 108 in year 3 (11-12) and 144 in year 4 (12-13).

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Assuming tuition and fee waiver for 40 new freshmen per year, and assuming that most, but not all, continue to qualify for the waiver (maintain 2.5 GPA) through either completion of a two-year or four-year program, the 2009-2011 estimated lost revenue would be \$722,300. The total estimated lost revenue in 2011-2013 would be \$1,572,000. Offsetting this revenue loss for the NDUS, is a revenue gain estimated by the Dept. of Human Services of \$447,895 in 09-11 and \$2,054,820 in 11-13 related to collections from the county and receipt of federal funding.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Additional expenditures estimated by the Dept. of Human Services for the added foster care payments provided in section 2.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

There is no funding in either the NDUS 2007-09 appropriation or in the proposed 2009-11 executive recommendation (SB2003) to cover this additional cost. There is also no funding in the Dept. of Human Services budget in 2007-09 or in the proposed 2009-11 budget, thus added state appropriations would be required to cover the cost of the waiver

and added foster care payments.

<b>Name:</b>	Laura Glatt	<b>Agency:</b>	NDUS
<b>Phone Number:</b>	328-4116	<b>Date Prepared:</b>	01/26/2009

January 27, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2302

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to extended payments for children in foster care.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**Foster care payments - Extension for educational purposes.** If a child in foster care is accepted for enrollment into any institution of higher education in this state, the department of human services shall ensure that the child is supported by means of foster care payments for the period of time that the child remains enrolled as a full-time student, provided the child maintains a grade point average at least equal to 2.5. The department may provide payments to the child's foster care family or at the recommendation of the child's caseworker may forward the payments directly to the child."

Renumber accordingly

January 28, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2302

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to extended payments for children in foster care.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**Foster care payments - Extension for educational purposes.** If a child who is a resident of this state is in foster care and is accepted for enrollment into any institution of higher education in this state, the department of human services shall ensure that the child is supported by means of foster care payments for the period of time that the child remains enrolled as a full-time student, provided the child maintains a grade point average at least equal to 2.5. The department may provide payments to the child's foster care family or at the recommendation of the child's caseworker may forward the payments directly to the child. Payments under this section may not be made to or on behalf of any child who has reached the age of twenty-three."

Renumber accordingly

Date: 1/28/09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2302

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Pass Amendment 10102

Motion Made By Sen. Bakke Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 4 No 1

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1/28/09 :  
Roll Call Vote #: 2 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2302

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended and Rerefer to Appropriations

Motion Made By Sen. Flakoll Seconded By Sen. Bakke

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 4 No 1

Absent 0

Floor Assignment Sen. Bakke

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2302: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to extended payments for children in foster care.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**Foster care payments - Extension for educational purposes.** If a child who is a resident of this state is in foster care and is accepted for enrollment into any institution of higher education in this state, the department of human services shall ensure that the child is supported by means of foster care payments for the period of time that the child remains enrolled as a full-time student, provided the child maintains a grade point average at least equal to 2.5. The department may provide payments to the child's foster care family or at the recommendation of the child's caseworker may forward the payments directly to the child. Payments under this section may not be made to or on behalf of any child who has reached the age of twenty-three."

Renumber accordingly



2009 SENATE APPROPRIATIONS

SB 2302

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2302

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-09-09

Recorder Job Number: 8988

Committee Clerk Signature



Minutes:

**Chairman Holmberg:** Called the committee hearing to order at 9:30AM in reference to SB 2302. In regards to extended payments for children in foster care. Was reprinted there is a fiscal note dated Feb 3<sup>rd</sup>.

**Senator Bakke, District 43, Grand Forks** testified in favor of SB 2302 and presented written testimony # 1 district 43 in Grand Forks. Some foster parents will let them stay. While at the national council (started the audio a little late. Senator Bakke is giving her written testimony).

**Senator Robinson:** Give us a little statistical information on how many children, what the average income under this bill is.

**Senator Bakke:** There were 64 kids who aged out of the foster system. They don't know how many went on; there is money available for tuition. Many of them have to wait for living expenses. The foster parents get somewhere around four hundred and fifty dollars a month for these kids, what they would be looking at giving the kids the four hundred and fifty dollars each month if they were in school full time, and maintaining a 2.5 GPA.

**Senator Robinson:** Would it be fair to classify the vast majority at risk?

**Senator Bakke:** Are you thinking at risk academically?

**Senator Robinson:** I am talking about socially, the bigger picture.

**Senator Bakke:** Absolutely, all too often they fall into the wrong crowd, they are looking for love in all the wrong places, very often these foster kids would show back up on my front steps wanting support and advice and help. Many of the foster parents will let them come back for a short period of time but that's a financial burden for those foster parents. It's really tough for these kids.

**Chairman Holmberg:** Help me understand. When these foster children become a ward of the state that means then that they are divorced from their natural parent's income so when they fill out their FASTA, grants and other financial aid they have zero as far as the family contribution as far as from parents?

**Senator Bakke:** They are totally on their own, they have a big need, often those loans have limits, they have to work extra hours, they haven't been taught, living on their own, doing the school work. I think the four hundred and fifty dollars a month might take the edge of give them breathing room.

**Senator Wardner:** Two questions. Are the counties ok with this? Why not 21 or 22 instead of 23?

**Senator Bakke:** We went to 23 it gives them 4 years of college, if you end at 21 you are not being realistic the amount of time they need.

**Senator Warner:** Would you speak a little bit toward the mentoring and counseling portion. Is there a formal process or program set up to mentor them through this process?

**Senator Bakke:** Social Services does provide services to the child as they approach 18 in helping them with some budgeting strategy Talking to them about things they'll face as an adult but once they are eighteen the involvement is stopped. Now if they have some counseling set up they can continue that on their own and it would be either free or on a sliding scale but that would be left up to the child because once they turn eighteen they're no longer

considered a minor and they are on their own. I do know in some communities like Grand Forks they have a support group that meets on a regular basis and I did attend one of their meetings and this is what the kids were telling me that they are overwhelmed. They know what they need to do and they are ready to go to school but they can't afford it, they have to drop out for a semester to save money, once out it's hard to get back in. They support each other but there is times they can't put food on the table.

**Senator Krauter:** Are you familiar with fiscal notes. Is someone going to come and talk about those?

**Senator Bakke:** I saw the fiscal note but I don't know if someone is going to come to speak to them.

**Senator Krauter:** My question is as the bill is amended, there is a reduction and counties are to pay more.

**V. Chair Bowman:** If an 18 year old foster child decides to go into the military and his school is funded by the military are they still eligible for these funds?

**Senator Bakke:** I wouldn't think so. This is intended for that young person who has no other viable means of support. If they are in the the military they would have plenty of financial means.

**Chairman Holmberg** closed the hearing on SB 2302. Let's hold that until after our budget forecast its six hundred and some thousands and then there is the issue of the counties. That you might want to think about. I am surprised a little bit unless the counties didn't know there was a new fiscal note but that came out about last Thursday.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2302

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-11-09

Recorder Job Number: 9275

Committee Clerk Signature



Minutes:

**Chairman Holmberg** called the committee to order in reference to SB 2302 and made comments about whether or not this is a good policy. The money is not here, we are just passing the concept.

**Senator Mathern moved Do Pass. Seconded by Senator Warner.**

**Senator Christmann** on the subject of good policy we should pass this.

**Senator Mathern** made comments concerning the difficulties some of these children experience, sometimes until they reach the age of 24 or 25. That is the reason I support this bill. I hope we will support this.

**Senator Warner** commented on his involvement in Human Services and doing a study on the middle class families. On the average most middle class parents felt their children were independent about 26 years old. This would be a compromise at age 23. It is a good start. Remember these are kids that have not been allowed to drive or have a license, not allowed to make decision on going out at night, which friends they are going to spend time, they live a structured life, it has protected them. But when they get out on their own they get pretty beat up by the time they get to that place in their lives.

**Senator Christmann** commented that he thought this bill is not necessary and explained the reason why.

**Senator Mathern** stated this bill doesn't require every child to be in this system. This is for the other kids who haven't had an opportunity of parental supervision.

**Chairman Holmberg** stated for every young person that falls in the category who need this there is the other spectrum that many have made something out of their lives that came from a bad background.

**Chairman Holmberg: We have a motion by Senator Mathern and a second by Senator Warner**

**Senator Krauter** stated the part I like about this is those individuals that are going to do this are going to have a case worker which I feel will help them reach success.

**Roll call was taken on a DO PASS on SB 2302. 5 yes, 9 no, 0 absent. The motion failed. The vote was 9 to 5.**

**V. Chair Grindberg moved Do Not Pass. Seconded by Senator Christmann**

**Senator Mathern** I would like to emphasize here this bill is not for everybody.

**Roll call was taken on a DO NOT PASS on SB 2302. 9 Yes, 5 No, 0 Absent.**

**V. Chair Grindberg will carry the bill. (10.26)**

This was never presented to the governor.

**Senator Mathern** I recommend we pass this, seconded by Senator Fischer

**Senator Kilzer** asked if we needed any amendments.

**Senator Mathern** said we should ask legislative council to draft an amendment for the FTE to come out of the Insurance Tax Distribution Fund.

**Senator Kilzer** said we will take this up with the full committee because they will want to be in on the discussion of where the money will come from.

**4237** heard on 2-3-09 deals with the health care records industry. Secretary of State would like to do this with new software that is available now at the Secretary of State office. That could cost up to \$100,000. 57.50 Subcommittee recommended we pass this. Mathern moved and Fischer seconded.

**2302** relating to extended payments was a moved Do Not Pass.

**2332** 63.19 this bill is not done yet and scheduled for hearing on Friday.

**2333** The Department of Health and the public health units worked out a deal to promote functions being done on a regional basis. Motion moved by Senator Mathern do pass and seconded by Senator Kilzer. Sub Committee approves of SB 2333.

**Senator Mathern** is that money that was anticipated there for immunizations in the budget.

**Arvy** we don't need funding in our budget because health insurance would pay.

Vote was taken do pass 3-0-0

**2342** Sub committee recommends a Do pass on SB 2342 with amendment to be attached.

**2356** this is a direct appropriation on the bill. Discussed bill.

**Senator Mathern** asked if there was a companion bill that would supply equipment.

**Senator ....** Said he thinks we have a bill loan payback.

Should the state be involved in this?

Date: 2/4/09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2302

Senate \_\_\_\_\_ Committee \_\_\_\_\_

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Mathern Seconded By Warner

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner		/	Senator Robinson	/	
Senator Fischer		/	Senator Lindaas	/	
V. Chair Bowman		/	Senator Warner	/	
Senator Krebsbach		/	Senator Krauter	/	
Senator Christmann		/	Senator Seymour	/	/
Chairman Holmberg		/	Senator Mathern	/	
Senator Kilzer		/			
V. Chair Grindberg		/			

Total Yes 5 No 9

Absent 0 the motion failed

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 2/11/09  
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2302

Senate appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Grindberg Seconded By Christmann

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner	✓		Senator Robinson		✓
Senator Fischer	✓		Senator Lindaas		✓
V. Chair Bowman	✓		Senator Warner		✓
Senator Krebsbach	✓		Senator Krauter		✓
Senator Christmann	✓		Senator Seymour	✓	
Chairman Holmberg	✓		Senator Mather		✓
Senator Kilzer	✓				
V. Chair Grindberg	✓				

Total Yes 9 No 5

Absent 0

Floor Assignment Grindberg

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 13, 2009 12:38 p.m.

**Module No: SR-29-2646**  
**Carrier: Grindberg**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2302, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed SB 2302 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SB 2302

SB2302 – Relating to free tuition and continued payments for children in foster care

Chairman Lee and members of the Human Services committee, for the record my name is Senator JoNell Bakke and I represent district 43 in Grand Forks. I bring before you today SB2302 which would provide much needed support for foster children who “age out” of the system.

While at the National Council of State Legislators conference this summer, I received a study done in 2008 by the University of Chicago Law School. Their research was put together in a manual that outlines the protocol for reform in the foster care to adulthood transition. The study stated that:

*The law and legal process needs to address the serious unmet needs of foster youth aging out of care... The process should be designed to ensure that foster youths' preparation for independence mimics, as closely as possible, the experience of youth growing up in their own families... States need to hold themselves, as substitute parents for foster youth, to the same standard that they hold parents... It is recommended that the state be required to meet a series of conditions, including arranging for stable housing and health insurance, assisting with education and job planning, before authorizing a youth's discharge from foster care. Children who grow up in their own families are not expected to be self-supporting at 18, and we should not expect this of our foster children. The transition to adulthood is a gradual one.... with young people turning back to their parents for advice, comfort, money and a bed, when things do not work out. This is not permitted of our foster youth. It is recommended that even after discharge, foster youth be permitted to return to the system for support.*

As a state what are we doing to support our foster children who age out of our system? In 2008 approximately, 2.9% of the children or 64 children who entered foster care end up in foster care at the age of 18. At that time, if they have graduated from High School, they are basically left to their own devices. The department of social services does provide some training and classes to help them prepare for this transition to independence and adulthood, but how many 18 year olds are really ready to be totally on their own? They often slip back into old habits and into a life style that is all too similar to their biological parents. If we as a state want to reverse this trend, we need to support these children as they begin their lives as an independent adult.

This bill would be a start in meeting our responsibilities to these children and give them a chance at a fresh start. In section 1, a children in foster care within North Dakota that is accepted to a North Dakota institution of higher education would receive free tuition if they maintain a 2.5 GPA, and complete the degree within 45 months or ten semesters.

Section 2 provides that these children will continue to receive the foster care payments that their foster parents received to assist in covering part of their living expenses while pursuing their postsecondary education. This would give them some income although limited.

I was a foster parent for ten years, and I know first-hand the fear and anxiety that these children experience when faced with being on their own, although they tried to hide it. These children are made wards of our state and when they are aged out of the foster care system, we maybe aren't their "parents" any more but we still have an obligation to these children to finish our role as their guardian. This bill would be a start.

Thank you for your attention to this matter and I would stand for any questions at this time.

**North Dakota University System – SB2302**  
**Testimony to Senate Education on January 27, 2009 by Laura Glatt**

SB2302 mandates a tuition and fee waiver for foster care children. While we certainly endorse the opportunity for foster children to pursue a post-secondary education, we would request that you provide an appropriation to offset the cost of this program estimated at \$722,300 in 2009-11 and \$1.572 million in 2011-13, assuming 40 new freshmen per year.

Under current law, the NDUS already is mandated to provide tuition waivers to select other groups, including, POW/MIA, dependents of Veteran's killed in action, dependents of firefighters or peace officers killed in the line of duty and partial waivers to national guard members. The cost of these waivers was almost \$800,000 in 2007-08.

In addition to being eligible for federal PELL and SEOG grants, foster care children have access to a special federal program to assist foster care children who wish to pursue their education and training after high school. The Chaffee Education and Training Grant Program provides up to \$5,000 per year or \$20,000 over their lifetime. It is our experience that with this added program, most, if not all, of the cost of education for foster care children is covered through federal and state financial aid sources.

There are other concerns with the bill draft. First, the bill calls for a waiver of tuition and fees. Fees are assessed mainly to cover self-supporting operations, thus, it is critically important to collect these revenues to cover these costs. For example, some fees are used to pay debt service on facilities such as a student union or on ConnectND debt. Secondly, NDUS campuses offer several courses that are self-supporting, wherein the tuition cost is higher than normal and is the only source of revenue to cover the cost of the courses. Thirdly, the bill only provides for a baccalaureate degree or certification of completion. It does not appear to include a two-year academic degree. If this bill is recommended for adoption, we would request that you add an adequate appropriation to cover the cost, remove the waiver of fees, exempt self-supporting courses and add clarification regarding a two-year academic degree.

Thank you.

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**FOSTER CARE RATES/CHILD**

**Monthly Rates:**

0 - 4 yrs: \$404

5 - 12 yrs: \$457

13 yrs and over: \$595


**Daily Rates:**

0 - 4 yrs: \$13.28

5 - 12 yrs: \$15.02

13 yrs and over: \$19.56

\*Statistics from ND Dept. of Health and Human Services



*from Stet 1/27/09 2302*

SB2302 – Relating continued payments for children in foster care

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*The law and legal process needs to address the serious unmet needs of foster youth aging out of care...The process should be designed to ensure that foster youths' preparation for independence mimics, as closely as possible, the experience of youth growing up in their own families... States need to hold themselves, as substitute parents for foster youth, to the same standard that they hold parents...It is recommended that the state be required to meet a series of conditions, including arranging for stable housing and health insurance, assisting with education and job planning, before authorizing a youth's discharge from foster care. Children who grow up in their own families are not expected to be self-supporting at 18, and we should not expect this of our foster children. The transition to adulthood is a gradual one....with young people turning back to their parents for advice, comfort, money and a bed, when things do not work out. This is not permitted of our foster youth. It is recommended that even after discharge, foster youth be permitted to return to the system for support.*

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This bill would be a start in meeting our responsibilities to these children and give them a chance at a fresh start. It provides that these children will continue to receive the foster care payments that their foster parents received to assist in covering part of their living expenses while pursuing their postsecondary education until the age of 23 if they are a full time student and maintain a 2.5 grade point average. This would give them some income although limited.

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