

MINUTES OF THE HOUSE COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson Lisa Benlon at 3:30 p.m. on February 25, 2002 in Room 231-N of the Capitol.

All members were present.

Committee staff present: Paul West, Legislative Research
Carolyn Rampey, Legislative Research
Jim Wilson, Revisor of Statutes
Renaë Jefferies, Revisor of Statutes
Dee Ann Woodson, Committee Secretary

Conferees appearing before the committee: Senator David Jackson
Rep. Brenda Landwehr
Jennifer Propp, Asst. Director, Child Welfare, SRS
Gaye Tibbitts, Kansas Appleseed Project
Daisy DeKnight, former Foster Child
Andrew Williams, former Foster Child
Jennefer Johnson, former Foster Child (written only)
Marvin Burris, State Board of Regents

Others attending: See attached list.

HB 2956 - Tuition waivers for post-secondary education for certain students who were in foster care

Chairperson Benlon opened the hearings on **HB 2956**, and called the first proponent, Senator David Jackson. He testified that this bill was drafted as a result of hearings held during the interim by the Joint Committee for Children's Issues. He related that the committee members hearing this issue were fully supportive of the concept of this bill which involved foster care children in the custody of SRS being eligible for a tuition waiver for eight semesters of higher education provided they remain in good standing with the higher education institution.

Senator Jackson explained the benefits if this bill was to be implemented which included (1) providing an incentive for foster care children to achieve self-sufficiency; (2) provides foster care parents with a tool to encourage a successful high school experience for the youth in their care; (3) it pulls in Federal education assistance through Pell grants, which are provided to income eligible higher education students; and (4) it may break the cycle of public assistance, and provide the recipient the tools necessary to achieve a higher standard of living. He told the Committee members that currently there were ten states with some form of tuition waiver, and eight states with pending tuition legislation. (Attachment 1)

Representative Landwehr testified as the second proponent on this proposed legislation, and explained to the Committee members what "aging out of the system" meant for foster care teens. She told in her written testimony submitted to the Committee what the vast majority of the youth in foster care do not have which included; (1) A family to help them make the transition from youth to adulthood; (2) A safety net of caring adults to see them through the difficult years from 18 to 21; (3) A home to come back to for holidays or between jobs; (4) Experience with stable employment because of frequent moves from one foster care setting to another; (5) Experience with activities of adult living such as finding an affordable place to live, building a budget, managing money, shopping—all the myriad of activities expected of persons living on their own; (6) Adults who encourage them to continue their education or who fight for inclusion of post-secondary education in the youth's case plan; (7) Parents to assist them financially or help them secure financial aid if they want to continue their education; and (8) A stable educational background since they are frequently moved from one foster care setting to another while they are in state custody and therefore from school to school.

Written testimony by Representative Landwehr disclosed that on the average foster care children only about half complete high school and are employed, that the employment and economic outcomes of these

youth closely parallel those of persons living below the poverty level rather than the general population, 40% were dependent on public funding in the form of public assistance, Medicaid, incarceration, etc., and in a Wisconsin study of homeless adults, it was found that 20% had lived in foster care. She stated that the state had failed to provide adequate assistance for those who want to pursue education after they have completed high school or received a GED. The written testimony also explained that uniformity in communicating across the state the availability of services for Medicaid coverage and the potential for post-secondary education and training. She talked about the findings of the Joint Committee on Children's Issues, which she served on during the interim session, and the Committee's conclusion that Kansas should emulate other states in providing tuition assistance for youth leaving foster care who wish to continue their education. (Attachment 2)

Committee questions and discussion concerned the number of foster care children in the state's system and that only 10% go on to some type of post-secondary education; how much money currently comes into the State of Kansas from the Federal government under the Chaffee Act, the intent of that act plus whether those funds were being used correctly; if there were any requirements as far as the maintenance of certain grades in order to participate in the program, and comparison of Kansas to other states including the results of assistance given to these young people. Concern was also expressed that the young adults coming out of the foster care program in Kansas were not receiving valuable information regarding services and assistance that they would be eligible for in attaining post-secondary education.

Representative Tanner stated that he did not know if the Board of Regents was equipped to handle this proposed program, and didn't feel they were geared up to do this type of problem solving. He also suggested that this was something high school counselors ought to be very much invested in whether they are in high school or other types of schools. He said SRS may have some ability to cut to the right place or push the right buttons to get students some assistance. He elaborated that he was hesitant because the Board of Regents does not have a mechanism set up to deal with such problems.

Representative Pottorff inquired as to who was out there to help the students once they got into the higher education system as the legislators would want to make sure they are successful. Representative Landwehr called upon Emalene Correll, Legislative Research Department to explain the proposed legislation. Ms. Correll clarified that there is only 10% of the foster care children that go on to some sort of post-secondary education or training. She also stated that out of 2,000 foster care children in the state, there were only 144 who were actually "aging out" of the system. She said that there was a provision in the bill that requires the students to be in good standing at the institution they are attending.

The third proponent to testify in support of **HB 2956** was Jennifer Propp, Assistant Director of Child Welfare in Children and Family Policy at SRS. She told the Committee members that this bill was the realization of a dream for the members of the Kansas Youth Advisory Council which is made up of six representatives of both current and former foster youth. She said they had been advocating for such legislation for the past two years. Ms. Propp stated that the push for educational achievement for foster youth was because of the importance adequate education has on other outcomes like employment, housing, cost to community, and overall self-sufficiency.

Ms. Propp explained that there are approximately 140 to 150 youth that age out of foster care each year, but not all of these youth would move on to post-secondary education. She said that for those who do, this legislation will assist in providing the incentive and the opportunity. She added that research suggests that the knowledge that post-secondary education is a possibility may lead to improved performance in secondary education. She said that her department had one suggested amendment under Section (2) (b) to change the language to include those youth that may have completed high school or their GED prior to turning 18 years of age. (Attachment 3)

Chairperson Benlon asked if there was a way that they could set this program up wherein SRS would be the responsible party for implementing this program. Ms. Propp replied that she didn't think that would be possible because of the current budget situation. She said they could be supportive in other ways by providing follow-up and research.

Gaye Tibbets, Executive Director of Kansas Appleseed Center for Law and Justice, testified as the fourth proponent to speak in favor of the proposed legislation. She said that her organization was a nonpartisan charity devoted to giving voice to those who otherwise might not be heard. She talked about a recent

publication her organization released entitled “Foster Care Teens –Kansas’ Forgotten Children” which was distributed to Committee members. She explained that it was a review of disturbing national statistics for young adults who spent their teens in foster care. She told about the Wisconsin study and a national study that found that within a year of being released from foster care 30-48% of youth were back on public assistance. She added that here in Kansas 70% of high school graduates go on to enter some sort of post-secondary education which was more than double the rate for former foster kids, in part because those young adults simultaneously face both college and financial independence. She said they do not have the safety net that parents usually provide, they work long hours, and do without the basics in order to survive.

Ms. Tibbets stated that a waiver for tuition covering foster care children would accomplish three things: (1) It assists former foster care youth in completing a post-secondary education; (2) It gives younger foster care youth who are not yet college age assurance that college may be a possibility for them which should motivate them to finish high school and make plans for the future; and (3) It recognizes the reality that few young adults are ready to be totally independent at age 18 and shoulders some of the State’s responsibility to foster care children who are transitioning into adulthood and whose only parent is the State. She pointed out in the publication that was provided members, tuition waivers were covered on pages 8-9 and endnote 25, in which 15 other states, including neighboring Oklahoma, have either enacted tuition waivers or scholarships or provided funds for the social service agencies in their state to pay for college expenses. (Attachment 4)

Ms. Tibbets also shared with the Committee written testimony from Jennefer Johnson, a former foster care child who “aged out” of the system, and worked her way through the University of Kansas under great difficulty. (Attachment 5) She asked the Committee to consider a possible amendment regarding the provision that an applicant has to apply within one year of reaching the age of 18., page 1, lines 23 through 26. She stated that she would like consideration to amending that to allow for kids who might not graduate by that time because they have had to change high schools three or four times and gotten behind in their classes. She said if they did not graduate until they were 19, they would have already used up their year and the system would have missed them. Ms. Tibbets suggested that the bill should read, “following the date such applicant reaches 18 years of age, or graduates from high school”; so they have that time to complete their requirements for high school graduation.

General Committee questions and discussion followed with questions regarding qualified admissions and ACT testing, the fact that Kansas was overlooking the place where advice should occur which is through SRS and the high schools who have a tremendous responsibility to these youth, the possibility of capping this program as a pilot, and trying to get the foster care children to stay in school and work to graduate.

The fifth proponent to testify was Daisy DeKnight, former foster care child, and she responded to Representative Tanner’s earlier remarks about foster care children not receiving advice and guidance as to planning their future and the possibilities of post-secondary education. She told the Committee that before she turned 18, she had been in 13 foster homes, and she was now 20 years old and a sophomore at the University of Kansas. Ms. DeKnight shared with the Committee the challenges she and other foster care children have faced over the years, and what happens when they “age out” of the system. She testified that she works six days a week and at least 28 hours a week in order to support herself and pay for her schooling. She strongly urged the Committee to pass some sort of legislation that would help the foster care children go on to get a better education, and said she would even be willing to do community service as a possibility for paying back the funds expended.

Ms. DeKnight’s testified that she was able to get a small stipend for \$10 per day her first year, but it was only for one year. She stated that she wanted to work and earn her own way, but stressed that it was extremely difficult to work the hours she works, pay for all her living and school expenses and do well in class. She said her determination to better herself and get a good education was very strong, but most foster care kids do not have the interest or drive due to lack of guidance.

Chairperson Benlon inquired if the system was set up where students like Daisy could be required to do some community service for repayment of scholarships or stipends, and that community service could be in the form of returning to their former high schools and working with students like herself. She said that Daisy could give them some guidance since she has gone through it, and she knows what it takes and could help others in foster care. The Chair asked if foster care children know who the other foster care

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children were or if there was a confidentiality concern there. Ms. McKnight replied that she wouldn’t be

able to go back and ask who were the foster care students and that would be better to go through the school counselors, but she usually knew who they were by just talking to other kids at school.

Ms. McKnight addressed Representative Tanner's remark about this bill needing to "get real", and she stated that she agreed with him that the proposed bill was idealistic; but, she didn't care what got done or how it got done just so long as foster care kids received some assistance to further their education and give them better guidance for their future choices. She said she was willing to work for it, and do whatever needed to be done to tip the scales in fairness for foster care kids.

Representative Pottorff asked Ms. McKnight if any of the thirteen foster parents she lived with had post-secondary educations, and she replied that she actually had the opportunity to live with the head supervisor of an SRS office, who's husband was an EMT, and knew they both had post-secondary education but did not know how much. She stated that one other family she lived with he was in a high managerial position with Farmland, and that his wife had a business degree. She told the Committee that none of them talked to her about seriously thinking about going on to college or considering other types of post-secondary education. Representative Pottorff inquired if there was anything that she could see the Legislature could do to help foster parents realize the importance of additional education for foster care children. Ms. McKnight suggested that putting together a pamphlet or booklet explaining how the foster care system can affect children emotionally or psychologically at different ages, and make it a guide for different situations that might come up and how to react to them or what to say to them. Her only other idea was more training which she said she would lean towards first.

General Committee discussion and questions continued relating to what kind of counseling she got in high school, whether she got any guidelines from SRS, the double standards between the foster family's children and the foster care children, clarification of what the state money pays for within the foster family homes, and how many foster kids go into military service in order to get their college paid for which apparently there is no tracking system. Representative Tafanelli inquired if they are informed at all about the opportunities the military can give to young people not only educationally but also for purposes of maturing. He said that the military is not for everyone, but it did offer a lot of different programs. Representative Tanner expressed his frustration with the SRS system, and stated he was thoroughly convinced that foster care kids were not receiving the help they needed.

Vice Chairman Krehbiel questioned the way the proposed legislation was written of having a cutoff date for age 19, and if that wasn't too short of a time period especially for the kids that had been bounced around in the system and been in several schools. Ms. McKnight responded that 20 or even 21 would be better as she did not know of any students who lose more than a year or two when being moved around and having to change classes as well as schools.

Andrew Williams, a former foster care child, testified as the sixth proponent in favor of **HB 2956**, and said he was speaking for kids he had seen in the SRS foster care system. He shared with the Committee members what it is like to be a foster care child and the problems they face with or without family support. He talked about the experiences of these kids being moved from placement to placement, and not really having someone to love them and care about them for very long. He stated that kids that are in SRS custody do not have much and what they do have is very unstable and can be taken away at anytime. Mr. Williams told the Committee he was 16 years old and currently a student at Highland Community College after obtaining his GED. He stated that he had been very fortunate in having some family members who cared about him, and also had a good case manager and independent living coordinator. He explained to the Committee what an Independent Living Coordinator does, and he shared that if it wasn't for his Coordinator working with him to attend Kaw Valley that he would never have thought it possible to further his education. He said he has a Pell Grant and also gets some State assistance due to having a heart disability. He encouraged the Committee members to give the foster care children some hope for their futures and the chance to have a dream. (Attachment 6)

Representative Storm asked both the former foster care proponents about their remarks regarding foster care adolescents not getting along with their case managers; and if that was like teenagers not getting along with their parents, their rebellious, they want to go their own way, or they don't want structure put on their lives by their parents. She questioned what causes that, and whether they were people who just don't get it.. Ms. McKnight explained that most case workers don't take the adolescents' feelings

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seriously, they are just there to get the job done and that they don't have the time get involved with each individual case. She said that the case workers are so overloaded and have so much on their minds that

they don't have the time to spend listening seriously to everyone's problems or situations. She added that there are good case workers and then there are the ones who just don't have the time or take the time to listen to you; they just want to get their job done and go on to the next. Mr. Williams added that the case workers do not understand where these kids are coming from when they act up and get in trouble. He said he felt strongly if these kids knew they had a chance to go on to college and get a better education or learn a particular skill, that eventually the system would be turned around and there wouldn't be so many kids getting in trouble and failing at life.

Representative Krehbiel pointed out that Mr. Williams raised a very important fact that was excellent in looking at this as a purely dollars and cents standpoint in that the percentage of kids that end up in institutions about a year after coming out of foster care. He said it costs the state money to do that whatever type of institution it might be, and if we could spend the money helping these kids get an education instead of being in an institution then he thought that was a very good investment and a lot more productive.

Marvin Burris, Vice President for Finance and Administration, Kansas Board of Regents (KBOR), testified as a neutral party as to KBOR's position on **HB 2956**. He explained that this bill was subject to appropriations, and therefore, every area vocational school, area vocational-technical school, community college, state educational institution and technical college shall provide for enrollment of eligible foster care applicants without charge of tuition and fees. He said that the bill further provides that, subject to appropriations therefore, the educational institution may file a claim with KBOR for reimbursement of the amount of such tuition and fees.

Mr. Burris further explained what the bill requires in its provisions and that it will expire on June 30, 2006, except for the eligible applicants who received the waiver prior to June 30, 2006, may continue to receive the waivers until they complete their course of study or become ineligible. He said that SRS and the Division of Budgets estimated that each year approximately 150 foster children "age out" of the system, and based on that estimate and current tuition and fee rates at educational institutions, the KBOR were able to project the waiver costs. He clarified these projections was with the assumption that all students would avail themselves of the program and all would attend either to highest or lowest cost institutions. (Attachment 7)

Appropriations would need to be made to the KBOR for the purpose of reimbursing the educational institutions for the amounts of the waivers was emphasized by Mr. Burris. He added that this program along with several proposed new programs for administration by the KBOR would add to the existing administrative workload of processing, tracking recipient status, and collecting and recording loan repayments. Mr. Burris stated that the cumulative effect of the addition of one or all of these programs would be to jeopardize the capability of the current staff to administer all programs effectively.

Mr. Burris concluded his testimony by telling the Committee that the Department of Social and Rehabilitation Services had recommended this program as an incentive for children who have moved out of the foster care system to obtain a college education. He stated that it would be KBOR's suggestion that the program would be more effective, by being seamless to the foster care child, to have SRS receive an appropriation for this program; administer the tuition reimbursement program; monitor the student's progress; and report to the Legislature on the effectiveness of the program.

Chairperson Benlon questioned the possibility of capping out at \$375,000, and that the state could be looking at more than 10% when given the opportunity for additional schooling to be paid for under the waiver program. Representative Wells asked for clarification on the estimated figures when taking into consideration of a lot of students attending community colleges for the first two years and then going on to complete their degrees at a four year institution. Representative Tanner commented that this bill had been blessed by the Appropriations Committee, it was very well intentioned, and would like to see the Committee work with this bill further.

There were no opponents present to speak on this bill, and the Chair closed the hearings **HB 2956**.

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Chairperson Benlon directed the Committee's attention to **HB 2900**. Representative Phelps moved that the bill be passed out of Committee, seconded by Representative Kuether, and the motion carried.

Chairperson Benlon referred the Committee to **HB 2901** for consideration. Representative Sloan made a motion to pas this bill out of Committee, seconded by Representative Pottorff, motion carried.

Chairperson Benlon called the Committee's attention to **HB 2831**. Representative Krehbiel made a motion to amend section 3 to reflect publication in the Register as opposed to the Statute Book. The motion was seconded by Representative Kuether, and the motion carried. Representative Krehbiel moved that **HB 2831** be passed out favorably as amended, Representative Horst seconded the motion, and the motion carried.

Chairperson Benlon called for action on **HB 2821**. Representative Kuether moved to pass **HB 2821** out favorable for passage, seconded by Representative Sloan, and the motion carried.

HB 2820 was brought up for action by the Committee. Representative Kuether made a motion to pass this bill out favorably, seconded by Representative Tanner, and the motion carried.

Chairperson Benlon directed the Committee's attention to **HB 2872** for action. Representative Kuether made a motion for a substitute bill, and explained the changes from the original bill. Representative Storm seconded her motion. (Attachment 8) The Chair opened the floor for discussion on this substitute bill.

Representative Tanner questioned the fiscal impact on this bill. Representative Kuether responded that this would be using money from SRS and the Department of Labor or federal money. Chairperson Benlon read the fiscal note from the Division of the Budget which in essence said according to the KBOR enactment of **HB 2872** would require an additional 1.0 FTE position to administer the Workforce Development Loan Program, an additional clerical position at a cost of \$26,500 annually for salaries and benefits, \$2,500 annually for other operating expenditures, and \$3,000 one-time expense for office space, equipment, and furniture. It also stated that the fiscal effect on the state and these agencies was not accounted for in *The FY 2003 Governor's Budget Report*. (Attachment 9)

Committee discussion included concerns expressed about wanting to add FTE's to run each additional small program that is put under the administration of KBOR, clarification of the loan repayment change from 1/4 to 1/8 even for classes not in their trained field of study or not getting a return on the state's investment, the possibility of not having jobs for graduates to go to in Kansas upon graduation and how the requirement of the loan repayment provision would be enforced. The Chair asked Steve Kearney, representing the Kansas Association of Technical Schools and Colleges, if the graduates would be able to be placed upon graduation. Mr. Kearney replied in the affirmative, and added that if that was a stipulation going into the program, then the students should pay it back and honor that obligation.

Vice Chairman Krehbiel pointed out that the only opposing party on this bill was from Steve Jack from the Kansas Department of Human Resources, and basically he said that it appears to them that this bill would violate the Federal statutes on this specific use of these dollars because all of these federal programs must be administered by Federal guidelines and for the explicit purposes therein. He asked if anyone could shed any light on Mr. Jack's assertion that this bill would not be legal because we are taking federal money and spending it on a purpose for which that money was not allocated. Representative Kuether said they suggested the best thing to do was go ahead and give this a chance, and see what the Federal government would do. She added that this was a nation-wide program that they were addressing, and workforce development was a national problem and this might be a wake up call for the Feds.

Representative McLeland referred to page 7, section 10, regarding the taking of money from Human Resources and SRS, and asked what this was going to do to those two organizations by transferring \$1 million from their budgets to some place else. He also asked what the money was being used for now. Representative Kuether responded that the Joint Committee on Economic Development spent a lot of time studying the workforce development training program, and felt that SRS wouldn't notice the reduction since their budget was so large, but that Human Resources' budget was much smaller.

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Chairperson Benlon asked Representative Kuether to close on her motion for the substitute bill. Representative Kuether stated that workforce development was a huge problem in Kansas, we needed to get serious on it, and wanted to get this bill out there and see what happens. She moved her substitute bill. The Chair called for a vote, and the motion carried.

Representative Cook made a motion to amend the substitute bill changing the repayment formula from 1/4 to 1/8. The motion was seconded by Representative Lane. The Chair opened the floor for discussion. Representative Storm said that most of these programs that these individuals attend were two years programs and the tuition is not high. She explained that if we made it 1/8 and 1/8 was forgiven each year, they would probably say that 1/8 is not too much money and they go ahead and pay it off. After Committee discussion, Representative Cook withdrew her motion.

Committee discussion continued with concern expressed that the technical schools are full, and there was a need to expand their programs so more students could be admitted. Representative Lane explained to the Committee members his knowledge and thoughts on this program, and stated that he thought the legislation should stand on its own feet. Representative Lane made a motion for an amendment to the substitute bill which was distributed to the Committee. (Attachment 10) The motion was seconded by Representative McLeland. Representative Lane clarified his motion on page 4, section 10, starting with line 32. After brief Committee discussion, the Chair called for a vote, and the motion carried.

Representative Cook made a motion to amend the substitute bill on the first page by giving loan priority needs to students who had been or was in the state foster care system. The motion was seconded by Representative Tanner. Committee discussion with staff members centered around the proper wording for the amendment, and it was decided that the amendment would read, "The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need who were in foster care until such applicant's 18th birthday." Chairperson Benlon called for a Committee vote, and it the amendment passed unanimously.

Representative Tanner moved to pass the bill out favorably as amended, seconded by Representative Kuether, and the motion carried.

The Chair presented Committee minutes of the February 13 and 18 meetings for consideration and approval. Representative Phelps made a motion to approve both sets of minutes upon correction of the February 13 minutes to have the Committee name corrected from Agriculture to Higher Education. Representative Horst seconded the motion, and the motion carried.

The Chair adjourned the meeting at 5:10 p.m. The next meeting of the House Higher Committee will be on call of the Chair.

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