

Legislative Analysis



EDUCATIONAL REQUIREMENTS FOR CHILDREN IN FOSTER CARE

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House Bills 4676 (H-1) and 4677 (H-1) as reported from committee
Sponsor: Rep. Stephanie A. Young

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4678 as reported from committee
Sponsor: Rep. Kimberly Edwards

Committee: Families, Children and Seniors
Complete to 6-17-23

SUMMARY:

House Bill 4676 would amend the Foster Care and Adoption Services Act to require that the children's assurance of quality foster care policy developed by the Department of Health and Human Services (DHHS) ensure that children placed in foster care are provided with an education that prioritizes meeting the graduation requirements of the Michigan Merit Curriculum content standards (the requirements for a high school diploma under the Revised School Code), as well as the ability to receive educational records, to the same extent as all students who are not in foster care.

The bill would also amend a current requirement that children placed in foster care be provided with timely enrollment in school to instead require they be provided with enrollment in school within five school days of an initial placement or any placement change. Both current law and the bill require consistent placement in the same school when possible.

MCL 722.958b

House Bill 4677 would amend the same act to require, beginning September 30, 2024, and annually thereafter, DHHS to provide a report in collaboration with the Michigan Department of Education (MDE) and the Center for Educational Performance and Information (CEPI). The report would have to be provided to the House and Senate appropriation committees for the DHHS budget, the House and Senate standing committees on human services, and the House and Senate fiscal agencies, and would have to include all of the following:

- The total number of children in foster care, identified by grade of instruction.
- The number of children in foster care who transferred to a different school district during the academic school year.
- The number of children in foster care who were suspended or expelled from school during the academic school year.
- The number of children in foster care who are identified by chronic absenteeism, by truancy, or as drop-outs.
- The following, broken down by public schools, public school academies, private schools, and schools at *child caring institutions*:
 - The percentage of children in foster care who meet academic standards on state standardized assessments.

- The percentage of children in foster care who are enrolled in an alternative education school receiving special education services.
- The percentage of children in foster care who are assigned to advanced placement, early middle college, or dual enrollment.
- The percentage of children in foster care who are assigned to career and technical education.
- The percentage of children in foster care, or who engaged in foster care in the last five years, who graduated or obtained a high school equivalency diploma.

Child caring institution would mean (as defined in the child care licensing act) a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program should not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution and is owned, leased, or rented by a licensed agency providing care for more than four but fewer than 13 minor children. Child caring institution also includes an institution for developmentally disabled or emotionally disturbed minor children.

Proposed MCL 722.958e

House Bill 4678 would amend the Revised School Code to require that MDE regularly review any educational program provided in a child caring institution (defined as above) to ensure that the educational program complies with the Revised School Code and rules promulgated under it.

Proposed MCL 380.1281c

FISCAL IMPACT:

House Bill 4676 would have a negligible fiscal impact on state expenditures to DHHS and local units of government. Child caring institutions may contract with local public schools to provide appropriate curriculum for children placed in their care to receive both on-site and offsite schooling. Child caring institutions that contract with DHHS are required to comply with MDE rules and requirements if they operate a school on-site. There is currently \$10.5 million Gross allocated in the School Aid budget to reimburse school districts and ISDs for on-site education programming for youth placed by the courts in juvenile detention facilities or child caring institutions.

House Bill 4677 would not have a significant fiscal impact on state expenditures to DHHS or local units of government.

MDE has noted that they will need 3.0 FTEs (full-time equated positions) to fully implement the requirements of HB 4677 and HB 4678. The department estimates the cost for 2.0 FTE consultants and 1.0 FTE analyst at \$600,000.

POSITIONS:

The following organizations indicated support for the bills (6-6-23):

- Disability Rights Michigan
- Education Trust Midwest
- Michigan Catholic Conference
- Michigan's Children

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