



# Amy Loudenbeck

REPRESENTING WISCONSIN'S 31<sup>ST</sup> ASSEMBLY DISTRICT

**Senate Committee on Education  
Public Hearing on Senate Bill 451  
January 30, 2014**

Thank you Chairman Olsen and committee members for the opportunity to provide testimony to the Senate Committee on Education in support of Senate Bill 451 related extended out-of-home care to 21 years of age for children with Individualized Education Programs (IEP).

Under state law, a child can remain in an out-of-home care placement until he or she is 18 years of age, or, if the youth is expected to graduate from high school or its vocational or technical equivalent, 19 years of age. After this time, the youth "ages out" of out-of-home care and is expected to begin to live independently.

Transitioning to independent living is a struggle for many young adults – whether they were raised in a traditional home or out-of-home care. Without a high school degree, the transition to independence is increasingly difficult.

Approximately 43% of the estimated 438 children who "age out" of out-of-home care annually in Wisconsin are students with disabilities with an IEP. Unfortunately, without the emotional and financial support provided in a foster care or other out-of-home care setting, young adults age 19 to 21 with an IEP are unlikely to finish high school, thereby increasing their vulnerability to poor outcomes. As a result, young adults who "age out" of the child welfare system are at a higher risk of a range of adverse economic and social outcomes including homelessness, higher unemployment rates, lack of post-secondary education, higher pregnancy rates, and higher rates of criminal system involvement.

By extending supports to this vulnerable population, the number of students with a disability with an IEP graduating from high school and obtaining independent living skills will increase. Senate Bill 451 provides the legal framework for such an extended out-of-home care program to be implemented, using funding already authorized under 2013 Wisconsin Act 20. By supporting Senate Bill 451, members of the Assembly Committee on Children and Families will help increase the likelihood of positive outcomes for these young adults, including stable housing, job skills, employment, and financial security.



# TERRY MOULTON



WISCONSIN STATE SENATOR

23<sup>RD</sup> SENATE DISTRICT

Date: January 30, 2014

To: Members of the Senate Committee on Education

From: Senator Terry Moulton

Testimony on SB 451 – Extended Out-of-Home Care for Children with Individualized Education Plans

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Thank you, Chairman Olsen and Committee members for hearing SB 451 today. This legislation is intended to improve the outcomes of children in the foster care system by allowing a child to remain in out-of-home care until age 21 if they are attending school and have an Individualized Education Plan (IEP) in effect. This additional support will allow these children to avoid homelessness and be cared for while finishing secondary school or vocational training.

Nationally and in Wisconsin, a number of teens in out-of-home care never transition to a permanent home but instead leave the child welfare system because they exceed the maximum age for kids to be eligible for foster care. In 2011 in Wisconsin, 462 kids “aged out” of the child welfare system. Many of those kids had an Individualized Education Plan (IEP) and did not graduate from high school. An IEP is a written statement that includes, among other things, the child’s level of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided for the child, and how the child’s progress toward attaining those goals will be measured.

The Department of Children and Families (DCF) estimates that 43% of the children in Wisconsin who age out of out-of-home care have an IEP. Not completing high school or its vocational equivalent puts these children at a higher risk for adverse economic and social outcomes, including homelessness, higher unemployment rates, lower enrollment in post-secondary education, higher pregnancy rates and higher rates of criminal involvement. For this population, extended support may increase the likelihood of attaining stable housing, job skills, employment, and financial stability.

In Wisconsin, a funding provision to extend out of home care to age 21 for individuals with an IEP was included in the proposed 2013-15 budget. During the budget process, members of the Joint Committee on Finance (JCF) cited a need for DCF to further develop this idea. JCF set aside \$945,700 GPR in 2014-15 in the general program supplementation appropriation and this appropriation was included in Wisconsin Act 20. The funds approved can only be released upon enactment of separate legislation extending out-of-home care to age 21. SB 451 provides the legal framework for the program to be implemented using the funding already authorized. The

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Assembly version of this legislation was approved unanimously by the Assembly Committee on Children and Families on January 15<sup>th</sup>.

Thank you for taking the time to consider my testimony for SB 451. Representative Loudenbeck and I would be happy to answer any questions at this time.



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Governor Scott Walker  
Secretary Eloise Anderson

Secretary's Office

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Date: January 30, 2014

To: Members of the Senate Committee on Education

From: Fredi-Ellen Bove, Administrator for the Division of Safety and Permanence

Re: Department Position on 2013 SB 451 – In Support

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Senator Olsen and Senate Committee on Education members,

Thank you for the opportunity to testify on SB 451. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence within the Wisconsin Department of Children and Families (DCF). With me is Wendy Henderson, the Director of the Office of Youth Services at DCF.

The Department applauds the efforts of Senator Moulton and Representative Loudbeck to improve outcomes for youth who now transition out of the child welfare system at age 18 or 19. In Wisconsin, approximately 450 youth age out of the child welfare system each year. They are often ill-prepared to function independently and successfully in the adult world. Many of those youth have an Individualized Education Program (IEP) due to a learning disability and have not graduated high school, which increases their vulnerability to poor outcomes. Key obstacles include a lack of stable housing, lack of a high school diploma, financial and educational barriers to post-secondary education, and little or no job skills.

As a result, youth who age out of the child welfare system are at a higher risk of a range of adverse economic and social outcomes compared to their peers, including homelessness, higher unemployment rates, lower enrollment in post-secondary education, higher pregnancy rates and higher rates of criminal involvement. Research has shown that by age 19, over half of former or current female foster youth had been pregnant at least once. By 24 years of age, 59% of male former foster care youth had been convicted of a crime, compared to 10% of males of similar age in the general population.

In response to these troubling trends, the federal government passed the Fostering Connections to Success and Increasing Adoptions Act in 2008 to improve outcomes for older youth in foster care. The Act allows states to extend foster care to age 21 and receive federal reimbursement for a portion of the foster care costs. Wisconsin's 2013-15 budget bill set aside the projected state funding needed, \$945,700 GPR, for this proposal. The state funding can be released upon enactment of separate legislation extending out-of-home care to age 21.



SB 451 allows a youth to voluntarily remain in out-of-home care until 21 or until a high school diploma or its equivalent is obtained, if the youth:

- is a full-time student at a secondary, vocational or technical school; and
- has an individualized education program (IEP) in effect; and
- is attending school full time.

Based on analysis using Wisconsin K-12 data, DCF estimates that 43% of the children in Wisconsin who age out of out-of-home care have an IEP, which is consistent with national findings. The additional support provided in this bill will allow these youth to avoid homelessness and be cared for while finishing the secondary school education to which they are entitled. Completion of a high school education is the foundation for a young person to achieve future success in the workplace, further education, and other aspects of adult life.

If the child wishes to remain in care past the age of 19, s/he may do so either through a court order or through a voluntary transition-to-independent-living agreement.

The bill includes protections to assure that the youth is fully informed of the options. If the youth wishes to be discharged from care at age 18 or 19, the court must advise the youth that s/he may enter into a voluntary transition-to-independent-living agreement at any time before completing a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, as long as the youth is a full-time student and the IEP remains in effect.

The youth or his/her guardian may end the agreement or court order at any time by notifying the agency or the court in writing. Recognizing that 18 or 19-year olds who end their involvement with the child welfare system may face unanticipated difficulties later, the bill allows the youth to "opt back in" to the out-of-home care system. Specifically, the youth may enter into a new voluntary agreement at any time before obtaining a high school or high school equivalency diploma or reaching 21 years of age, so long as the youth is a full-time student at a secondary, vocational or technical school and the IEP remains in effect.

Through this legislation, we will be joining the ranks of 18 states that extend foster care to 21 for a sub-population of vulnerable youth. There are 18 additional states that currently extend foster care to 21 for all youth. In the Midwest, Illinois, Minnesota, Michigan and Indiana extend foster care to 21.

We look forward to collaborating with the committee and the authors on this bill so that we can provide additional tools for youth leaving out-of-home care, increasing their likelihood of a successful transition to productive, stable, and fulfilling adult lives. Thank you again for the opportunity to testify on this important piece of legislation.

Scott Walker  
Governor



Shel Gross  
Chairperson

Mary Neubauer  
Vice-Chairperson

State of Wisconsin

**Wisconsin Council on Mental Health**

1 West Wilson Street, P.O. Box 7851  
Madison, Wisconsin 53707-7851

**Date:** January 27, 2014

**To:** Senate Committee on Education

**From:** Shel Gross, Chair   
Wisconsin Council on Mental Health

**Subject:** SB451

Thank you for holding a public hearing on SB451.

I am writing to express the support of the Wisconsin Council on Mental Health (WCMH) for SB451/AB570. The WCMH is the Governor's statutorily authorized advisory council on mental health. Statutes empower the WCMH to advise the Governor, Legislature and state agencies on mental health budget and policy issues. At its January 15, 2014 meeting the WCMH supported a recommendation from its Children and Youth Committee to support SB451/AB570.

Wisconsin has a number of youth in out-of-home care that do not transition to a permanent home but instead age out of the child welfare system at age 18 or at age 19, if the child is a full-time student in high school. Youth who age out of the child welfare system are more likely to encounter challenges such as lack of housing, lack of a job and lack of resources to post-secondary education. The bill will allow a child with an individualized education plan to remain in out-of-home care until the age of 21 or a high school diploma or its equivalent is obtained. We believe that this bill could positively impact the health and welfare of those students who are in this situation and who have emotional disturbances.

We urge your support of this legislation.

**Testimony in Support of SB 451**

My name is Phyllis Greenberger and I am here today, representing Disability Rights Wisconsin, to testify in support of SB 451. Disability Rights Wisconsin is the state and federally mandated protection and advocacy system for people with disabilities for the State of Wisconsin.

Youth aging out of foster care are a vulnerable population, and those youth with disabilities leaving the alternate care system are at an even greater risk for poor adult outcomes. A provision to allow those youth to continue to benefit from their foster care placement on a voluntary basis, if they are continuing to receive special education services in school, will support their education and development as they attempt to achieve independence.

Students with disabilities who have an Individualized Education Plan (IEP) in Wisconsin, who have not graduated, are eligible by state and federal law to continue in high school until the end of the school year in which they turn 21. The law not only allows students to continue to get an education, but has requirements for transition planning to help a student identify what they will need to reach their post high school goals and provide services to support the achievement of these transition goals. This transition planning is critical for students with disabilities, to help them achieve positive adult outcomes.

Students who age out of foster care are more likely to have an unstable living environment and other difficulties that make it much more difficult for them to stay in school and receive the benefit of those transition services. The Department of Children and Families estimates that 43% of youth aging out of foster care have IEPs and have not yet graduated from high school. I have worked with youth who have not been able to complete their high school education due to aging out of foster care. One youth in particular that had an IEP and was still in school when she aged out of the foster care system only to become homeless. She moved several times, from homeless shelters to couches and even ended up for a short time in jail for a minor offense. She was motivated to continue her education, but without a stable living environment and financial support she was unable to do so. After several moves I eventually lost track of her and wonder to this day how she is doing and what the outcome might have been if she could have voluntarily stayed with her foster family.

Since federal law has recognized the need and allows reimbursement to states for a portion of foster care costs for individuals through age 21, many states have extended their systems to serve these youth. Eighteen states have extended foster care for all youth to age 21 and about another 18 states have done so for a particular subpopulation of vulnerable youth. Wisconsin has already recognized this need and has already included the required funding in the 2013-15 budget bill for this effort.

It is time for Wisconsin to join several other Midwestern states, including, Minnesota, Michigan, Illinois and Indiana in extending foster care to 21. I believe these students with disabilities who have an IEP and are in the foster care system need this extra support to help them complete their education and to give them the best start to adulthood and a better chance at achieving positive outcomes.

**Disability Rights Wisconsin strongly supports SB 451.**





WISCONSIN BOARD FOR PEOPLE  
WITH DEVELOPMENTAL DISABILITIES

January 29, 2014

Senate Committee on Education  
Senator Luther Olson, Chair  
State Capitol, Room 319 South  
Madison, WI 53707

Dear Sen. Olson and members of the Committee:

Thank you for the opportunity to comment on proposed SB 451. The Board supports extending foster care to age 21 for youth with Individualized Education Plans (IEPs).

The Wisconsin Board for People with Developmental Disabilities (BPDD) advocates on behalf of people with developmental disabilities such as brain injury, autism, cerebral palsy, epilepsy, Prader-Willi syndrome, and intellectual disability, and is charged with representing the interests of the disability community in Wisconsin. Sixty percent of the board—appointed by the Governor—is people with developmental disabilities or family members of people with developmental disabilities.

Nationally, it is estimated that 30% – 40% of foster youth use special education services. High numbers of foster youth live with mental, developmental, emotional, learning, and physical disabilities.

The federal Individuals with Disabilities Education Act (IDEA) was enacted by Congress in 1975 to ensure that students with disabilities receive a free appropriate public education, just like other children.

Under IDEA, students with disabilities must have an IEP, which sets learning goals for the child, designs an educational program to meet outcome goals and the child's individualized needs, and determines the special education services the child receives. IDEA requires IEPs to include transition goals by no later than age 16 to facilitate students transition into adulthood and life after high school—postsecondary education or vocational training, employment, independent living, and community participation. Students with disabilities are entitled to an education until high school graduation or age 21.

Unfortunately, students reach the age of discharge from out-of-home foster care before their eligibility for transition services under IDEA has ended. In Wisconsin, 43% of foster care youth leaving out-of-home care have an IEP. The Board supports extending the same level of educational and transitional support to students with disabilities in foster care as is afforded to students living with parents or guardians.

SB 451 would allow foster care youth with disabilities to maintain home and family continuity while receiving transition services outlined in the student IEP.

Thank you for your consideration,

A handwritten signature in black ink that reads "Beth Swedeu".

Beth Swedeu, Executive Director  
Wisconsin Board for People with Developmental Disabilities

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*Linda A. Hall*  
Executive Director

TO: The Honorable Members of the Senate Committee on Education  
FROM: Linda A. Hall, Executive Director  
DATE: January 30, 2014  
RE: Support for Senate Bill 451 – Foster Care Extension

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The Wisconsin Association of Family & Children's Agencies (WAFCA) appreciates the opportunity to share our support for Senate Bill 451, which would allow for extension of foster care for certain youth up to age 21.

WAFCA represents over forty private for-profit and nonprofit agencies that provide mental health, education and social services to people in need. Our members' services include family, group and individual counseling; chemical dependency treatment; crisis intervention; outpatient mental health therapy; and foster care programs, among others. In recent years, our member agencies have focused increasing attention on the needs of the youth in their care who "age out" of the foster care system.

Youth exiting Wisconsin's foster care system without permanency face a range of challenges as they move into their adult lives. Like all young people, children in foster care need support – both financial and social – as they take their first steps toward independence. However, unlike their peers, youth aging out of the foster care system face unique obstacles that can make it more difficult as they seek to find their footing through their first tentative steps on the path to adulthood.

Over the past decade, researchers and lawmakers across the country have worked to develop stronger policies to support youth aging out of care. Former foster youth in Wisconsin participated in one of the most significant national studies, which has been frequently cited across the country as a basis for policies to increase services and supports for this vulnerable population. The *Midwest Evaluation of the Adult Functioning of Former Foster Youth* (Midwest Study) provides outcome data on youth from Illinois, Iowa and Wisconsin tracked over nearly a decade. Some of the findings include that:

- Former foster youth are far less likely than their same age peers to graduate or earn a GED and significantly less likely to be enrolled in higher education.
- Former foster youth are more likely to experience homelessness. By age 19, 11 percent of youth in the study reported that they had been homeless at least once since they were discharged from care.
- Former foster youth are twice as likely as their same age peers to experience depression and physical health problems.



It is clear from the research and from the direct experience of our member providers that due to trauma and significant disruptions in their home and educational experiences, youth in foster care at ages 18 and 19 are not developmentally ready for independence. In fact, more recent data on Wisconsin foster youth shows that fewer than 10% of foster youth have any work experience by age 17.

While the Midwest Study revealed the significant challenges experienced by former foster youth with regard to housing, education, employment, health and social connections, the study also revealed that youth who participate in extended care programs experience better outcomes including lower pregnancy rates and increased educational attainment. While providing extended foster care for youth with special needs who are seeking to complete their high school diploma will require some increased financial investment, the evidence is clear that increasing the care provided to this vulnerable population will yield benefits for individual youth and our communities.

Thank you for your consideration of this important legislation and for your ongoing support for the young people who rely on all of us to provide the care and encouragement that they need to successfully transition from our Wisconsin child welfare system to independence.