



## Legislative Fiscal Bureau

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May 30, 2013

Joint Committee on Finance

Paper #190

### **Out-of-Home Care Extension for Youth with Individualized Education Programs (Children and Families -- Children and Families)**

[LFB 2013-15 Budget Summary: Page 99, #6 and Page 136, #10]

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#### **CURRENT LAW**

##### **Out-of-Home Care Placements**

Children may be placed in out-of-home care as a result of one of four types of actions: (a) a child in need of protection or services (CHIPS) court order, generally when the removal of a child from his or her home and placement into out-of-home care is necessary to assure the child's safety; (b) a juvenile in need of protection or services (JIPS) court order, as a result of certain behaviors, including being uncontrollable, running away, or truancy; (c) a delinquency court order, as a result of a criminal act; or (d) a voluntary placement agreement (VPA) between a parent and a caregiver and involving the child welfare agency. VPAs require placement in a licensed foster home or group home and are limited to 180 days for foster home placements and to 15 days for group home placements. Except under a VPA, a child is placed in out-of-home care under a court order.

A child placed in out-of-home care can be placed with a relative, who may or may not be a licensed foster parent, or, if a relative is not available or a viable option, in foster care, group homes, or residential care centers.

*Kinship Care.* If an out-of-home care placement is with a relative, other than a parent, and the relative is not a licensed foster parent, then the relative may qualify for the kinship care program. The kinship care program is designed to help support a child who resides outside of the home with a relative, rather than placing the child in foster care or other out-of-home placement. Kinship care relatives who provide care and maintenance for one or more children may receive a kinship care payment of \$220 per month.

*Foster Care.* The least restrictive out-of-home licensed placement is foster care. Under foster care, a family provides care and maintenance for four or fewer children or, if necessary to enable a sibling group to remain together, seven or fewer children in the family's home. Exceptions may be granted to place eight or more children in a foster home if necessary to keep siblings together or a minor parent and minor children together. All foster care payments include the basic maintenance rate. Supplemental or exceptional payments may be made for foster children who have special needs. The basic monthly maintenance payment is \$220 for level one foster care providers. For levels two and above, the basic monthly maintenance payment is: (a) \$366 for children under age five; (b) \$400 for children ages five through 11; (c) \$455 for children ages 12 through 14; and (d) \$475 for children ages 15 and over.

*Group Homes.* Group homes are more restrictive than foster homes and provide care and maintenance for five to eight children, not including children of minors. In 2012, the average incorporated group home daily rate was \$185.80, not including pregnant or parenting group homes. The pregnant or parenting group homes had an average daily rate of \$217.87.

*Residential Care Centers.* Residential care centers (RCCs) provide treatment and custodial services for children, youth, and young adults. In 2012, the average RCC daily rate was \$314.66.

### **Aging Out of Out-of-Home Care**

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 and, unless the youth pursues higher education, to enter the job force. In calendar year (CY) 2011, 462 youths aged out of out-of-home care.

A dispositional order for a CHIPS, JIPS, or juvenile delinquency, and any extension or revision to a dispositional order, made before the child or juvenile reaches 18 years of age that places, or continues the placement of, a child or juvenile in an out-of-home placement, terminates at the latest date of the following: (a) the child or juvenile reaches 18 years of age; (b) at the end of one year after entry of the order; or (c) if the child or juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching age 19, when the child or juvenile reaches age 19. A judge may specify a shorter period of time or terminate the order sooner.

### **Individualized Education Programs**

Local education agencies (LEAs) are required to make available to all children with disabilities a free appropriate public education. LEAs are generally the school districts in which the child with a disability resides. A child is defined as any person who is at least three years old but not yet 21 years old and who has not graduated from high school and, for the duration of a school term, any person who becomes 21 years old during that school term and who has not graduated from high school.

Each LEA is required to provide special education and related services to a child with a disability in accordance with an individualized education program (IEP). An IEP is a written statement for a child with a disability that is developed, reviewed, and revised in order to provide the child with an appropriate education. The required components of an IEP are shown in Attachment 1.

A child with a disability is a child who, by reason of any of the following, needs special education and related services: (a) cognitive disabilities; (b) hearing impairments; (c) speech or language impairments; (d) visual impairments; (e) emotional behavioral disability; (f) orthopedic impairments; (g) autism; (h) traumatic brain injury; (i) other health impairments; or (j) learning disabilities. A child with a disability may include a child who has a significant developmental delay.

## **GOVERNOR**

Provide \$175,900 (\$132,400 GPR and \$43,500 FED) in 2013-14 and \$1,275,600 (\$960,300 GPR and \$315,300 FED) in 2014-15 to provide kinship care payments and long-term kinship care payments for persons 18 years of age or over, but under 21 years of age, who are full-time students in good academic standing at a secondary school or its vocational or technical equivalent if an IEP is in effect and to provide foster care payments for persons 18 years of age or over, who are residing in a foster home or group home immediately prior to their 18<sup>th</sup> birthday, who continue to reside in the foster home or group home, are under 21 years of age, are full-time students at a secondary school or its vocational or technical equivalent, and have an IEP in effect. Expand the definition of "child" in these programs to include these persons.

In addition, for a child who meets the above criteria, specify that kinship care and long-term kinship care payments end when the child reaches the age of 21.

Finally, extend the time period for which a child or juvenile may be placed in a foster home, group home, or RCC to age 21 if the child or juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an IEP is in effect for the child or juvenile.

## **DISCUSSION POINTS**

### **Individualized Educational Programs**

1. The Department of Public Instruction, Division for Learning Support: Equity and Advocacy (DPI/DLSEA) has implemented an effort to identify children with disabilities. Child identification efforts focus on public awareness and outreach activities to inform the public of the search for children with disabilities and the services available, interagency cooperation to facilitate referrals and the transfer of children between and among different service agencies to ensure smooth transitions, and data management and collection to provide continuous information on children suspected or identified as having a disability. All LEAs are required to conduct child identification efforts and to develop procedures to ensure such activities are continuous.

2. Once a child with a disability is identified, an LEA must appoint an IEP team for the child. Each team consists of: (a) the parents of the child; (b) at least one regular education teacher of the child if the child is, or may be, participating in a regular educational environment; (c) at least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child; (d) a representative of the LEA who is qualified to provide, or supervise the provision of, special education, is knowledgeable about the general education curriculum and is knowledgeable about and authorized by the LEA to commit the available resources of the LEA; (e) an individual who can interpret the instructional implications of evaluation results (this individual may already be a team participant under one of the other requirements); (f) at the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate; (g) whenever appropriate, the child; and (h) if the child is attending a public school in a nonresident school district, at least one person designated by the school board of the child's school district of residence who has knowledge or expertise about the child.

3. The IEP team must evaluate the child to determine the child's eligibility or continued eligibility for special education and related services and the educational needs of the child, develop an IEP for the child, and determine the special education placement for the child. The IEP must be reviewed, and revised if necessary, at least annually to determine whether the goals for the child are being achieved.

4. As noted in Attachment 1, once the child reaches age 14, the IEP must include transition services. Transition services are a coordinated set of activities for a child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. These services are based on the individual child's needs, taking into account the child's strengths, preferences, and interests. Beginning at age 14, the IEP includes appropriate, measureable postsecondary goals for the child based on age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills. A goal of a technical college high school diploma must indicate the course of study that the student is required to take to attain that goal.

5. An IEP is required for the child until the child graduates from high school or until the child turns 21 years old if the child has not yet graduated. Upon turning age 21, the IEP would terminate at the end of that school term.

### **Out-of-Home Care and IEPs**

6. The University of Chicago's Chapin Hall Center for Children has collected data regarding the transition to adulthood among foster youth for the Midwest Evaluation of the Adult Functioning of Former Foster Youth (the Midwest Study). The Midwest Study follows the progress of a sample of foster youth in the participating states (Illinois, Iowa, and Wisconsin) through age 21. The youth had all reached the age of 17 while placed in out-of-home care due to abuse or neglect, and had been in care for at least one year prior to reaching age 17. In a 2004 report, *Midwest*

*Evaluation of the Adult Functioning of Former Foster Youth: Conditions of Youth Preparing to Leave State Care*, an overview of selected findings from the first three waves of data collection was provided. Characteristics regarding mental health and health services, education, employment, and delinquency were described.

7. This report, as well as other studies, indicates that children aging out of out-of-home care have difficulty in transitioning to adult life outside of the child welfare system. These youth are at a higher risk for substance abuse issues, incarceration, homelessness, early pregnancies, and limited education.

8. Because of these issues, the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) has as one of its goals to improve outcomes for older youth in foster care. The Fostering Connections Act extends federal foster care maintenance payments to youth up to the age of 21 and includes supervised independent living settings as a Title IV-E reimbursable child care facility. Youth must be involved in productive activity such as education, training, or work, or incapable of doing these activities due to a medical condition. A personalized transition plan is required within 90 days from the anticipated date of discharge from out-of-home care.

9. The Midwest Study report indicated that among these many issues facing children in out-of-home care, nearly one-half of the participants in the study reported having, at some point during the course of their educational experience, been placed in special education. Other reports indicate that from one-third to one-half of children in out-of-home care have special education needs. 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. The bill's intent is to focus on assisting these children (children with disabilities who have an IEP) in out-of-home care by continuing to fund their out-of-home placements until age 21 to allow them to have a place to live and be cared for while finishing high school (or its vocational or technical equivalent).

#### **Requested Modifications to AB 40**

10. The administration has requested several modifications to AB 40. First, to ensure that permanency plans apply to the targeted youth aging out of out-of-home care, a definition of "child" and "juvenile" would be created for permanency planning purposes. Under a permanency plan, a child or juvenile would be: (a) a person under 18 years of age; (b) a person 18 years of age or over, but under 19 years of age, who is a full-time student in good academic standing at a secondary school or its vocational equivalent and who is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma; or (c) a person 18 years of age or over, but under 21 years of age, who is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an IEP is in effect for the person.

11. Second, to authorize DCF to extend out-of-home care placements to eligible persons in state foster care, the modification would specify that DCF may provide funding for the maintenance of any person under the guardianship of DCF who meets all of the following criteria: (a) is 18 years of age or older; (b) is under 19 years of age and is enrolled in and regularly attending

a secondary education classroom program leading to a high school diploma or is under 21 years of age and is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an IEP is in effect for the person; and (c) received funding from the state foster care, guardianship, and adoption services program immediately prior to his or her 18<sup>th</sup> birthday. In addition, the modification would specify that the maintenance payment under this provision would be an amount equal to what the person would have received if the person were 17 years of age.

12. Third, the criteria for which DCF is authorized to make payments for the maintenance of any person in Milwaukee County would be modified to require that the person be under 19 years of age and be enrolled in and regularly attending a secondary education classroom program leading to a high school diploma or is under 21 years of age and is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an IEP is in effect for the person.

13. Fourth, counties would be authorized to provide funding for the maintenance of any person who is under 19 years of age and is enrolled in and regularly attending a secondary education classroom program leading to a high school diploma or is under 21 years of age and is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an IEP is in effect for the person. In addition the definition of "dependent child" would be expanded to include a person who is 18 years of age or over, but under 21 years of age, and is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an IEP is in effect for the person, and as such, payments to these dependent children would be an allowable expense for foster care aid.

14. Fifth, a similar provision would be created for juveniles in out-of-home care due to a JIPS or juvenile delinquency order. To provide funding for the maintenance of a person, the person must be under 19 years of age and enrolled in and regularly attending a secondary education classroom program leading to a high school diploma or is under 21 years of age and a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if an IEP is in effect for the person. The maintenance payment would be in an amount equal to that to which the person would receive if the person were 16 years of age.

15. Finally, the administration has requested a delay of implementation of the extension until July 1, 2014.

### **Requested Expanded Plan**

16. Recently, the administration has requested additional changes with a more detailed plan to extend out-of-home care placements to children in out-of-home care who have an IEP until age 21. The following paragraphs describe the concepts of the new plan.

17. First, the administration requests that any extension of an out-of-home care placement must be voluntary. The youth would have to agree to continue the placement while finishing his or her education.

18. Second, the administration recommends creating a new statutory provision specifically for this purpose, rather than adding it to several different existing out-of-home care provisions. In the new statutory provision, eligibility would be limited to persons 18 years of age or over, who are residing in a court-ordered kinship care home, foster home, group home, or RCC immediately prior to their 18<sup>th</sup> birthday, are under 21 years of age, are full-time students at a secondary school or its vocational or technical equivalent, and have an IEP in effect. This provision would apply to youth after termination of parental rights (TPR) has occurred and to youth who are under a current CHIPS, TPR, JIPS, or delinquency order, subject to the youth's agreement.

19. The provision should specify that youth on a JIPS or delinquency order could not be sanctioned or placed in secure facilities or detention. The provision should also specify that a child support order could not be entered for the youth, and a parent could not be charged for continued care for extending the out-of-home care placement.

20. Third, under this provision, the court order for placement could be extended until age 21 if agreed to by the youth. If the youth has a guardian with legal authority to make decisions for the youth about placement, then the guardian could consent to the court order extension on the youth's behalf. Otherwise, if the youth does not want the court order to be extended, then a transition hearing would be held. The administration suggests the creation of this new hearing, a transition to discharge hearing. The hearing would be required within 90 days prior to the youth's 18<sup>th</sup> birthday, the termination of the CHIPS, consent decree, JIPS, or delinquency order that places a child outside the home, or a TPR order for a youth age 18 or older, whichever is later. The hearing would be for a youth eligible, but opting out of the extension of the out-of-home care placement and would discuss the options of the extension of the court order, bridge placement, planning for independence and permanent connections, and discharge from care and any after-care plans for independent services that are available. If, after the hearing, the youth does not want to continue in out-of-home care, no extension or bridge agreement (discussed below) could be entered. The youth would be required to be informed of the right to return to care, as long as the eligibility conditions are met, until age 21 or graduation, whichever comes first.

21. Fourth, the administration requests statutory language that creates a voluntary bridge agreement. This agreement would allow a youth to enter out-of-home care if the court order has lapsed, but the youth continues to meet the statutory criteria. As a result, the youth could opt in, but once opted in, the county department of human/social services would be required to serve the youth. The voluntary bridge agreement could be terminated at any time by the youth in writing. If terminated, the youth could enter into another bridge agreement until the youth no longer meets the eligibility requirements. No parental consent or notice to enter a voluntary bridge agreement would be needed, unless the agreement requires parental participation. In addition, a guardian with legal authority to make decisions for the youth about placement could enter into a voluntary bridge agreement on behalf of the youth.

22. Finally, the administration recommends that current statutes be modified to specify that if youth chooses to leave care or move placements, the provider would have no right to appeal that decision to the agency or the court or to request a hearing. In addition, the parent would have no right to object or request a hearing. However, a guardian with authority to make placement

decisions for the youth would be allowed to object or request a hearing as allowed under current law. Also, the contents of the permanency plan could be modified for the youth eligible under the program to remove parental conditions of return and to have a greater focus on transitioning to adulthood and fostering lifelong connections, as appropriate on a case-by-case basis.

23. Finally, it should be noted that the provisions were not intended to apply to voluntary kinship care cases. The administration has recently indicated that these provisions would apply to court-ordered kinship care cases, but not voluntary kinship cases. As a result, AB 40 should also be modified to eliminate the changes to the definition of "child" for kinship care and long-term kinship care. With the provisions that apply this new program to the extension of court orders, any court-ordered kinship care cases would be covered by those provisions.

24. In creating the new statutory provision for the expanded plan, the original concepts under the bill and under the requested modifications described under paragraphs #10 through #15 above should be incorporated. However, the statutory changes required under the new provision may be different than those under AB 40 and the requested modifications, as long as the intent behind those changes and requested modifications are incorporated into the new provision.

### **Costs of the Extension**

25. Several assumptions were made in calculating the costs of this expansion under the bill. First, the bill assumes that the total caseload of children aging out of out-of-home care would be 423 per year, which is the number of children who aged out in CY 2010. Second, the bill assumes 43% of these children have an IEP in effect. Third, the bill assumes that the average foster care payment for each participant would be \$552 per month in CY 2014 and \$566 per month in CY 2015 and CY 2016. Finally, the bill assumes that all of the children who age out of out-of-home care would participate until age 21.

26. DCF has provided new estimates with new assumptions. The total caseload (423) and the percent of the caseload who have an IEP in effect (43%) remain the same. However, it was determined that the average monthly placement cost for children aging out of out-of-home care is much more than the average overall monthly payment. The average monthly placement cost for a youth who aged out of out-of-home care in CY 2012 was \$2,641. In addition, with data from DPI, additional assumptions were made about participation levels in each year. It was determined that: (a) 40% of students with an IEP at age 18 remained in school at age 19; (b) 60% of students with an IEP at age 19 remained in school at age 20; and (c) 10% of students with an IEP at age 20 remained in school at age 21.

27. Using these assumption, and with implementation beginning on July 1, 2014, DCF estimates the costs of the extension to total: (a) \$1,150,100 in 2014-15; (b) \$2,813,400 in 2015-16; (c) \$3,465,400 in 2016-17; and (d) \$3,522,900 in 2017-18 and in each fiscal year thereafter. These cost estimates assume neither caseloads nor placement cost per child would increase during this time period. Using an updated caseload of 462 from CY 2011, costs would total: (a) \$1,256,200 in 2014-15; (b) \$3,072,800 in 2015-16; (c) \$3,784,900 in 2016-17; and (d) \$3,847,700 in 2017-18 and in each fiscal year thereafter.

## Options for Consideration

28. The Committee could adopt the Governor's proposal with the additional modifications described under "Requested Modifications to AB 40," with the removal of the expansion for voluntary kinship care cases, and with the second funding reestimate under paragraph #27 above (Alternative 1). Compared to the bill, funding would be reduced by \$175,900 (-\$132,400 GPR and -\$43,500 FED) in 2013-14 and \$19,400 (-\$14,600 GPR and -\$4,800 FED) in 2014-15. This alternative would provide authority to extend out-of-home care placements under CHIPS, JIPS, and juvenile delinquency orders, as well as post-TPR orders, provide authority to pay for these extended placements by counties and DCF, and authority to modify permanency plans for persons 18 years of age or over, who are residing in a foster home, group home, or RCC immediately prior to their 18<sup>th</sup> birthday, are under 21 years of age, are full-time students at a secondary school or its vocational or technical equivalent, and have an IEP in effect. In addition, implementation of this extension would begin July 1, 2014.

29. However, with additional thought and reflection, DCF has created a more detailed plan that would specify the voluntary nature of a court extension, create a transition to discharge hearing for eligible persons who did not opt to have their placements extended, and a voluntary bridge agreement to allow persons who have been discharged from a court order to continue to receive funding for the out-of-home care placement until age 21, as described under "Requested Expanded Plan" above. DCF estimates the funding under this plan to be identical to the estimate under Alternative 1. The Committee could adopt the new plan, beginning July 1, 2014, and reduce funding in the bill by the amounts shown in the preceding paragraph (Alternative 2). The new plan has more guidance and details as to how to implement the extension and how it would affect those eligible for the extension.

30. It should be noted that the costs in the 2013-15 biennium would not reflect the full costs of the extension. Under Alternatives 1 and 2, \$1,256,200 (\$945,700 GPR and \$310,500 FED) would be provided in 2014-15. It is estimated that the extension would cost \$3.8 million annually when fully implemented. This amount assumes no growth in caseloads or monthly placement costs. These estimates also assume that the beginning caseload would consist only of 18-year-olds who aged out of out-of-home care in July 2014. This may understate the costs of the initiative because other young adults between the ages of 18 and 21 who have an IEP would also be eligible for placement under the administration's most recent proposal.

31. Also, there may be additional costs associated with the new plan under Alternative 2. The plan would create a new hearing process for all youth who opt out of having their court orders extended. It is unknown what the cost of this new hearing process would be. In addition, there may be additional costs associated with implementing voluntary bridge agreements with the youth who did not have their court orders extended. In addition, as can be seen with the numerous modifications requested, there may be additional changes needed under current law to ensure that the program would operate correctly and efficiently.

32. Therefore, the Committee could deny the Governor's proposal (Alternative 3). Given the transformation of the original proposal, it may be beneficial to introduce a separate bill after consulting with stakeholders such as DPI, the court system, and other agencies that provide

out-of-home care or other transitional services to the eligible population. In addition, any additional costs could be considered for a separate bill. As noted, the administration has twice requested significant changes to the proposal since AB 40 was introduced. Some of these modifications have been drafted by the Legislative Reference Bureau, but many have not. Because this initiative is important, complex, and continuing to evolve, it may benefit from a more deliberative approach and review by appropriate standing committees.

33. Another option would be for the Committee to request a Legislative Council study to address the issue of extending out-of-home care until the age of 21 for the eligible persons under the bill, or for all out-of-home care youth. The National Resource Center for Permanency and Family Connections at the Silberman School of Social Work at Hunter College has compiled an information packet on the topic of extending foster care beyond the age of 18, *Information Packet, Extending Foster Care Beyond 18: Improving Outcomes for Older Youth*. The information packet references several studies and reports regarding extending foster care for all youth who age out of out-of-home care. The information packet indicates that youth who remain in care past the age of 18 are more likely to obtain a high school diploma, enroll in college, and are far less likely to be victims or perpetrators of crimes.

34. The same information packet compares former foster care youth with the general population on several outcomes: (a) 24.4% of former foster youth compared to 7.3% of the general population received no high school diploma or equivalent; (b) 52% of former foster youth compared to 24.5% of the general population were unemployed; (c) the average income from employment was \$12,064 annually for former foster youth compared to \$20,349 annually for the general population; (d) 57% of former foster youth compared to 78% of the general population had health insurance; (e) 81.2% of former male foster youth compared to 17.4% of the male general population had been arrested; and (f) 77% of former female foster youth compared to 40.4% of the female general population had been pregnant.

35. In addition, comparisons were made between foster youth who remained in care until age 21 with those who remained in care until age 18: (a) youth required to leave care at age 18 were 2.7% more likely to become homeless; (b) young women who were allowed to remain in care until age 21 experienced a 38% reduction in the incidence of pregnancy before age 20; (c) remaining in care more than doubled the chance that the youth would be working or in school at age 19; and (d) those who remained in care were twice as likely to have completed at least one year of college by age 21. Other issue briefs and studies discuss the costs of extending foster care, as well as the avoided costs of these youth receiving public assistance and being incarcerated.

36. The Committee may wish to consider a Legislative Council study, which would include research on the costs, benefits, best practices, and the best method in Wisconsin of extending foster care until age 21 for youth who are in school and have an IEP in effect (Alternative 4a), expanding foster care until age 21 for all youth who age out of out-of-home care (Alternative 4b), or both (4c).

## ALTERNATIVES

1. Modify the Governor's proposal to reduce funding by \$175,900 (-\$132,400 GPR and -\$43,500 FED) in 2013-14 and \$19,400 (-\$14,600 GPR and -\$4,800 FED) in 2104-15 to reflect updated estimates and implementation of the out-of-home care extension for youth with an IEP beginning July 1, 2014. In addition, make modifications to the bill to include requested changes from the administration described in detail in paragraphs #10 through #15 and #23.

<b>ALT 1</b>	<b>Change to Bill Funding</b>
GPR	- \$147,000
FED	<u>- 48,300</u>
Total	- \$195,300

2. Modify the Governor's proposal to reduce funding by \$175,900 (-\$132,400 GPR and -\$43,500 FED) in 2013-14 and \$19,400 (-\$14,600 GPR and -\$4,800 FED) in 2104-15 to reflect updated estimates and implementation of the out-of-home care extension for youth with an IEP beginning July 1, 2014. In addition, adopt the administration's more recent, comprehensive plan to extend out-of-home care for youth with an IEP as described in paragraphs #17 through #23 above. Specify that the concepts under AB 40 and the requested modifications in paragraphs #10 through #15 be incorporated into the plan.

<b>ALT 2</b>	<b>Change to Bill Funding</b>
GPR	- \$147,000
FED	<u>- 48,300</u>
Total	- \$195,300

3. Delete the Governor's proposal.

<b>ALT 3</b>	<b>Change to Bill Funding</b>
GPR	- \$1,092,700
FED	<u>- 358,800</u>
Total	- \$1,451,500

4. Delete the Governor's proposal. Instead, request a Legislative Council study, which would include research and information on the costs, benefits, best practices, and the best method to implement in Wisconsin a program to extend out-of-home care for:

a. persons 18 years of age or older, who are residing in a court-ordered kinship care home, foster home, group home, or RCC immediately prior to their 18<sup>th</sup> birthday, who are under 21 years of age, who are full-time students at a secondary school or its vocational or technical equivalent, and who have an IEP in effect;

b. all persons 18 years of age or older, who are residing in a court-ordered kinship care home, foster home, group home, or RCC immediately prior to their 18<sup>th</sup> birthday, and who are under 21 years of age; or

c. all persons described under (b), but with an additional focus on persons described under (a).

<b>ALT 4</b>	<b>Change to Bill Funding</b>
GPR	- \$1,092,700
FED	<u>- 358,800</u>
Total	- \$1,451,500

Prepared by: Kim Swissdorf  
Attachment

## ATTACHMENT

### Required Components of an Individualized Education Program

1. A statement of the child's present level of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general curriculum or, for a preschool child, as appropriate, how the disability affects the child's participation in appropriate activities.

2. A statement of measurable annual goals for the child, including academic and functional goals, designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general curriculum, and meet each of the child's other educational needs that result from the child's disability.

3. For a child with a disability who takes alternate assessments aligned with alternate achievement standards, a description of benchmarks or short-term objectives.

4. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to do all of the following: (a) advance appropriately toward attaining the annual goals; (b) be involved and make progress in the general curriculum in accordance with paragraph 1 above and participate in extracurricular and other nonacademic activities; and (c) be educated and participate with other children with disabilities and nondisabled children in specified activities.

5. An explanation of the extent to which the child will not participate with nondisabled children in regular classes, in the general curriculum and in extracurricular and other nonacademic activities.

6. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on statewide or local educational agency-wide assessments.

If the individualized education program team determines that a child will take an alternate assessment on a particular statewide or local educational agency-wide assessment of pupil achievement, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.

7. The projected date for the beginning of the services and modifications described in paragraph 4 above and the anticipated frequency, location, and duration of those services and modifications.

8. Beginning not later than in the first individualized education program that will be in effect when the child is 14, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals for the child based on age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. An individualized education program that indicates a goal of a technical education high school diploma must specify the course of study that the pupil must take to attain that goal.

Beginning not later than in the first individualized education program that will be in effect when the child is 14, and updated annually thereafter, a description of the transition services, including courses of study, needed to assist the child in reaching the goals listed above.

Beginning at least one year before the child attains the age of 18, and annually thereafter, a statement that the child has been informed of the child's rights that will transfer to the child on reaching the age of 18.

9. A statement of: (a) how the child's progress toward attaining the goals in paragraph 2 above will be measured; and (b) when periodic reports, such as quarterly reports or other periodic reports issued concurrently with report cards, on the child's progress toward attaining the annual goals described under paragraph 2 above will be provided to the child's parents.

10. If the individualized education program team determines that the use of seclusion or physical restraint may reasonably be anticipated for the child, appropriate positive interventions and supports and other strategies that address the behavior of concern and that: (a) are based on a functional assessment of the behavior of concern; (b) incorporate the use of the term "seclusion" or "physical restraint;" and (c) include positive behavioral supports.