

PUBLIC ASSISTANCE REFORM TASK FORCE

Minutes of the 4th Meeting of the 2019 Interim

October 30, 2019

Call to Order and Roll Call

The 4th meeting of the Public Assistance Reform Task Force was held on Wednesday, October 30, 2019, at 11:00 AM, in Room 131 of the Capitol Annex. Representative David Meade, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stan Humphries, Co-Chair; Representative David Meade, Co-Chair; Senators Whitney Westerfield; Representatives Nima Kulkarni and Russell Webber; Elizabeth Caywood, and Bill Wagner.

Guests: Cathy Dykstra, Chief Possibility Officer, President & CEO, Family Scholar House; Kristina Bryant, Graduate & Intern, Family Scholar House; Douglas Beard, Director, Jessica Hinkle, Policy Development Branch, Division of Family Support, Laura Begin, Legislative Staff Assistant, Department for Community Based Services; Barbara Ramlow, University of Kentucky Center for Drug and Alcohol Research; Amanda Hall, ACLU of Kentucky; Amanda DuFour, The Well of Lexington.

LRC Staff: Chris Joffrion, Hillary McGoodwin, and Sean Meloney.

Approval of Minutes

A motion to approve the minutes of the October 7, 2019 meeting was made by Representative Webber, seconded by Senator Westerfield, and approved by a voice vote.

Family Scholar House: A Comprehensive Approach Toward Independence

Cathe Dykstra, Chief Possibility Officer, President and CEO of Family Scholar House stated that the mission of Family Scholar House is to end the cycle of poverty and transform communities through education, affordable housing, career development, and supportive services. Participants in the Family Scholar House program must be single-parents, enrolled in a full-time post-secondary education programs or full-time work apprenticeship program. The Family Scholar House has 5 campuses in Louisville, with 247 single-parents and 365 children in residence and 3,500 active non-residential participants. In Kentucky, 42 percent of single parent households are in poverty and 49.5 percent of

Kentucky adults who do not have a post-secondary education live in poverty, contrasted by 4.5 percent of adults with a bachelor's degree live in poverty.

Ms. Dykstra stated that the Family Scholar House provides academic coaching, apprenticeship and career development, counseling and family advocacy, mentoring, financial education, youth literary initiatives, cooking classes, therapy for children, and parenting classes. To remain eligible for the program, participants must maintain at least a 2.5 grade point average in their full-time post-secondary education program and be working towards full-time job placement upon graduation. The services offered give participants the tools needed to transition off public assistance by being able to support themselves and their children with livable wage employment, financial literacy, and the courage to ask for help to get them to their goal. The Family Scholar House had 71 graduates in 2019, 502 degrees have been earned by graduates since they opened in 1995, 99 percent of mothers exit to stable housing, 81 percent to stable employment, 65 percent to continued education, and 98 percent complete the program without a repeat pregnancy. The average matriculation rate for participants is three years to obtain an associate's degree and six years to obtain a bachelor's degree. Entrance to the program is merit based and that participants must earn their way into the program by showing dedication to obtaining a degree and movement towards self-sufficiency.

In 2019, the Family Scholar House was awarded the American Planning Association (APA) Housing and Urban Development's (HUD) Secretary Award for Opportunity and Empowerment, in addition, the Scholar House became a HUD designated EnVision Center. EnVision centers are a federal demonstration program to reform government services to aid Americans in becoming self-sufficient. The long-term goals of the program are to increase their reach throughout the state with more growth in Family Scholar House affiliate programming. Kentucky has a unique opportunity to bring awareness to the program, to single-parents living in poverty, and to provide a model for solution.

Kristina Bryant, a graduate of the Family Scholar House and an intern with the program, stated that the Family Scholar House has been a life changing home for her. She obtained a Bachelor's in Social Work while in the program and has returned to the Family Scholar House as an intern and mentor while she works towards her Master's in Social Work from the University of Louisville. Ms. Bryant stated that being around women who wanted to be in the program, who worked hard, and who were in school to become doctors, lawyers, and nurses gave her the drive to better her life for her and her daughter. Ms. Bryant's daughter is thriving in school and has benefited from the numerous programs that the Family Scholar House has for children.

In response to questions from Senator Humphries, Ms. Dykstra stated that there are 791 families and 1000 children on the Family Scholar House waiting list in Louisville. There have been 4000 families including 5000 children identified as potential participants

but are not on the waiting list for the Louisville campuses. In Northern Kentucky, the Family Scholar House has partnered with different entities to provide support for their 45 apartment housing program that is not a full-scale Family Scholar House but is meeting a housing need for single parents who are enrolled in full-time post-secondary degree programs. One way to gauge where there is a need is to partner with Kentucky Community and Technical Colleges (KCTCS) to offer pre-program support to potential future participants when they are registering for degree programs. Ms. Dykstra stated that the Family Scholar House would like to begin partnering with KCTCS to make this a possibility for the future.

In response to questions and comments from Bill Wagner, Ms. Dykstra stated that there is a need throughout the state for similar programming but expansion of the full-scale Louisville Family Scholar House model depends on the availability of low-income housing tax credits, low-income housing, low-cost land, and funding.

In response to questions and comments from Representative Webber, Ms. Dykstra stated that apprenticeship programs have been a great means to take a non-traditional student and get them prepared for a skilled trade so they can fulfill their main goal at Family Scholar House which is to be gainfully employed and self-sufficient. Several of the apprenticeship programs Family Scholar House graduates have participated in were with the International Brotherhood of Electrical Workers (IBEW) and other trade unions, Toyota, Ford, welding, and most recently, drone operation apprenticeships. The participant would have to be apprenticing full-time to meet the requirement of full-time post-secondary degree obtainment status. Ms. Dykstra stated that 12 percent of their participants are enrolled in apprenticeship programs and the majority (60 percent) of those participants are in healthcare related degree programs.

In response to questions and comments from Representative Kulkarni, Ms. Dykstra stated that site selection factors include proximity to basic necessities like grocery stores, schools, mass-transit as well as the price of the land. The minimum size of land needed for a Family Scholar House campus is three acres with the maximum size being six acres.

In response to questions from Bill Wagner, Ms. Dykstra stated that Family Scholar House encourages their participants to take advantage of public assistance programs that are available to them as a stop-gap as they work toward their goal of transitioning off assistance. The average length of time a participant is on public assistance while in the program is 3.5 years. Ms. Dykstra stated that participants are required to save a minimum of \$10 a month in their “future fund” and participate in financial literacy tutoring while in the program.

In response to questions and comments from Representative Jenkins, Ms. Dykstra stated that the program is dependent on donations for basic living supplies like diapers,

toilet paper, paper towels, light bulbs and participants use their Supplemental Nutrition Assistance Program (SNAP) funds for food. The Scholar House is reliant on a strong community partnership to ensure that the basic needs of the participants are met. Ms. Dykstra stated that one such community engagement program that benefits the participants immensely is the “adopt a family for Christmas” program where a participant makes a “Santa” list and the adopter of that family fulfills the list for the participant’s family.

Substance Use Screening of Public Assistance Beneficiaries

Laura Begin, Staff Assistant, Department of Community Based Services, Division of Family Support, spoke on the Personal Responsibility & Work Opportunity Reconciliation Act of 1996. The Act allows states to deny assistance and benefits for certain drug related convictions, and that an individual convicted of a drug felony shall not be eligible for TANF or food benefits, unless the state adopts exceptions. KRS 205.2005 states that any public assistance recipient under Title IV of the Federal Social Security Act. Any federal food stamp program recipient who has been convicted of a drug felony after August 22, 1996 may remain eligible for the program benefits if the recipient has been assessed as chemically dependent and is participating in or has successfully completed a chemical dependency treatment program or is pregnant, and the recipient is otherwise eligible. As of September 2019, a total of 227,557 individuals received SNAP benefits and/or K-TAP, of which 8,357 (3.7 percent) individuals have a felony drug conviction.

Ms. Begin stated that considerations must be made when discussing drug screening public assistance recipients because children will be impacted and this requirement could be another barrier for individuals to seek treatment for themselves and seek basic needs for their children. Concerns the Division of Family Support has with screening of public assistance recipients are that identifying need is not the same as treating it. The process would be a major expense for minimal results.

Douglas Beard, Director, Division of Family Support, Department of Community Based Services stated that looking to other states that have implemented drug screening of public assistance recipients illustrated that the cost outweighs the benefit. Arkansas had 19,228 total TANF recipients. Five of the recipients were tested based on the qualifying criteria of suspicion and/or prior drug conviction, two tested positive, yet the cost the state incurred was \$32,506.65. Oklahoma had 13,361 total TANF recipients. 3,915 of the recipients were drug tested, 77 tested positive yet the cost for the state was \$50,294.48. Mr. Beard stated that in 1999, Michigan became the first state to implement suspicion less drug testing for welfare recipients. In 2003, the U.S. Sixth Circuit Court of Appeals upheld a federal district court ruling that found Michigan’s law violated the Fourth Amendment and was unconstitutional. Mr. Beard stated that in 2011, Florida passed a law requiring suspicion less drug testing of all TANF applicants and random drug testing of current beneficiaries. In 2014, the U.S. Eleventh Circuit Court of Appeals held that Florida’s law

violated the Fourth Amendment. Mr. Beard stated that before the court imposed an injunction in 2011, Florida implemented its rule for four months and during that period, Florida found 2.6 percent of 4,000 applicants tested positive for controlled substance use. After the Court of Appeals ruling, Florida settled with the recipients who were tested prior to the injunction and the settlement cost the state nearly \$1 million.

Mr. Beard stated that Kentucky has several programs to address substance abuse and treatment: the National Governors Association Pilot Program which develops and implements strategies to expand access to opioid use disorder treatment for justice-involved populations through drug courts and residential programs; Sobriety Treatment and Recovery Team (START) program that integrates addiction services, family preservation, community partnerships, and best practices in child welfare and substance abuse treatment; The Kentucky Strengthening Ties and Empowering Parents (KSTEP) program provides services for families with children under age 10 at risk of entering foster care in which a parent has a substance use disorder and the Targeted Assessment Program (TAP) which uses Kentucky Opioid Response Effort (KORE) grant money through Department of Behavioral Health (DBHDID).

In response to questions and comments from Senator Westerfield, Mr. Beard stated that in the TANF screening, self-disclosure is the number one way in which the state finds out if there has been a previous drug related conviction, and pending cases are not considered, because there has not been a conviction. Mr. Beard stated that through the Commonwealth Office of Technology (COT), the state uses a company called Aperis which runs state-wide incarceration logs against the state's Medicaid rolls to find matches and to determine ineligibility due to incarceration. COT then contacts the Department for Medicaid Services and that person's benefits are suspended. Mr. Beard stated that funding for substance use treatment for this population, often comes from Medicaid, and through the KORE program's Targeted Assessment Program grant administered by the University of Kentucky. Deputy Commissioner Caywood added that TANF funds cannot be used for medical treatment.

In response to questions and comments from Bill Wagner, Mr. Beard stated that the Division of Family Support does not support the addition of a drug screening component to public assistance and feels that there is not data to support the outcome or justify the cost of implementation. Mr. Beard stated that the creation of more barriers is not the role of the Division of Family Support. Mr. Wagner stated that he does not support the addition of a drug screening requirement.

In response to questions from Representative Jenkins, Mr. Beard stated that there is not a state-issued list of qualified chemical dependency treatment facilities but that the Department for Behavioral Health will report back with their approval criteria for treatment facilities in the state.

Public Comments

Amanda Hall with the ACLU of Kentucky stated that as a convicted felon and person in recovery she cannot support drug-screening requirements for those on public assistance. Ms. Hall stated that it was hard enough having to piece her life back together after prison and that having access to public assistance helped her rebuild her life far sooner. She feels those with drug problems need more help and not more barriers.

Adjournment

With there being no further business, the meeting was adjourned at 12:45pm.