

2013 Legislative Session *Review*



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Action for Children's 2013 Legislative Agenda for Children

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Legislative Agenda for Children 2013-2014 Legislative Session



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Investing in the health, safety, education and financial security of our children are among the most important duties of our society. It is most imperative that our state preserve services and invest in programs that provide positive outcomes for children during these hard fiscal times. Further large cuts to child and family services would undermine the health and safety of our children, jeopardizing our past investments and future prosperity. The public policy recommendations made below, combined with a continued balanced approach to the budget crisis, are essential to ensure positive outcomes for North Carolina's children and families.

HEALTH

Assure that ALL Children Have Access to Health Insurance

To meet this objective, it is imperative that (1) Medicaid and NC Health Choice – the state's two public health insurance programs for children in low-income families – be fully funded; that (2) the federal Affordable Care Act be implemented in North Carolina in such a way that children – especially those with special health care needs – receive the best possible insurance coverage; and that (3) North Carolina take advantage of the provision in the Affordable Care Act that would expand Medicaid eligibility for adults to 138% of the federal poverty level.

JUVENILE JUSTICE

Raise the Age of Juvenile Court Jurisdiction from 16 to 18 –for youth who commit misdemeanor offenses

Support and advocate implementation of the Legislative Research Commission's, Age of Juvenile Offenders Committee recommendations for the legal, funding and programmatic aspects of raising the age of juvenile court jurisdiction from 16 to 18. The recommendations should present a comprehensive plan to incrementally phase 16- and 17-year-olds who have committed minor crimes into the juvenile justice system with adequate resources, so that youth can access a developmentally-appropriate, research-based continuum of services. Ensuring that adequate funds are available to meet the needs of 16- and 17- year-olds is critical to fully implement this policy change and the success of all youth served in the juvenile justice system.

Adequately Fund the Division of Juvenile Justice (DJJ)

As a result of historical underfunding and significant budget cuts, additional funding to the DJJ is necessary to meet the service needs of all court-involved youth, while allowing the DJJ to better monitor and support a service delivery continuum. Since court involved youth enter the juvenile justice system with unmet educational, health and mental health needs, it is imperative that the DJJ have adequate staffing and resources to effectively address the complex needs of this population.

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EDUCATION

Preserve and Expand Funding for ALL Early Childhood Programs

N.C. continues to face a significant shortfall in serving the thousands of four-year-olds eligible for pre-kindergarten. Despite the legislature appropriating millions to provide education to the thousands of eligible four-year-olds in the N.C. Pre-K program, there remain thousands of additional at-risk preschoolers who are eligible but currently not receiving services. Research has shown that children enrolled in early childhood programs are better prepared for early learning than their peers without formal education. Likewise, it has been shown that children enrolled in early childhood programs learn quicker than children not enrolled in these programs.

Ban Corporal Punishment in all public schools— (Administrative policy change)

ECONOMIC SECURITY

Preserve the Earned Income Tax Credit (EITC) and other Tax Credits for working families

The Earned Income Tax Credit (EITC), Child Tax Credit and Child & Dependent Care Tax Credit put money into the pockets of more than a million families, helping them make ends meet and provide for their children. The EITC has proven to be one of the most effective tools at moving working families out of poverty. State tax credits that effectively support work and promote healthy childhood development further expand opportunities for working families, therefore benefiting the state. In 2012, the Earned Income Tax Credit (EITC) was included as part of a comprehensive tax bill, HB1023 which extends certain tax provisions until January 1, 2014. Legislators plan to undertake major tax modernization during the 2013 session.



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Key bills affecting children

Juvenile Justice

[HB725, Young Offenders Rehabilitation Act](#) – Would create a Juvenile Jurisdiction Advisory Committee to create a pilot civil citation process for juveniles and raise the age of juvenile court jurisdiction to include 16- and 17-year-olds accused of misdemeanors. Amendments would make the bill not fully effective until 2020 and then only if funds are available. Passed the House Rules Committee, and a fiscal note was added. Passed second reading in the House handily (65 to 32), but one more vote on the House floor is required, and should be held at the start of the 2014 session, in May.

Youth Voting

[H589, VIVA / Election Reform](#) – Among other changes, this bill shortens early voting, eliminates same day voter registration during early voting, eliminates straight ticket voting and eliminates pre-registration for 16 and 17-year-olds. Pre-registration, was used by 160,000 teenagers prior to the 2012 election.

Safety

[H937, Amend Various Firearms Laws](#) – This bill allows people with concealed carry permits to carry weapons in bars, restaurants, public parks and to bring a gun on community college and university campuses (if the gun is locked in the trunk).

[S683, Safe Harbor / Victims of Human Trafficking](#) – This bill provides immunity to minors who have been victims of human trafficking.

[H510, Foster Care Children's Bill of Rights](#)- Lays out 11 core principles for protecting foster care children's rights.

Education

[S337, Charter School Advisory Board](#) – The final version of the bill did not create a separate Charter School Board outside of the State Board of Education as previous versions did; rather, it keeps the Charter School Advisory Board within the existing public school infrastructure. The new version also reduces the percentage of teachers that must be certified down to 25%.

Early Childhood

[H74, Regulatory Reform Act of 2013](#) – This bill requires DHHS and SBI to process criminal background checks for newly-hired child care workers within 15 days. This requirement replaces a provision in previous versions of regulatory reform that would have allowed child care workers to begin working in classrooms while their background checks were being processed.

Key Bills -- Not Passed, but Viable in 2014

- * HB 18: YOUTH SKIN CANCER PREVENTION ACT
- * HB 585: PREA COMPLIANCE (Prison Rape Elimination Act)
- * HB 670: DSS STUDY/EXTEND FOSTER CARE TO AGE 21
- * HB 725: YOUNG OFFENDERS REHABILITATION ACT (Raise the Age)
- * HB 805: BAN SMOKING IN FOSTER CARE SETTING/INFANTS
- * HB 831: ED. SVCS. FOR CHILDREN IN PRTFs

The following bills of note did not pass this legislative session, but because they passed one house or the other (the House, in this case), or they have a fiscal impact, they will still be viable in the 2014 legislative session.



Key Bills -- Passed this Session

The following bills that affect children were passed this session.

- * SB 14: INCREASE ACCESS TO COLLEGE/TECHNICAL ED.
- * HB 23: DIGITAL LEARNING COMPETENCIES/SCHOOL EMP' EES.
 - * SB 325: WAKE COUNTY SCHOOL BOARD DISTRICTS.
 - * HB 317: IMPROVE ED. FOR CHILDREN WHO ARE DEAF.
- * HB 44: TRANSITION TO DIGITAL LEARNING IN SCHOOLS.
 - * SB 124: SHOOT GUN INSIDE/TO INCITE FEAR.
- * SB 137: PROHIBIT CO-PAY WAIVER/MEDICAID PROVIDERS.
- * SB 489: CONSUMER FINANCE ACT AMENDMENTS (pay day lending bill)
 - * SB 530: PROHIBIT E-CIGARETTE SALES TO MINORS.
 - * SB 45: INCAPACITY TO PROCEED AMENDMENTS.
 - * HB 4: UI FUND SOLVENCY & PROGRAM CHANGES.
- * SB 168: CLARIFY EDUCATION REPORTING REQUIREMENTS.
- * HB 139: ADOPT UNIFORM DEPLOYED PARENT CUST/VISIT. ACT.
 - * HB 428: NORTH CAROLINA SCHOOL BUS SAFETY ACT.
 - * HB 450: CRIMINAL CONTEMPT/BAIL PROCEDURE (NEW).
 - * SB 132: HEALTH CURRICULUM/PRETERM BIRTH.
 - * HB 683: COMMONSENSE CONSUMPTION ACT.
- * HB 998: TAX SIMPLIFICATION AND REDUCTION ACT (NEW) (tax changes)
- * HB 510: FOSTER CARE CHILDREN'S BILL OF RIGHTS.
- * HB 75: KILAH'S LAW/INCREASE CHILD ABUSE PENALTIES.
 - * SB 337: NC PUBLIC CHARTER SCHOOL BOARD.
- * SB 98: REQUIRE PULSE OXIMETRY NEWBORN SCREENING.
- * SB 4: NO N.C. EXCHANGE/NO MEDICAID EXPANSION.
- * HB 149: CAYLEE'S LAW/REPORT MISSING CHILDREN.
 - * SB 91: PROHIBIT EXPUNCTION INQUIRY.
 - * SB 189: AMEND LAW DEFINING HOME SCHOOLS.
 - * HB 146: BACK TO BASICS.
 - * HB 687: HOMELESS SHELTERS/REMOVE AGE LIMITS.
- * HB 589: VIVA/ELECTION REFORM (NEW). (Election law/voting changes)
- * HB 250: CHARTER SCHOOL ENROLLMENT & CHARTER REVISIONS (NEW).
- * HB 269: CHILDREN W/DISABILITIES SCHOLARSHIP GRANTS.
- * HB 937: AMEND VARIOUS FIREARMS LAWS. (gun rights expansion)
- * HB 392: WARRANT STATUS/DRUG SCREEN PUBLIC ASSIST (NEW).
- * HB 353: HEALTH & SAFETY LAW CHANGES (Abortion restrictions bill)
 - * HB 74: REGULATORY REFORM ACT OF 2013

Final budget for the 2013-15 biennium

Here are some highlights:

Visit Action for Children's [Policy and Budget Action](#) webpage for a line-by-line comparison of the final budget proposal vs. the Governor-, Senate-, and House-proposed budgets.

Health and Human Services

Medicaid

The final budget included additional cuts mostly to providers, including rate freezes for some services, limitations on usage of some services, a change in the way prescription drugs are invoiced, a "shared savings" plan, and paying hospitals a lower percentage of their outpatient costs. Children under 133 percent of the federal poverty level were shifted from Health Choice to Medicaid, per the Affordable Care Act.

Public Health

The final budget included cuts to Early Intervention, closing 4 of the 16 regional agencies that provide EI services, and cuts to AIDS drugs. Tobacco prevention was allocated \$1.2 million, for the NC Tobacco Quitline. The ECU High Risk Maternity Clinic, which serves high-risk mothers in the eastern part of the state, the Nurse-Family Partnership and maternity homes received state funding in the final budget, rather than federal funding. Other important prenatal health programs received federal block grant funding, including the Safe Sleep campaign, the March of Dimes, the Perinatal Quality Collaborative, the 17P progesterone project to decrease pre-term births, and the Carolina Pregnancy Care Fellowship.

Health and Human Services cont.

Child Development

The final budget added 2,500 pre-K slots, funded by \$12.5 million in lottery money. In addition, funds were shifted to Medicaid to help cover the expected shortfall, and some state funds are replaced with federal funds. There was no reduction to County Services Supports.

Social Services

The final budget proposed increasing funding to NC Reach, which helps foster children attend college, by 10 percent. The budget included a transfer of funds to Medicaid to help cover the shortfall. Food banks and Children's Advocacy Centers did not receive additional funds, but the House-proposed Adoption Incentive Fund and Permanency Innovation Initiative Fund were included.

Health and Human Services cont.

Health Choice

The largest decrease in Health Choice funding was the transfer of some children to Medicaid. The plan also included some additional cuts to Health Choice that mirror changes made in Medicaid: provider rate freezes for some services, cuts to contracts, a shared savings plan, paying hospitals a smaller percentage of their outpatient costs, and a change in the way prescription drugs are invoiced. There was no cap placed on Health Choice enrollment.

Mental Health

The three state-run Alcohol and Drug Abuse Treatment Centers received a 12 percent cut, to be distributed across the system, and Wright School is not cut. Broughton Hospital received funding for 19 more beds, from the Medicaid contingency fund, and the new Broughton Hospital received \$11.5 million for medical equipment, furniture and IT. Funds were included for the N.C. Child Treatment Program, for children dealing with trauma, and for a statewide telepsychiatry phone line to help reduce stress on emergency room departments.



The final budget eliminated the annual LEA adjustment (where local school districts returned a certain amount of funding back to the state), and divides the cut instead among classroom teacher allotments, instructional support personnel and instructional supplies. assistants received a 20 percent cut.

\$18.6 million was allotted for the Excellent Public Schools Act, which would eliminate teacher tenure in favor of contracts based on performance, conduct teacher evaluations and create a system of school performance grades.

K-12 EDUCATION

There were cuts to low wealth county supplemental funding, the Exceptional Children headcount, small county supplemental funding and the Limited English Proficiency program, as well as DPI administration. The school bus replacement fund is cut by \$30 million.

K-12 EDUCATION Cont.

State support for the N.C. Center for the Advancement of Teaching is shifted to one-time funding, pending a review of the program's effectiveness, and state support for the Teaching Fellows scholarship program is eliminated.

Teach for America receives additional funding (along with specific prescriptions about how to spend it).

A pilot program to increase the dropout age from 16 to 18 is created in two school districts, within existing funds.

Responsibility and funding for teachers at juvenile facilities is not transferred from Public Safety to DPI, as was proposed.

K-12 EDUCATION Cont.

Several House-proposed additions were included in the final budget:
Vouchers for private school in the second year of the biennium;

Incentives for LEAs to develop Advanced Placement and International Baccalaureate courses;

A Educator Effectiveness Task Force;

Funding to put law enforcement officers and panic alarm systems in elementary and middle schools (a proposal to also include funding for more school counselors and psychologists did not make it into the final budget);

Funding to pay students' testing fees in high-value fields;

A pilot grant program to foster innovation in education;

Funding for the Yadkin Valley Regional Career Academy.

Public Safety, as it pertains to juvenile justice

The final budget closed several youth institutions, including Western Youth Institution, Lenoir Youth Development Center, and Richmond and Buncombe Detention Centers, eliminated a few high-level executive positions, and the Youth Development Center budget received a cut.

Additional funding was allotted for a new Western Multipurpose Group Home, to respond to needs arising from the closure of the Buncombe Detention Center.

In addition, \$1 million was provided to Juvenile Crime Prevention Councils to increase community programming for adjudicated youth and \$316,000 was allocated for a new Center for Safer Schools.

For more information

visit: www.ncchild.org

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