

1 HB560
2 136145-1
3 By Representative Barton
4 RFD: Ways and Means General Fund
5 First Read: 15-MAR-12

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8 SYNOPSIS: This bill would amend Section 41-15B-2.2 of
9 the Code of Alabama 1975, which pertains to the
10 allocation of the Children First Trust Fund.
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12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Section 41-15B-2.2 of the Code of Alabama
17 1975, which pertains to the allocation of the Children First
18 Trust Fund.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 41-15B-2.2, Code of Alabama 1975,
21 is amended to read as follows:

22 "§41-15B-2.2.

23 "(a) For each fiscal year, beginning October 1,
24 1999, contingent upon the Children First Trust Fund receiving
25 tobacco revenues and upon appropriation by the Legislature, an
26 amount of up to and including two hundred twenty-five thousand
27 dollars (\$225,000), or equivalent percentage of the total

1 fund, shall be designated for the administration of the fund
2 by the council and the Commissioner of Children's Affairs.

3 "(b) For the each fiscal year, beginning October 1,
4 1999, contingent upon the Children First Trust Fund receiving
5 tobacco revenues, the remainder of the Children First Trust
6 Fund, in the amounts provided for in Section 41-15B-2.1, shall
7 be allocated as follows:

8 "(1) Ten percent of the fund shall be allocated to
9 the Department of Public Health for distribution to one or
10 more of the following:

11 "a. The Children's Health Insurance Program.

12 "b. Programs for tobacco control among children with
13 the purpose being to reduce the consumption of all tobacco
14 products by children. To be eligible to initially receive a
15 portion of these funds, any county health department, school,
16 local civic club, charity, or not-for-profit corporation shall
17 submit a grant application pursuant to the guidelines
18 promulgated by the State Department of Public Health, with
19 provisions for annual renewal of the grants. Provisions for
20 program evaluation in order to determine effectiveness, number
21 of children served, and financial accountability shall be
22 included in the guidelines. The Department of Public Health
23 may employ personnel to carry out the purposes of this section
24 and may not expend these funds for any purpose other than
25 those set out in this section.

26 "c. The Alabama Qualified Health Center Grant
27 Program to increase access to preventative and primary

1 services by uninsured, underinsured, or medically indigent
2 patients served by such centers.

3 "d. Any other children's services provided by the
4 Department of Public Health.

5 "(2) Twenty-two percent of the fund shall be
6 allocated to the State ~~Board of Education to one or more of~~
7 ~~the following:~~General Fund.

8 "~~a. The operation of alternative schools as defined~~
9 ~~below:~~

10 "~~1. In the initial fiscal year funding after June 9,~~
11 ~~1999, the State Board of Education shall distribute a pro rata~~
12 ~~share of the monies based upon the second month enrollment of~~
13 ~~the preceding school year to each local board of education~~
14 ~~which submits a plan that satisfies all of the following~~
15 ~~criteria:~~

16 "~~(i) The local board of education shall provide a 25~~
17 ~~percent match of all funds for alternative school programs.~~

18 "~~(ii) The local board of education shall provide~~
19 ~~suitable facilities for housing alternative school programs.~~

20 "~~(iii) The plan submitted by each local board of~~
21 ~~education shall provide multiple tiers of alternative school~~
22 ~~programs which include, but are not limited to, "in-school~~
23 ~~suspension," a short-term alternative school program designed~~
24 ~~to enable children to perform in the traditional classroom~~
25 ~~setting, and a long-term program which is a true alternative~~
26 ~~to expulsion.~~

1 ~~"(iv) The plan as submitted by each local board of~~
2 ~~education shall outline the educational services which shall~~
3 ~~be available to each child assigned to the short-term or~~
4 ~~long-term programs. Those services shall include, but are not~~
5 ~~limited to, all of the following:~~

6 ~~"A. Remedial education where necessary.~~

7 ~~"B. Counseling, including sessions on conflict~~
8 ~~resolution.~~

9 ~~"C. Social skills development.~~

10 ~~"(v) Each tier of the local plan shall be~~
11 ~~curriculum-based to address the goal of academic improvement~~
12 ~~and shall include, to the extent possible, mandatory parental~~
13 ~~notification and involvement.~~

14 ~~"(vi) If a local board of education can~~
15 ~~satisfactorily demonstrate that alternative school programs~~
16 ~~meeting all of the criteria in this section have been~~
17 ~~implemented, the allocation to the local board of education~~
18 ~~for alternative school programs may be directed by the State~~
19 ~~Board of Education to programs under the School Safety~~
20 ~~Enhancement Program.~~

21 ~~"(vii) Each year any monies remaining after~~
22 ~~distribution by the State Board of Education to the local~~
23 ~~boards of education which meet the criteria pursuant to~~
24 ~~subparagraph 1. and qualify for a portion of the monies, shall~~
25 ~~be allocated to those local boards of education demonstrating~~
26 ~~innovative programs with measurable improvements in academic~~

1 ~~achievement, attendance, school behavior, and parental~~
2 ~~involvement.~~

3 ~~"2. The State Board of Education shall review the~~
4 ~~programs of each local board of education receiving monies~~
5 ~~from the fund and shall annually submit a report to the~~
6 ~~council by July 1. This report shall include all of the~~
7 ~~following:~~

8 ~~"(i) The number of children served in each tier of~~
9 ~~the program.~~

10 ~~"(ii) The improvement in academic achievement.~~

11 ~~"(iii) The improvement in behavior.~~

12 ~~"(iv) The improvement in parental involvement.~~

13 ~~"(v) Financial accounting for the state and local~~
14 ~~monies expended.~~

15 ~~"3. The State Board of Education shall develop~~
16 ~~additional criteria for continued state funding of programs~~
17 ~~initiated pursuant to this chapter.~~

18 ~~"4. Sufficient safeguards shall be implemented to~~
19 ~~ensure that the new monies will increase and not supplant or~~
20 ~~decrease existing state or local support.~~

21 ~~"b.1. The School Safety Enhancement Program. The~~
22 ~~amount of monies available to each local board of education~~
23 ~~shall be determined by the State Board of Education based upon~~
24 ~~the second month enrollment of the preceding school year. To~~
25 ~~be eligible to initially receive a portion of the monies, each~~
26 ~~local board of education shall submit a grant application~~
27 ~~pursuant to guidelines promulgated by the State Board of~~

1 ~~Education with provisions for annual renewal of the grants.~~
2 ~~Provisions for program evaluation in order to determine~~
3 ~~effectiveness and financial accountability shall be included~~
4 ~~in the guidelines. The guidelines shall include all of the~~
5 ~~following:~~

6 ~~"(i) A component to enhance parental participation~~
7 ~~in school activities and promote parental responsibility for~~
8 ~~the performance and behavior of their children.~~

9 ~~"(ii) A requirement for a local 25 percent match of~~
10 ~~funds for school safety activities, excluding pre-kindergarten~~
11 ~~programs for at-risk children listed in item (ii) of~~
12 ~~subparagraph 2.~~

13 ~~"(iii) Sufficient safeguards implemented to ensure~~
14 ~~that the new monies will increase and not supplant or decrease~~
15 ~~existing local support.~~

16 ~~"2. School Safety Enhancement Programs eligible for~~
17 ~~grants shall be designed to prevent or reduce violence in the~~
18 ~~schools and communities and reduce school disciplinary or~~
19 ~~safety problems. The programs shall relate to one or more of~~
20 ~~the following:~~

21 ~~"(i) Extended day programs with supervised~~
22 ~~activities including, but not limited to, remedial education;~~
23 ~~tutorial assistance; arts, music, or other cultural~~
24 ~~enhancement; and activities for gifted children. Each local~~
25 ~~board of education may charge a fee based upon income for~~
26 ~~participation in the programs.~~

1 ~~"(ii) Pre-kindergarten programs for "at-risk"~~
2 children. These programs do not require the local 25 percent
3 match of funds for school safety activities mandated by item
4 ~~(ii) of subparagraph 1.~~

5 ~~"(iii) Truancy prevention programs which may include~~
6 ~~additional school attendance personnel and a Saturday school~~
7 ~~component.~~

8 ~~"(iv) Programs to assist children in dealing with~~
9 ~~anger and emphasizing acceptable ways of dealing with violence~~
10 ~~including peer mediation, conflict resolution, and law related~~
11 ~~education.~~

12 ~~"(v) Safety plans involving the use of metal~~
13 ~~detectors, other security devices, uniforms, school safety~~
14 ~~resource officers, or other personnel employed to provide a~~
15 ~~safe school environment.~~

16 ~~"(vi) Drug, alcohol, tobacco, gang-related, or~~
17 ~~satanic worshipping-related education, prevention, detection,~~
18 ~~or enforcement programs.~~

19 ~~"(vii) At-risk identification and intervention~~
20 ~~programs designed to identify children who are at-risk and~~
21 ~~coordinate school and community services so that the mental,~~
22 ~~physical, and social capabilities of the child are enhanced.~~

23 ~~"3. The State Board of Education shall review the~~
24 ~~programs of each local board of education which receive monies~~
25 ~~from the fund and annually submit a report to the council by~~
26 ~~July 1. This report shall include all of the following:~~

27 ~~"(i) The number of children served.—~~

1 ~~"(ii) The improvement in academic achievement.~~

2 ~~"(iii) The improvement in behavior.~~

3 ~~"(iv) The improvement in parental involvement.~~

4 ~~"(v) Financial accounting for the state and local~~
5 ~~monies expended.~~

6 ~~"4. The State Board of Education shall develop~~
7 ~~additional criteria for continued state funding of programs~~
8 ~~initiated pursuant to this chapter.~~

9 ~~"c. Any other children's services provided by the~~
10 ~~State Board of Education.~~

11 "(3) a. Twenty percent of the fund shall be
12 allocated to the Alabama Department of Human Resources for
13 distribution to one or more of the following:

14 "1. Foster care basic monthly maintenance rates to
15 foster families.

16 "2. Recruit and maintain additional therapeutic
17 foster homes.

18 "3.(i) Alabama Child Care Management Agencies to
19 fund child care programs utilizing trained, qualified, and
20 licensed child care facilities. These child care providers
21 shall have specific emphasis on early intervention and
22 nutrition services for all of the following:

23 "A. The children of working parents who are income
24 eligible as is defined by the guidelines of the Alabama
25 Department of Human Resources for participation in the
26 subsidized child care program.

1 "B. The children of parents who have been unemployed
2 and on public assistance but who have obtained employment and
3 are income eligible as is defined by the guidelines of the
4 Alabama Department of Human Resources for participation in the
5 subsidized child care program.

6 "C. The children of parents who are properly
7 enrolled in Alabama public schools but have not yet completed
8 school through grade level 12 and who are income eligible as
9 defined by the guidelines of the Alabama Department of Human
10 Resources for participation in the subsidized child care
11 program.

12 "(ii) The Alabama Department of Human Resources
13 shall ensure that at least 25 percent of the funds allotted to
14 Alabama Child Care Management Agencies annually shall be
15 allocated to those children indicated in subitem A. of item
16 (i) and at least 25 percent of the funds allotted to Alabama
17 Child Care Management Agencies annually shall be allocated to
18 those children indicated in subitem C. of item (i).

19 "4. Services through licensed shelter care and
20 licensed residential foster homes.

21 "5. Special needs adoptions to assist in recruiting
22 prospective adoptive parents, to facilitate the adoption of
23 children with special needs, and to provide financial
24 assistance to parents after adoption of these children.

25 "6. Child advocacy centers within the state that are
26 certified by the Alabama Network of Children's Advocacy
27 Centers, Incorporated, or its successor organization.

1 "7. Any other children's services provided by the
2 Alabama Department of Human Resources.

3 "b. Sufficient safeguards shall be implemented to
4 ensure that these new monies will increase and not supplant or
5 decrease existing state and local support received from any
6 source.

7 "(4) Five percent of the fund shall be allocated to
8 the Children's Trust Fund and administered by the Department
9 of Human Resources for distribution to one or more of the
10 following:

11 "a. Community-based programs providing unification
12 of prevention services which shall include, but not be limited
13 to, all of the following:

14 "1. Parenting education.

15 "2. Health screening for at-risk children.

16 "3. Adult education classes.

17 "4. Job readiness training.

18 "5. Welfare-to-work programs.

19 "6. Quality child care for participants.

20 "b. Grants for community-based programs targeted
21 toward "at-risk" children or teens with specific emphasis on
22 plans, programs, and services to eradicate gangs,
23 investigation of child pornography, criminal behavior,
24 illiteracy, teen unemployment, teen pregnancy, and single
25 parent families pursuant to the guidelines of the Children's
26 Trust Fund as provided in Sections 26-16-30 to 26-16-33,
27 inclusive.

1 ~~"c. The Children's Cabinet.~~

2 ~~"d. The Wallace Newborn Screening program.~~

3 ~~"e.~~ The Child Abuse and Neglect Prevention Board.

4 ~~"f.~~ Any other children's services provided by the
5 Children's Trust Fund.

6 "(5) Five percent of the fund shall be allocated to
7 the State Multiple Needs Children's Fund, and administered by
8 the Department of Human Resources. Pursuant to Section
9 12-15-174, funds are to be allocated by the Alabama Children's
10 Services Facilitation Team for services for multiple needs
11 children in accordance with Sections 12-15-171 and 12-15-175.
12 The Alabama Children's Services Facilitation Team shall
13 develop a written plan to address the needs of multiple needs
14 children. Disbursements from the Multiple Needs Children Fund
15 shall be based on the written plan. The monies allocated
16 pursuant to this subdivision shall be distributed to one or
17 more of the following:

18 "a. Counties, based upon the per capita child
19 population of each county, according to the most recent
20 federal census, to provide services for multiple needs
21 children identified by the county children's services
22 facilitation team or referred by the juvenile court. These
23 funds may be expended by a county children's services
24 facilitation team to meet the needs of children for whom
25 individualized service plans have been developed and approved
26 and which are within the guidelines, policies, and procedures
27 of the Alabama Children's Services Facilitation Team.

1 Allotments to county children's services facilitation teams
2 shall be disbursed quarterly.

3 "b. Alabama Children's Services Facilitation Team
4 for children whose needs exceed the resources available in the
5 local community. These monies shall be used to purchase
6 services or to develop services when a sufficient need can be
7 documented.

8 "c. Any other children's services provided by the
9 State Multiple Needs Children's Fund.

10 "(6) Five percent of the fund shall be allocated to
11 the Department of Mental Health and Mental Retardation for
12 distribution to one or more of the following:

13 "a. Community-based services for children and
14 families in crisis. The department shall maintain standards
15 and procedures to require that all staff members who provide
16 services pursuant to this subdivision have the appropriate
17 specialized training or experience, or both, to meet the needs
18 of the children and families served.

19 "b. Intensive long term programs designed to change
20 behavior and rehabilitate children with gang-related problems,
21 satanic worshipping-related problems, drug or alcohol problems
22 or addictions. Private providers may be utilized for these
23 drug and alcohol and gang-related and satanic
24 worshipping-related treatment programs. A portion of the funds
25 allocated pursuant to this paragraph shall be used to fund
26 halfway houses or other graduated release facilities for
27 children with drug or alcohol problems or addictions.

1 "c. Any other children's services provided by the
2 Department of Mental Health and Mental Retardation.

3 "(7) a. ~~Ten~~Twenty-seven percent of the funds shall
4 be allocated to the Juvenile Probation Services Fund and
5 administered by the Administrative Office of Courts to unify
6 and upgrade the juvenile justice system and improve the
7 delivery of services to children who have been referred to the
8 juvenile court. The monies allocated to the Juvenile Probation
9 Services Fund shall be allotted to one or more of the
10 following:

11 "1. Convert juvenile probation officers and support
12 staff in counties with a population of 99,000 or less,
13 according to the most recent federal census, and Mobile
14 County, Calhoun County, Etowah County, and Tuscaloosa County
15 to state employee status under the direction and supervision
16 of the Administrative Office of Courts pursuant to the
17 Juvenile Probation Services Improvement Act. These funds shall
18 also be used to provide salary subsidies for juvenile
19 probation officers in each county with a population of more
20 than 99,000, on the basis of one salary subsidy per 15,000
21 population or a fraction thereof.

22 "2. In the fiscal year ending September 30, 1999,
23 additional juvenile probation services positions at the ratio
24 of one position per population of 47,000 or a major fraction
25 of that amount. At a minimum, each county shall receive at
26 least one additional juvenile probation officer. Juvenile
27 probation services positions shall include juvenile probation

1 officers, professional staff charged with developing programs
2 for early intervention and correction of delinquent behavior,
3 and officers assigned to intensively supervise juveniles
4 returning from regional or state institutions. Each county
5 shall be allocated at least one additional juvenile probation
6 officer subsidy for the fiscal year ending September 30, 1999.

7 "3. Any other juvenile probation service provided by
8 the Administrative Office of Courts through the Juvenile
9 Probation Services Fund.

10 "b. In successive fiscal years, the percentage of
11 monies received pursuant to this subdivision shall be allotted
12 to the Juvenile Probation Services Fund to provide funding for
13 juvenile probation services administered by the Administrative
14 Office of Courts.

15 "c. Each presiding juvenile court judge and chief
16 juvenile probation officer shall jointly file a sworn
17 statement on approved forms with the Administrative Office of
18 Courts prior to July 1 of each year which shall contain a
19 detailed listing of the general services provided by the
20 juvenile probation staff to the children under their
21 supervision. The services provided in each county shall
22 include, but not be limited to, all of the following:

23 "1. Programs to develop basic competency in social
24 skills.

25 "2. Truancy prevention programs.

26 "3. Restitution collection programs.

27 "4. Community service work programs.

1 "5. Programs utilizing trained volunteers including
2 mentor programs, volunteers in probation, and other programs.

3 "6. Programs mandating parental accountability.

4 "7. Intensive aftercare programs for children
5 returning from regional or state institutions.

6 "8. Any other children's services provided by the
7 Juvenile Probation Services.

8 "d. The responsibilities provided in this
9 subdivision are supplemental to those provided in Section
10 12-15-7.

11 ~~"(8) a. Seventeen percent of the revenues shall be~~
12 ~~allocated to the Department of Youth Services to fund through~~
13 ~~public or private providers secure beds, group homes,~~
14 ~~graduated release facilities, community-based alternatives to~~
15 ~~commitment to the Department of Youth Services, and for~~
16 ~~subsidies for regional detention facilities. The public or~~
17 ~~private providers shall develop an aftercare plan for each~~
18 ~~juvenile leaving the custody of the Department of Youth~~
19 ~~Services and shall be responsible for monitoring compliance~~
20 ~~with and completion of each plan. The Department of Youth~~
21 ~~Services Board shall develop criteria and an allocation~~
22 ~~formula to insure that monies received from the fund shall be~~
23 ~~equitably distributed to provide access to local juvenile~~
24 ~~offender programs for both urban and rural areas throughout~~
25 ~~the state. The funds allocated to the Department of Youth~~
26 ~~Services shall be distributed for one or more of the~~
27 ~~following:~~

1 ~~"1. Facilities for secure beds and for graduated~~
2 ~~release facilities to integrate children from the Department~~
3 ~~of Youth Services secure facilities back into their local~~
4 ~~communities.~~

5 ~~"2. Intensive programs to include, but not be~~
6 ~~limited to, wilderness programs of sufficient duration to~~
7 ~~change behavior, to develop self-reliance, and to develop a~~
8 ~~work ethic. Not less than 20 percent of these funds shall be~~
9 ~~designated for the treatment of juvenile sex offenders.~~

10 ~~"3. Alternative programs which shall include, but~~
11 ~~not be limited to, bootcamps with a minimum required stay of~~
12 ~~90 days, day-reporting centers, and intensive monitoring~~
13 ~~systems which are community-based.~~

14 ~~"4. Subsidies for regional detention facilities.~~

15 ~~"5. Any other children's services provided by the~~
16 ~~Department of Youth Services.~~

17 ~~"b. An annual accounting of the distribution of the~~
18 ~~monies and the effectiveness of the programs shall be prepared~~
19 ~~by the Department of Youth Services and filed with the council~~
20 ~~prior to July 1. Sufficient safeguards shall be implemented to~~
21 ~~ensure that the new monies will increase and not supplant or~~
22 ~~decrease existing state or local support, except the portion~~
23 ~~of funds used year to year according to needs enumerated in~~
24 ~~this section.~~

25 ~~"(98) Three and one-half percent of the funds shall~~
26 ~~be allocated to the Alabama Medicaid Agency to fund services~~
27 ~~to directly benefit the needs of children and an AIDS waiver.~~

1 ~~"(10) One percent of the funds shall be allocated to~~
2 ~~the Alcoholic Beverage Control Board for education and~~
3 ~~enforcement of Chapter 11 of Title 28, which prohibits access~~
4 ~~to tobacco products by minors.~~

5 "(119) a. OneTwo and one-half percent of the funds
6 shall be allocated to the Department of Forensic Sciences to
7 fund forensic services including, but not limited to, all of
8 the following:

9 "1. Investigation of child deaths where the child
10 was not under the care of a physician, identification of
11 missing children remains, and analysis of forensic evidence
12 associated with crimes where the victim is a child.

13 "2. Provision of medical examiners for local child
14 death review teams.

15 "3. Education of medical students and resident
16 physicians regarding fatal child abuse.

17 "4. Provision of expert testimony in court cases
18 involving forensic findings in criminal investigations.

19 "5. Provision of other forensic services for
20 children when requested by the council.

21 "b. The Department of Forensic Sciences shall
22 prepare an annual accounting of the distribution of monies
23 received and the effectiveness of programs implemented
24 pursuant to this chapter and shall file the accounting with
25 the council before July 1. Sufficient safeguards shall be
26 implemented to ensure that the new monies increase and not
27 supplant or decrease existing state support.

1 "6. Any other children's services provided by the
2 Department of Forensic Sciences.

3 ~~"(12) One-half of one percent of the fund shall be~~
4 ~~allocated to the Department of Rehabilitation Services for~~
5 ~~distribution to one or more of the following:~~

6 ~~"a. Early intervention services for children from~~
7 ~~birth through age three and services for children who have~~
8 ~~traumatic brain injury.~~

9 ~~"b. Child death review teams pursuant to Article 5~~
10 ~~of Chapter 16 of Title 26. The Department of Rehabilitation~~
11 ~~Services shall work in cooperation with the Department of~~
12 ~~Public Health to administer this paragraph."~~

13 Section 2. This act shall become effective October
14 1, 2012.