



December 14, 2023

To: Legislative Budget Committee

From: Dylan Dear, Assistant Director for Fiscal Affairs

Re: State Services for Unlawful Immigrants

In response to a request from the Legislative Budget Committee, the Kansas Legislative Research Department (KLRD) has compiled a list of responses from agencies regarding services provided to individuals who reside in the State of Kansas unlawfully. We have made an effort to exclude from this list any non-citizens who are nonetheless lawfully present in the United States.

K-12 Education

According to the State Department of Education (KSDE), all children in the United States are entitled to a free public education regardless of immigration status under U.S. Supreme Court Case *Plyler v. Doe*. For this reason, KSDE does not collect data on the immigrant status of students.

KLRD research identified a 2016 Pew Research Center article, which indicated that 7.6 percent, or 39,317 Kansas students, had at least one parent who is in the United States unlawfully.¹ However, many children are U.S. citizens regardless of their parent's immigration status. Using 2019 American Community Survey (ACS) augmented data, it is estimated that approximately 1.68 percent of children, or 8,000 students, in Kansas schools are undocumented. At a BASE state aid rate of \$5,088 per pupil in FY 2024, this would amount to approximately \$40.7 million in education expenditures per school year.

Higher Education

According to the State Board of Regents, students who meet the eligibility criterion for a Kansas university may pay in-state tuition at Kansas universities regardless of immigrant status if they meet the following criteria in KSA 76-731a:

- Attended an accredited Kansas high school for 3 or more years;

¹ Information published by Pew Research Center (February 5, 2019) identifies the "U.S. unauthorized immigrant population estimates by state, 2016." Accessed at: <https://www.pewresearch.org/hispanic/interactives/u-s-unauthorized-immigrants-by-state/>

- Graduated from an accredited Kansas high school or earned a Kansas GED; and
- Filed an application to legalize their immigration status, or filed to begin the process to obtain citizenship, or will file legalization or citizenship intention as soon as they are eligible to do so.

For one of the 32 Kansas Community and Technical Colleges, undocumented Kansans who do not have a high school diploma may access the adult education centers located across the state, where they can:

- Learn English as a second language (ESL) to improve speaking, listening, reading, and writing skills in English;
- Enroll at the same time in adult education and college Career Technical Education courses for career pathways like manufacturing and health care;
- Prepare for the GED® Test or other high school equivalency exam;
- Upgrade job skills including critical thinking, locating information, digital literacy, time management, and working with others;
- Develop skills in reading, math, writing, social studies, and science so they can help children with their homework, be active in community affairs, and get better jobs; and
- Strengthen reading, writing, and math skills for college placement tests like COMPASS, Accuplacer, and WorkKeys.

Department of Corrections

According to the Department of Corrections (KDOC), state Correctional Institutions currently house 160 residents who are not lawful U.S. residents. Assuming an average annual cost per resident of \$43,898, the total cost would amount to approximately \$7.0 million per year. This cost is calculated using average annual operating cost plus marginal cost (that is, miscellaneous expenditures, *i.e.*, supplies, clothing, utilities, bedding). The Department of Corrections will occasionally receive federal funds to partially defray these expenses. In FY 2024, KDOC received a \$439,449 award from the State Criminal Alien Assistance Program that will be used to help pay for the health care contract.

Department for Children and Families

According to the Department for Children and Families (DCF), many of programs like Child Protection Services and Family Crisis Helplines, do not screen for documented status. Those programs are described below.

DCF Family Crisis Helpline – 100.0 percent SGF-funded, Approved: \$3.0 million SGF in FY 2024. [Note: This is a subset of the Foster Care Services mentioned later in this response.]

- DCF and Beacon Health Options operate a continuum of crisis intervention services for children and families in crisis. The DCF Family Crisis Response team using the Mobile Crisis Helpline coordinates behavioral health services for Kansas children, adolescents, and youth age 20 or younger. By connecting families quickly to supports and services, the Helpline de-escalates crises and prevents the need for more restrictive interventions. The Family Crisis Response program is a collaboration with Kansas Department for Aging and Disability Services (KDADS), all three Kansas Medicaid managed care organizations (MCOs), and a statewide network of mobile crisis provider.
- Individuals who call the Crisis Helpline are not asked for citizenship or documentation prior to receiving help.

All Child and Adult Protection Services (both utilize a mix of funds) – approximately 65 percent SGF-funded.

- Adult Protective Services (APS): FY 2024 Approved: \$1.8 million All Funds; \$770,085 SGF.
- APS responds to reports of abuse, neglect or exploitation of adults. Intervention is available to adults age 18 and older who are unable to protect themselves. This includes individuals who have physical, emotional or mental impairments. These impairments may limit their ability to manage their homes or their personal or financial affairs. Intervention actions are taken to safeguard the safety, wellbeing and general welfare of adults in need of protection. The APS program helps those adults who need assistance in dealing with abusive, neglectful or exploitive situations. Those who are most frail, dependent and socially isolated are at highest risk. APS social workers provide protective services to these adults, with their consent.
 - Individuals who call, or are the subject of a call, to the Abuse Hotline are not asked for citizenship or documentation prior to receiving help.
- Child Protective Services (CPS): FY 2024 Approved: \$2.0 million All Funds, \$0 SGF. [Note: This is a subset of the Foster Care Services mentioned below.]
 - When a report of child abuse or neglect is made, an initial assessment is made to determine if CPS should become involved. If the report meets the criteria for agency involvement, the case is investigated by a social worker or special investigator. Law enforcement may also investigate if a joint investigation is warranted. If it is determined that a child is unsafe, then a recommendation is made by CPS or law enforcement to the court regarding what action should be taken regarding the child's safety. The court is ultimately responsible for the decision to remove a child from the home. Removal may require placing the child in foster care or in the care of a relative.

- Services may be provided in non-abuse or neglect situations in cases where a child appears to be without proper parental care and control, in cases of truancy and in the cases of runaways. Assessments often result in families being referred to services such as family preservation, foster care or other services available in the community.
 - Individuals/Children who call, or are the subject of a call, to the Abuse Hotline are not asked for citizenship or documentation prior to receiving help.
- Foster Care Services (extension of CPS Program): In its entirety, Prevention and Protection Services includes \$420.0 million All Funds, \$272.4 million SGF in the FY 2024 Approved Budget.
 - Foster care services are for children and families in cases when a court has found the child to be in need of care and the parents are not able to meet the safety needs of their child. Most children who require foster care have been abused or neglected, and they have major developmental, physical and emotional needs that require a variety of services and care.
 - Some children who are not abused or neglected may be placed in foster care for reasons such as out-of-control behavior, failure to attend school, overwhelmed parents and running away from home. Foster children are most often placed with relatives or in qualified family foster homes, but some children need more structured settings such as a group home or a residential center.
 - If a child is found to be a Child in Need of Care (“CINC”) by the court and then placed into the custody of the Secretary, they receive foster care services.

Other Programs

- Child Support Services – Program as a whole is 7 percent SGF-funded. FY 2024 Approved: \$33.2 million All Funds, \$1.5 million SGF
 - The program assists by establishing parentage and orders for child and medical support, locating noncustodial parents and their property, enforcing child and medical support orders, and modifying support orders as appropriate.
 - The agency tries to help collect child support without regard to citizenship but are limited with collection efforts with other countries. They must be a Hague Convention participating country.
- Vocational Rehabilitation is an employment-based program. Program as a whole is 17 percent SGF-funded. FY 2024 Approved: \$32.6 million All Funds, \$5.9 million SGF.
 - To help Kansas citizens with disabilities meet their employment goals, Kansas Rehabilitation Services (KRS) offers a variety of vocational rehabilitation (VR) services. If you have a disability which impacts your ability to get or keep a job, you may want to apply for VR services.

- All participants are required to be eligible to work in the United States and have supporting documentation to support but citizenship is not required.
- CPS - Foster Care: FY 2024 Approved: \$5.3 million All Funds, \$2.1 million SGF.
 - Independent Living (IL) Program. Overall, the IL program is 35 percent SGF-funded.
 - The agency does not provide Medicaid benefits to non-citizens in the IL program.

According to DCF, there is federal programming that undocumented individuals would not be eligible for unless they meet these narrow exceptions:

- Individuals who are undocumented are not eligible for direct services including, TANF or Temporary Assistance for Needy Families, Child Care Subsidy, Food Assistance or SNAP, Food Commodity Program, TEFAP or the Emergency Food Assistance Program, and LIEAP or the Low-Income Energy Assistance Program.
- Many of these programs have an SGF match/allocation.
- Exception specifications are noted by the National Immigration Law Center at: <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>

Kansas Department of Health and Environment

According to the Kansas Department of Health and Environment (KDHE), per federal guidelines, KDHE public health programs that receive federal funding cannot permit local public health departments to deny service to anyone based on citizenship status. This includes programs such as WIC, Federally Qualified Health Centers and also programs such as birth defect screening.

Immigrants without lawful documentation are not eligible for KanCare. Non-citizens who do not have a documented status or whose immigration status does not meet the rules for full Medicaid or CHIP may qualify for limited assistance with emergency services.

Kansas Department for Aging and Disability Services

The follow report from KDADS covers Home and Community Based Services, Survey, and Behavioral Health Services but excludes the State Hospitals.

Included below is a list of all KDADS services/programs that are available (not necessarily targeted to) undocumented individuals:

- Federal Mental Health Block Grant;
- Substance Use, Prevention, Treatment, and Recovery Block Grants;

- KDADS administers this grant and cannot, per federal guidelines, limit grants to persons based on their citizenship status, presence or absence of a social security number or legal documentation status;
- Community Mental Health Centers; and
- Substance Use Disorder provider funding.
 - Providers receive a braided mix of funding from the State, Medicaid, as well as those federal block grants.