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I am extraordinarily proud to present the inaugural edition of the North Carolina Undergraduate Journal of Public Affairs. This journal is a project of the UNC Roosevelt Institute and seeks to feature student research on issues of government policy in North Carolina. It is the result of the hard work and dedication of students at four of North Carolina's finest institutes of higher education: Duke, Wake Forest, Davidson, and UNC. I speak for all of us at UNC Roosevelt when I say that I hope this is the beginning of a long and fruitful partnership of facilitating undergraduate research that addresses our state's most pressing questions.

In addition to being impressed with the responsiveness of our sister chapters, we were also impressed with the scope of submissions. This journal includes everything from federal policies that impact North Carolinians' access to mental healthcare all the way down to municipal polices that impact their access to a good meal on the go. Its policy recommendations would help find a place for foster youth in North Carolina homes, for wind power along North Carolina's windy coast, and for day laborers in Carrboro, North Carolina.

The journal will be accepting submissions and applications for positions on the editorial board once again in the spring, and I strongly encourage any undergraduate student interested in North Carolina policy issues to submit. I would like to extend a special invitation to students at schools in North Carolina that did not participate in this first addition; we are always looking for more schools that would like to be involved. I would also like to encourage students at schools outside of North Carolina who have a passion for public policy in the Tar Heel state to consider submitting an article. Please direct inquiries for becoming involved to paul.wilson.parker@gmail.com.

Regards,

Wilson Parker
Editor-in-Chief

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DEVELOPING UTILITY-SCALE OFFSHORE WIND POWER IN NORTH CAROLINA

by Stewart Boss

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HISTORY:

In North Carolina, where the shallow-water coastline is ideally suited for offshore wind development, an innovative legislative proposal introduced in 2011 can serve as a useful policy model for how states could encourage offshore wind development. North Carolina's Senate Bill 747, the Offshore Wind Jobs and Economic Development Act, proposed a state-managed competitive request for proposals (RFP) process to develop 2,500 MW of offshore wind energy starting in 2017.¹ If the state determines that an industry bid has a positive net economic impact, then investor-owned utilities would be required to sign 20-year contracts to purchase power.² Incremental costs or savings for ratepayers would appear on customers' utility bills, with limits on the impact of rate increases to large consumers. If the state fails to determine that 2,500 MW of offshore wind energy would result in a net economic benefit, then there would be no obligation to grant a contract.

To enhance industry support, SB 747 also gives utility companies the option to co-invest or purchase an ownership interest of up to 50 percent in the projects.³ While the bill does not require any direct government spending, it also extends an existing manufacturing tax credit for wind through 2020 to help attract manufacturing jobs. This policy creates a practical path forward for offshore wind energy.

ANALYSIS:

The National Renewable Energy Laboratory (NREL) estimates that the U.S. has 4,150 GW of total poten-

tial wind turbine nameplate capacity from offshore wind resources around the country.⁴ For perspective, the nation's total electric generating capacity from all sources was 1,010 GW in 2008. There are currently no installed offshore wind projects in the U.S.

Developing utility-scale offshore wind projects would raise consumer electricity rates, but these costs will likely be offset by a host of economic benefits. According to the U.S. Department of Energy, if the state installed 1,000 MW of new wind power, the construction phase alone would create 1,628 new jobs and bring \$188.5 million into local economies.⁵ The first 20 years of operation for these wind turbines would sustain 243 new long-term jobs and bring \$21.2 million annually to local economies. Investing in clean energy projects typically creates three times more jobs than the same level of spending on fossil fuel industries.⁶

Developing 1,000 MW of wind power would also deliver 2.9 million tons of annual CO₂ reductions and 1,558 million gallons of annual water savings. The environmental, climate, and public health benefits of shifting from coal to cleaner forms of energy like wind are well-documented; a recent Harvard study found that "the life cycle effects of coal [...] are costing the U.S. public a third to over one-half of a trillion dollars annually."⁷

AUDIENCE:

Legislation supporting offshore wind development could affect residents paying for electricity, investor-owned public utilities, manufacturers of wind turbine and transmission technology, other coastal industries, and local landowners. The em-

phasis on ensuring that any wind project would have a net positive economic impact on the state makes the policy more politically attractive to legislators concerned about consumer groups opposed to rate hikes, electric utilities eager to avoid anything resembling regulation, and coastal industries that may conflict with proposed turbine locations. While SB 747 has not yet moved forward in North Carolina's legislature, the bill – introduced by two Republicans and one Democrat – has received bipartisan support. On a national level, the public strongly supports developing clean energy technologies like wind; a recent nationwide survey conducted by the Civil Society Institute showed that roughly 71 percent of Americans support shifting federal “support for energy away from nuclear and towards clean renewable energy such as wind and solar.”⁸

NEXT STEPS:

Under this proposed policy, state agencies would review RFPs under a wide variety of criteria, including, but not limited to, the impacts on ratepayers, jobs and economic activity, tax revenue, system reliability, climate change, public health, export opportunities, system reliability, and existing industries. In order to level the playing field, this policy will effectively eliminate cost disadvantages for offshore wind by requiring the government agencies reviewing industry proposals to fully account for the externalized environmental and public health costs associated with continuing to rely on coal and other fossil fuel alternatives for electricity. States with substantial coastal wind resources should adopt this policy framework to move forward with developing offshore wind energy.

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FOOD TRUCK REGULATION IN NORTH CAROLINA

by David Winegar

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Food trucks are one of the newest phenomena in quick service food delivery. They offer a variety of food at competitive prices compared to brick and mortar restaurants. As food trucks have become more popular, cities in North Carolina have struggled in creating effective regulations. Cities should seek to regulate food trucks as lightly as possible while maintaining applicable vehicle and food safety regulations.

What exactly is the definition of a food truck? State regulations define two types: pushcarts and mobile food units (or food trucks). Pushcarts may only sell hot dogs or pre-prepared, pre-packaged foods; the sanitation requirements are minimal. Mobile food units have much more stringent requirements, including a potable water supply and a sink. The minimal requirements for a pushcart mean that they are small enough to not need a separate engine and hence can be pushed or at least towed. Mobile food units usually need a full truck to provide the space and energy, and a truck format fits easily into a street-side parking spot.

The advantages of food trucks are clear. The owners of food trucks do not have to pay for bathrooms or tables for customers, and there are generally lower startup costs. The truck can move to where the customers are and easily shut down when there are no customers available. However, the lack of a physical location also leads to some structural disadvantages for food trucks. Brick and mortar restaurants have an additional asset, interior space, which they can utilize in creative

ways to draw customers in. The smaller kitchen and storage spaces mean that food trucks are forced to offer a more limited menu and carefully plan how much ingredient stock to have on hand. There can also be difficulties in finding a location to serve customers effectively and in communicating to regular customers the changing location of the truck.

STATEWIDE REGULATION – THE COMMISSARY LAW
The only statewide regulation that specifically impacts food trucks is the commissary law. This law requires that food trucks or mobile pushcarts have a registered commissary, which must include a potable water source, a sink for cleaning equipment, a toilet and sink for washing hands, and storage space.¹ Food trucks usually rent these spaces from commercial kitchens.² Food trucks also have to comply with all other restaurant health requirements and inspections by county health departments.¹

Only a few months ago, on July 16, 2012, the North Carolina General Assembly passed Senate Bill 810, which made a small but important change to the commissary law. Now, pushcarts still have to have a base of operations at a restaurant or commissary, but “a mobile food unit shall meet all of the sanitation requirements of a permitted commissary or shall have a permitted restaurant or commissary that serves as its base of operation.” Food trucks may be able to avoid having a separate commissary by having their vehicle classified as a commissary.³ As the Independent Weekly reported, “Larry Michael, head of the state Department of Public Health’s Food Protection Program, says that those trucks will have to meet all of the statutory requirements placed on kitchen commissaries. That means these mobile kitchens will have to be equipped with, among other things, wastewater disposal systems.”²

While it is out of the scope of this article to consider the health impacts of different sanitation standards, it is important to note that in the same Independent Weekly article, one food cart owner cites the cost of renting commissary space in a commercial kitchen at upwards of \$200 a month.² Now that food truck owners have been given a way to ensure they can meet sanitation standards without having to rent commissary space, it could save them a substantial amount of time and money. Overall, statewide regulation is minimal and not a disproportionate burden on food truck operators.

LOCAL REGULATION – CITIES

Several cities in North Carolina have implemented regulations impacting food trucks, including Greensboro, Charlotte, and Raleigh, and several more are considering new regulations.^{4,5,6} These regulations include permit costs and restrictions on the times and locations food trucks can operate. Charlotte, Durham, and Chapel Hill provide lessons in effective and ineffective food truck regulations.

Charlotte was one of the first cities in North Carolina to regulate food trucks. The city's regulations may have some roots in racial resentment against Latino residents and are clearly designed to circumscribe, not just regulate, food trucks.⁵ Food trucks cannot operate after 9pm and must move locations every 90 days. Trucks cannot serve food in city parking spaces and must be 400 feet away from each other and any residential area.⁷ While food trucks have survived, it has been an uphill battle for operators to sell food in Charlotte.⁵

Durham has a burgeoning restaurant and food truck scene. This fall, the Durham City Government plans to implement new regulations on food trucks, but as of now, Durham regulations are remarkably lax. Food truck owners only need to pay under \$100 in permit costs, and they may operate at any time of day. There are few restrictions on where food trucks can park – they can be as close to each other and to restaurants as they want, and they can serve customers from public on-street parking spaces.⁶ As a result, there currently are over 40 food trucks operating in Durham.⁸

Chapel Hill implemented new, very restrictive food truck regulations earlier this year. Permit costs are very high – over \$800 total per year for the truck and the property owner.⁹ There are restrictive parking rules, including a ban on parking within 100 feet of a restaurant, a ban on serving food from public parking spots, and restrictions on the zones where food trucks can operate.¹⁰ Six months after Chapel Hill implemented their new rules, no food trucks had even applied for permits because the permit costs are so high.⁹

WHAT SHOULD NORTH CAROLINA MUNICIPALITIES DO ABOUT FOOD TRUCKS?

Towns should stop viewing food trucks a threat and instead see them as an opportunity. Some restaurants may lose business or even fail after food trucks become popular in an area. Therefore, it is understandable that restaurant owners would work together through industry associations to oppose food trucks and handicap them with regulation. But what is best for local restaurants is not always best for the city – exactly the opposite, in this case.

If food trucks are allowed to operate freely, they lead to lower prices (because of greater competition) and more choices. This will lead to a tangible improvement in the quality of life for everyone who frequents these food trucks. Restaurants will have to improve their products or prices to compete, or make better use of their greatest advantage: physical space. If restaurants fail or some restaurateurs decide to open food trucks instead, retail space in cities will become cheaper, again benefiting residents and leading to lower overall prices. Giving an advantage to existing restaurant owners through overregulation is pure protectionism and terrible public policy.

So what does optimal regulation look like?

“A food truck is a kitchen and a vehicle and should need to follow the rules that generally apply to both things. But there's no need for extra regulatory burdens over

and above those. If you're allowed to have a restaurant two blocks away from a school, there's no reason to ban a food truck. If you're allowed to park a van in a space somewhere, there's no reason to ban parking a van that also happens to sell food."¹¹

Matt Ygelsias makes a good point; food trucks should be regulated primarily as kitchens and trucks. A regulatory environment similar to the one that saw food trucks flourish in Durham should prevail. There should be no minimum distance between food trucks or from brick and mortar restaurants, no minimum distance from residential areas (as long as the food truck is following the applicable noise ordinances), and no restriction on the times food trucks can operate. Public street-side parking spaces should be open for food trucks, as well as private lots with the consent of the owner. Permits revenue should be used to cover inspection costs, not to raise revenue; costs should be as minimal as possible.

CONCLUSION

Food trucks are an example that even in established and mundane industries such as quick-service food, innovation continues to occur. Cities in North Carolina should be trying to foster this innovation instead of protecting established industries. For a state that prides itself on its business-friendly reputation, local governments have been remarkably unfriendly to local entrepreneurs seeking to invest in this new business model. The way forward for North Carolina municipalities is a reduction in the amount of regulations on food trucks.

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DAY LABORERS AND WORKERS' RIGHTS IN THE CHAPEL HILL-CARRBORO COMMUNITY

by Liz Willis

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At the intersection of Jones Ferry Road and Davie Road in Carrboro, North Carolina, on any given day of the week, there are men waiting on “the corner,” a short strip of land in front of a fence and across from a gas station. For the most part, the men standing on the corner are day laborers, waiting for work from homeowners and construction business owners from the area. The Human Rights Center, located in Carrboro, is currently looking to establish a day labor center or a worker center. The hope for the center is that it will help the day laborers in the community by attempting to prevent wage theft, by helping them obtain skills that would be useful in the workplace and by providing a sense of community for workers. How does the presence of the day labor community and the effort to establish a worker's center in Carrboro reflect the situation of day laborers nationwide? An answer to this question will contribute to a better understanding of how communities with rising immigrant populations attempt to ensure that there is an equivalent rise in resources to meet the needs of that population.

This issue is important because day laborers are extremely vulnerable to exploitation. The situation for day laborers in Carrboro is not isolated. Working as a day laborer places immigrants and citizens alike across the United States in precarious economic conditions. Not only is it difficult for them to secure a steady income, but they are also frequently victims of wage theft. A study entitled On the Corner: Day Labor in the United States outlines the conditions of

day laborers at the national level. On any given day, approximately 117,600 workers are either looking for day labor jobs or working as day laborers in the United States. The jobs are insecure and unstable, making it unlikely that a day laborer will earn more than \$15,000 a year, placing them below the federal poverty line. Furthermore, almost half of all day laborers interviewed experienced at least one instance of wage theft in the two months prior to the study. Although not all day laborers are immigrants, those that are face specific problems associated with migration. Many are attempting to send money back to family in their home countries or to support an entire family on their own. The pressure that inconsistent work creates for the immigrant day laborers causes significant hardships. Nationwide, the workforce is predominantly immigrant and Latino, with three quarters of the day labor workforce being undocumented migrants.¹

Moreover, in many places day laborers must wait for potential employers in all weather conditions, from extreme heat to heavy rain. They are also subject to complaints from other community members who are offended by the gathering of day laborers on street corners or in front of businesses. Workplace injuries are common: one in five day laborers had suffered a work-related injury and only half of those injured received medical attention.¹ Furthermore, the specific structural environmental risks that migrant day laborers face can lead to problem drinking.² Ethnographic studies conducted among day laborers in the San Francisco bay area pointed to specific stressors leading to problem drinking: substance abuse and dependence were found to be related to injury, depression, stress and anxiety.² Studies also document the day laborers' attribution of alcohol use to the stress of insufficient work and

economic hardship which lead at times to alcohol binges.² One study that conducted interviews with 38 day laborers, 11 of whom were injured, in San Francisco revealed chronic anxiety about the possibility of work injury. The working conditions were acknowledged by the day laborers to be dangerous, with inadequate safety equipment, lack of training and pressure from employers to work hard.² Suggestions for improving the structural environmental factors that lead to problem drinking among day laborers were organizing regular recreational activities, distributing phone cards to improve communication between families, arranging virtual visits for family members in home countries, and pooling resources to establish an emergency fund for work injuries.²

Such suggestions to address problem drinking are made in the context of growing awareness of the effectiveness of worker centers, which have been recognized as the most comprehensive solution to the issues facing day laborers and their communities.¹ The top policy concerns are the assurance, improvement and enforcement of labor standards in day-labor markets. The existing high rate of labor rights violations of day laborers is directly connected to the undocumented status of many day laborers as well as the economic marginalization of the day labor population as a whole.¹ Worker centers respond effectively to challenges such as wage theft and workplace injury by intervening on both the demand and supply side of day labor.¹ A variety of approaches to establish worker centers have been undertaken in communities around the United States. In total, there are 63 day-labor worker centers within 17 states.¹

In the report Day Labor Hiring Sites: Constructive Approaches to Community Conflict Methodology, the authors highlight different approaches to creating day labor hiring sites within communities across the country. The authors also discuss the complaints that community residents and business owners have about informal hiring sites, including littering, blocking driveways or parking lots, traffic hazards, public urination, drinking or gambling and sexual

harassment. The cultural understanding of issues like littering, public urination and sexual harassment, may differ enough that many day laborers may not understand how offensive those actions can be to other community members. Therefore, educational materials should be made available to day laborers about those issues. To solve the issue of littering, more trash cans should be made available at hiring sites. To decrease the incidence of public urination, day laborers should be allowed to use surrounding public facilities.³ The solutions to issues that both day laborers and other community members face require the involvement of all stakeholders in the establishment of better conditions at hiring sites. This study provides examples of efforts made in the mid- to late 1990s by five communities across the United States to improve the conditions of day laborers. These efforts included improving the original hiring site by establishing communication between the community and day laborers, building new sites with shade and public restrooms, and hiring sites that provided services such as English classes, legal rights workshops and computer access.³ The common approach by all five communities was the involvement of both day laborers and the larger community to minimize the labor rights abuses and the tension created by informal hiring sites.

The process of establishing better conditions for day laborers in Atlanta is documented by the online report "Geographies of Hope and Despair: Atlanta's African American, Latino, and White Day Laborers." This report demonstrates the effect of changing demographics on the day labor situation. Atlanta is a contemporary Latino gateway city, with the largest population of new arrivals to Atlanta now being Latin American immigrants. Yet, African-American, white and Latino day laborers have been waiting for day labor work in Atlanta since the 1980s. By 2000, Latinos had outnumbered African Americans at informal hiring sites, but African Americans still made up the majority of the labor pool. By 2006, 30 for-profit hiring halls were in operation, 40 informal

waiting areas and two non-profit hiring halls.⁴ The report emphasizes the economic vulnerability and discrimination that day laborers have faced and the efforts of non-profit hiring halls to provide a “safe” place for day laborers to wait. The hiring halls also attempt to discourage wage theft by requiring employers to leave their name and contact information before hiring a day laborer. They also provide a sense of community, even organizing soccer games for day laborers waiting for work.⁴

The economic vulnerability that day laborers face has been exasperated by the economic crisis in 2008. The New York Times article “With Economy, Day Labor Jobs Dwindle,” published in 2008, highlights the precarious situation of day laborers as a result of the crisis. The article specifically discusses Hempstead, New York, but echoes the housing crisis felt across the country. In 2006, many day laborers found work every day; in 2008, day laborers were lucky to secure employment two days a week.⁵ The ability of day laborers to send remittances home to their families was therefore reduced. Furthermore, as the demand for day labor dropped, employers took even greater advantage of day laborers, paying less and sometimes not at all due to the desperation created by the economic crisis.⁵

The similarities between the national climate for day laborers and the climate for day laborers in Carrboro are many. Rafael Gallegos, the Associate Director of the Human Rights Center of Chapel Hill and Carrboro, describes the hardships that day laborers face in Carrboro by stating that the least that the Human Rights Center hopes to do is make sure they are paid. He described the issues related to immigration: separation from family, debts owed to coyotes, and constant pressure to provide for family members back home. He states that men migrate here fully understanding the risk they are taking. Their families might change, their partners may find someone new, and, with today’s increased border patrol, it is not easy to return home if a family member is sick. He also discusses the com-

munity-based approach the Human Rights Center has taken to provide resources to day laborers and members of the immigrant and refugee populations in Carrboro and Chapel Hill. His interview speaks not only to the difficulty of the lives of day laborers but also to the efforts of the Human Rights Center to improve the quality of life of all members of the community. Rafael also discusses the vision that the Human Rights Center has for a worker center. The goals of a center are similar to worker centers in other cities across the country in that it aims to reduce exploitation of workers, provide a sense of community to day laborers and provide resources such as legal workshops and computer access.

David Rigby, the Assistant Director of the Human Rights Center, further contributes to establishing a connection between day laborers in Carrboro and day laborers nationally. He talks specifically about work injuries and safety hazards that day laborers face in this community. He states that day laborers are not offered back support or dust masks and may be exposed to chemicals on a regular basis. He also discusses the issues of self-medication and alcohol dependence within the day labor population in Carrboro. He attributes problem drinking to isolation and anxiety about work and work injuries, reflecting the trends found in the San Francisco study mentioned above. He also offers anecdotes about his attempts to secure wages for day laborers who contact him, the most interesting of which concerns the man installing Christmas trees in Bev Perdue’s not paying his workers.

The hardships that day laborers, particularly undocumented immigrant day laborers, face in the Carrboro community are far from over. However, the collaboration among human rights activists, lawyers and the day laborers themselves increases community awareness of the day labor population in Carrboro. The attempt to establish a day labor center in Carrboro puts their community in the midst of communities across the nation attempting to actively address the issues facing the day labor population.

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MENTAL HEALTH AND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT IN NORTH CAROLINA

by Peter Vogel

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Despite the efforts of the North Carolina General Assembly to improve the quality of the state's mental health care with the Mental Health System Reform Act of 2001, the current system fails to address the needs of the majority of the 1.37 million North Carolinians who require mental health services.¹ Presently, 95 of North Carolina's 100 counties have unmet need for mental health care prescribers (licensed professionals who can diagnose and treat mental health disorders). Additionally, wide discrepancies exist in the capabilities of counties to provide their residents with adequate care. While some counties, like Orange and Durham, can meet over 150 percent of their residents' need, others, such as Columbus, Hyde and Tyrrell, are incapable of meeting even one percent.² Fortunately, the Patient Choice and Affordable Care Act (ACA) will improve this unforgivable status quo by increasing the number of people who receive mental health care and by improving the treatment they receive.

Since the passage of the national Mental Health Parity and Addiction Equality Act of 2008, group health plans have been required to fund treatments for mental illness at the same level they pay for all medical ailments.³ However, prior to the passage of the ACA many Americans could not afford and did not receive such coverage. By allowing individuals under 26 to stay on their parents' health plans, subsidizing care for the needy, eliminating caps on lifetime insurance coverage, allowing those with pre-existing conditions to access care, expanding Medicaid, and establishing mental health care as an "essential health benefit" that

all state health exchanges must cover, the ACA will greatly expand the number of North Carolinians who can afford mental health care.⁴

Furthermore, the ACA will improve the quality of mental health care in two ways. First, it will support and train the next generation of mental health professionals by offering grants to university programs in the mental health field and by helping rural physicians who practice pediatric behavioral services repay their student loans.⁵ Next, by providing matching support for 90 percent of funds that states expend on the creation of new "health homes" between 2011 and 2013, the ACA will help North Carolina treat the mentally ill in a more efficient and holistic manner. A health home is a model of care that uses a designated provider, a team of health professionals, or a health team, to provide integrated care to patients. Unlike medical specialists, health homes must have the capacity for a "whole-person approach to care that identifies needed clinical and non-clinical services and supports, and provides or makes linkages to all such care."⁶ These homes are vital for treating the mentally ill, who are especially likely to suffer from multiple physical and mental ailments.⁷

One potential drawback of the ACA is that by expanding coverage to the previously uninsured, it will further exhaust the state's already overstretched care capacity, leading to decreasing quality of assistance. This fear should be discounted because the ACA does not lead to an increase in mental illness, only to an increase in the state's ability to efficiently fight it. According to Professors Marvin Swartz and Joseph Morrissey, jails and prisons currently serve as the provider of last resort for individuals with severe mental illnesses.⁸ Another study found that the average patient waited 2.6 days in an emergency

room before being admitted to one of the state's psychiatric hospitals, causing almost one third to return home before being admitted.⁹ The facts are clear: many mentally ill North Carolinians are currently being treated by inefficient institutions that are neither prepared for nor designed to provide quality care. By expanding and improving coverage, the ACA will relieve the undo pressure put on the state's emergency rooms and jails. Additionally, by providing superior care in the first place, the ACA will reduce rates of recidivism and lessen the cumulative burden of mental illness in the long run.

With a shortage of over 1,000 prescribers on the state level and an equivalent paucity nationally,¹⁰ it will take many years for North Carolina to provide full care for its most vulnerable residents; yet, the ACA has put the state squarely on the path forward. It is now incumbent on state officials to continue the march ahead.

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NORTH CAROLINA'S FLAWED TAX SYSTEM

by Wilson Parker

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Taxes, as Franklin D. Roosevelt once put it, are the dues we pay for the privilege of membership in an organized society. But even as the debate over how to mend our ineffective federal tax system rages inside the Washington beltway, another important conversation is occurring inside the Raleigh beltline about our state's revenue system, which is even more outdated and regressive.

Generally, according to Andrew Haile, a law professor at Elon University, North Carolina's problem is that its "taxes appl[y] too high a rate to too narrow a base."¹ In other words, our tax system allows taxpayers to avoid paying taxes on a large portion of their income by offering them deductions, but applies a rate that is too high to the portion that they do pay. This creates several problems.

First, it allows North Carolina's wealthiest taxpayers to pay a lower average rate than its poorest residents, because, according to the North Carolina Budget and Tax Center, "families whose earnings put them in the bottom fifth of all North Carolina households (making an average of \$11,000 per year) pay 9.5 percent of their income in state and local taxes, compared to only 6.8 percent for households with earnings in the top one percent (who make an average of \$930,000 per year)."² In fact, according to the Institute on Taxation and Economic

Policy, only six states require their citizens in the poorest income quintile to pay a higher proportion of their income in income taxes than North Carolina.³

Even as our state forces its poorest citizens to bear a heavy tax burden, it also imposes a high income tax rate on businesses and individuals who are unable to take advantage of our system's loopholes; according to Haile, who published his findings in the *North Carolina Law Review*, "by starting with a narrower tax base, North Carolina has to apply a higher tax rate to generate the same amount of revenue as other states. North Carolina's top marginal income tax rate is the highest in the Southeast. It is the thirteenth highest in the nation. The high rate puts North Carolina at a competitive disadvantage in attracting high-earning individuals (and the businesses for which they work) to the state."¹

Finally, the state's overreliance on the income tax, which fluctuates heavily as economic conditions change, prevents it from being able to maintain a reliable stream of revenue. Haile writes: "North Carolina's disproportionate dependence on the individual income tax makes the state's revenue stream relatively volatile. When salary cuts, job losses, and investment losses occur, as they have in the most recent recession, tax revenues fall more precipitously in North Carolina than in states that depend less on the individual income tax."¹ The consequences of such an unreliable system have been felt by every UNC student; the legislature faced a massive budget shortfall driven largely by the effects of the recession on revenue and

forced students to shoulder much of the financial burden.

North Carolina needs a tax system that can equitably distribute the burden of supporting the state's government, make the state more competitive in the national marketplace, and guarantee a reliable source of revenue to fund the state's schools, hospitals, and transportation system. Sadly, the current system fails on all counts.

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FINDING A HOME: FIXING NORTH CAROLINA'S FOSTER CARE SYSTEM

by Joe Swanson

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According to the AFCARS 2006-2009 Child Welfare Outcomes Report to Congress, "adequate placement stability is defined as limiting the number of placement settings for a child to no more than two for a single foster care episode." States are fairly successful in achieving placement stability for children in foster care for less than 12 months, but the percentage of children who have placement stability declines considerably the longer the children are in foster care."¹ In North Carolina, 92.8% of children who reside within foster care for less than twelve months experience two or fewer placements within a year. However, if these foster children remain within foster care for over two years, their chances of retaining the luxury of two or fewer placements within a year plummets to only 44.6%.¹

Unfortunately, we cannot take solace in hoping that there are significantly fewer foster children who have to suffer the instability that comes with long-term foster care. In North Carolina, of the 14,615 foster children in 2009, over 60% had remained in the foster care program for over a year, and 34% for two or more.¹ As a result, 25% of the foster children in North Carolina are subject to inadequate placement stability as defined by the Adoption and Foster Care Analysis and Reporting System.¹

This instability adversely affects foster children in several aspects of their development. However,

a particular aspect that has suffered the most is a foster child's opportunity for equal access through education.

Placement instability correlates with high rates of school transfer amongst foster youth. According to data in California, children within the foster care system attend an average of nine different schools by the age of eighteen.² As a result, these children must be constantly prepared to lose relationships with friends and teachers, abandon extra-curricular activities, and adjust to a completely unknown environment on any given day. Due to this instability, foster children are often conditioned to disengage in the academic process, which leads to high dropout rates, low test scores, and low college enrollment rates.

To illustrate this disengagement, nationally, 75% of the 408,425 children and youth in foster care³ are behind a grade level⁴ and only 46% of former foster youth complete high school compared to 84% of the general population.⁴

From these statistics it is surprising to learn that 70% of teens who emancipate from foster care report they want to attend college. Therefore, the problem cannot be found in the children's aspirations.⁵ Nonetheless, fewer than 10% of the 46% who graduate from high school enroll in college and of that 10%, less than 1% graduate from college.⁵

Foster children who experience unstable environments even encounter obstacles built into the college application process through a lack of positive relationships with school administrators,

support staff, teachers and classmates.⁶

Within the college admissions process, colleges strongly encourage, and in some ways even require, a stable environment of their applicants by requiring letters of recommendation and long standing commitment to extracurricular activities and organizations. However, because foster care students tend to experience such frequent transfers, the relationships with teachers and school counselors from which high quality letters of recommendation are produced become difficult to acquire. Participation in extracurricular activities and commitment to organizations are discouraged by the constantly altering environment of the foster care system. This is because foster care children are conditioned to refrain from investing themselves in any long-term relationships and commitments due to the understanding that any connection can be broken any time by an unforeseen transfer.

To exacerbate the problem, in a 1994 study, research reported that information about school performance is not systematically tracked by social workers. Moreover, minimal, if any, attention is focused on education,⁷ leaving no one to advocate for the educational interests of the foster student.

ANALYSIS

In order to fix this broken system, we must begin by putting some form of reliable and trustworthy stability back in the foster care students' lives. We can accomplish this by creating a program that pairs high priority foster children not only with a CWA worker but also with an education specialist. This liaison will provide more knowledge in terms of educational needs, education laws and regulations, educational resources within the school community, and school procedures. With this knowledge they will be responsible for identifying and addressing educational problems and communicating those problems to the foster youth's assigned social worker. The social

worker is not required to heed the advice of the education specialist, but the specialist's voice will serve as an accountability mechanism for social workers as well as a source of aid in educational matters. More importantly, volunteers will serve as a stable, trustworthy, and positive educational advocate for the foster student's academic success by meeting with the foster youth once a month and serving the youth for a required two years. Of course, the program will encourage the specialist to serve until the child leaves the foster care system and his or her case is closed.

These educational specialists will be volunteers who exist within a hierarchy of educational experts. If implemented on a local level, agents from the local education agency would train education specialists. These agents would be certified special education teachers selected based on their knowledge of a variety of relevant education and legal issues.

If this program expands past the local level to a state or national program, the hierarchy would expand to include further organizational groups such as a city, state, and national office. Yet despite the hierarchy, individual volunteers will possess a high degree of autonomy outside of their training. The independence will be checked by the social workers possession of the final say in the foster youth's case.

HISTORY

The feasibility and practicality of this local system is based on two models that have already demonstrated high rates of success: The Foster Youth Services program located in California and the National Court Appointed Special Advocate Association with programs across the country.

Foster Youth Services is a California state grant-funded project designed to support the academic needs of foster and probation youth residing

in Los Angeles County. This group provides advocacy, connection to tutoring, mentoring, appropriate instruction, and other support services including assisting with records transfer, out of school activities and providing academic counseling.⁸

The National Court Appointed Special Advocate Association, or CASA, is a program that recruits, trains, and supports volunteers to represent the best interests of abused and neglected children in the courtroom and other settings. The network was established in 1977 but expanded to include 946 programs nationwide with over 77,000 CASA and guardian ad litem volunteers helping 234,000 abused and neglected children find safe, permanent homes.⁹ Besides the obvious success and virtuous mission statement, the beauty of this organization is that they encourage their volunteers to serve their child assignment until the case is closed and most require a two-year commitment. This commitment to the foster child demonstrates the stability that a child needs. An education specialist will provide this same stability in the educational foundation of a foster student's success.

NEXT STEPS

This program will be on a volunteer basis but there will be a small team of hired, full-time experts as well as some resources such as volunteer trainings that will require monetary support. To fund these resources and staff, the program will use suggested strategies for on going funding from the Education Liaison Model. The model's strategies use child welfare, Medicaid, and funds from the No Child Left Behind Act to fund a variety of federal and state programs utilizing education liaisons to aid social workers.¹⁰

Studies show that when an education specialist from the school district is accessible as a resource for CWA workers to identify and

address educational problems, it often leads to positive results for foster youth in terms of academic achievement.¹¹ These problems may include things such as inability to obtain a child's school records, refusal by a school district to enroll a child in school, inappropriate denial of special education eligibility, failure to provide required special education services, inappropriate placement, and inappropriate suspension or expulsion of a child.¹¹

Finally, these education specialists must provide guidance for foster care students in their academic and personal endeavors. Though academic counselors within schools are in place for this specific reason, many foster care students are not able to build an impactful relationship with these advisors due to multiple school transfers stemming from placement instability. Yet if the foster care student knew that they could rely on the presence and guidance of an educational specialist through a personal relationship, the student would gain a point of stability that would push them towards academic success. This reliable relationship, educational expertise, and guidance will bring a point of desperately needed stability to foster care students which will in turn close the gap on equal opportunity between the general student and a foster care student

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