

HOUSE BILL REPORT

HB 1566

As Reported by House Committee On:
Early Learning & Human Services
Appropriations

Title: An act relating to educational outcomes of youth in out-of-home care.

Brief Description: Concerning educational outcomes of youth in out-of-home care.

Sponsors: Representatives Carlyle, Kagi, Ryu, Roberts, Moscoso and Pollet.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/12/13, 2/19/13 [DPS];
Appropriations: 2/28/13, 3/1/13 [DP2S(w/o sub ELHS)].

Brief Summary of Second Substitute Bill

- Requires that certain youth in care receive an educational liaison.
- Outlines responsibilities of the educational liaison, the Department of Social and Health Services, school districts, and the Office of the Superintendent of Public Instruction for youth in grades 6 through 12 and who are in the conservatorship of the state.
- Expands eligibility requirements for Passport to College Promise Program.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 6 members: Representatives Kagi, Chair; Freeman, Vice Chair; Farrell, Goodman, Roberts and Sawyer.

Minority Report: Do not pass. Signed by 5 members: Representatives Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; MacEwen, Overstreet and Zeiger.

Staff: Lindsay Lanham (786-7120).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Beginning in 2001 the Washington Legislature, the Department of Social and Health Services Children's Administration (DSHS), the Office of the Superintendent of Public Instruction (OSPI), and the Washington State Institute for Public Policy (WSIPP) have studied and developed strategies in an effort to improve the educational outcomes for youth residing in out-of-home placements.

Between the years of November 2001 and December 2012, the WSIPP completed 13 evaluations that examine an array of educational outcomes for youth in foster care and studied the impact of specific interventions aimed to improve educational achievement for said youth. Additionally, Substitute House Bill 2679 required that the OSPI complete annual reports for the Legislature that examine the experiences and educational outcomes for youth in foster care. Substitute House Bill 1058 required the DSHS to maximize educational continuity and achievement for foster children. Substitute House Bill 1058 mandated, among other provisions, that the DSHS form a multidisciplinary oversight committee to promote best case practice for staff working with school-age youth who are residing in foster homes and monitor educational outcomes of these youth. The collaboration continues to meet and develop action plans to strengthen educational success for children and youth in foster care.

In 2004 the *Braam settlement* agreement, further required the DSHS to create benchmark measures for school stability with an annual goal of no more than 20 percent of youth in the state's care changing schools during a given school year. According to reports, the DSHS is currently in compliance with this educational benchmark as listed in the *Braam settlement*.

Summary of Substitute Bill:

The DSHS is required to identify an educational liaison at shelter care hearings and all subsequent review hearings for youth in grades six to 12 and who meet certain eligibility requirements. It is presumed that the educational liaison is the child's parent. If the youth's parent is not able to serve as the educational liaison, it is preferred that the educational liaison be known to the child and be a relative, other suitable person, or the youth's foster parent.

The expectations of the education liaison are outlined and an example of expectations include, but are not limited to, attend school meetings, provide educational advocacy for the youth, seek to understand the youth's academic strengths and future goals, and explore barriers and opportunities for the youth to participate in extracurricular activities.

It is the responsibility of the DSHS to discuss and document any school transfers at Family Team Decision-Making Meetings, to enroll the youth in school, to obtain missing academic or medical records required for school enrollment, to pay any unpaid fines due by the youth to the school district, and to document factors contributing to any school disruptions. Additionally, eligibility requirements for Passport to College Promise Program expand to include youth participating in the extended foster care program or a youth achieving a permanent plan after 17-1/2 years of age.

A school district representative or school employee is required to review and determine the cause of unexpected absences and proactively support the youth so the youth does not fall behind academically. A school district cannot prevent a youth from enrolling in school if there is incomplete information needed for enrollment. The education and data center must include in their annual report specific measures relating to educational outcomes for youth in foster care.

Finally, the OSPI must work with a nonprofit organization in Western Washington to establish one demonstration site and offer an intervention. The purpose of the intervention is to improve educational outcomes for youth who are 15 years and older and residing in foster care. The intervention includes providing direct advocacy, develop educational plans, and monitor educational progress.

Substitute Bill Compared to Original Bill:

One condition that qualifies a youth to receive an educational liaison is having all parental rights terminated. The identified educational liaison will be included in the health and education order entered at the shelter care hearing. Additionally, the status of the educational liaison will be updated at the shelter care hearing and all subsequent review hearings. The presumption that the youth's parent is the educational liaison is specified in the substitute bill. The DSHS may permit a child to transfer from her or his school of origin if it is in the child's best interest to transfer schools. Provisions relating to school transportation and immunizations have been removed. Finally, multiple agencies are not required to develop a new reporting strategy or complete new evaluations, but rather, the annual report completed by the education and data center must include new measures relating to the educational outcomes of youth in foster care.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The DSHS has made some progress relating to improving the educational outcomes of children residing in foster care. The DSHS has increased the continuity of school in care; however, the DSHS remains out-of-compliance with the special education services and postsecondary benchmarks outlined in the *Braam settlement* agreement.

School districts and the DSHS report that they both have a role in improving the academic achievement of youth residing in foster care, but neither agency claims full ownership or accountability for youth residing in foster care. While the education of foster youth is a partnership, it is important to have clarity in statute regarding the specific duties and expectations of the DSHS and school districts as it pertains to youth in foster care. Unless an

individual or entity takes responsibility for improving educational outcomes, there is a concern that there will be no improvement.

If youth meet specific characteristics, they are legally entitled to an educational surrogate. However, some report that youth residing in care are not receiving this service. As such, the education liaison is an important provision of the bill. Graduating on time from high school provides an important safety net for youth and provides an important spring board for youth as they transition into adulthood. Of all the outcomes for youth residing in care, educational outcomes are the most stark and harmful.

Washington has a moral responsibility to youth in foster care. This bill brings accountability, compassion, and care for youth residing in the foster care system. It further builds upon the collective capacity to provide educational advocacy. This is a proactive model to address barriers and move children toward high school graduation.

Finally, in one particular story, a child in the foster care system experienced instability in school and fell behind in school. The foster parent was able to secure additional services through a local nonprofit organization. The child received testing and tutoring. The child also received an educational advocate. Through the combination of provided supportive services, the child was able to succeed in school. All children are capable are doing well. Every child in foster care needs an advocate.

(In support with concerns) There are some concerns that the appointment of the educational liaison at the shelter care hearing may prevent parents from having the opportunity to serve as the educational liaison. While the educational liaison is a valuable service to students in school, there are some concerns that the training of the educational liaison does not include representation from the school districts. Ideally students advocate for themselves; however, until they are developmentally able to advocate for themselves children need advocacy. It is important to define who has the responsibility for specific tasks. Even if activities are currently occurring in the field, until they are formalized they may not occur. As such it is important to clearly define expectations. Provisions relating to transportation remain unclear. Additionally, the provisions relating to immunizations are not consistent with practice.

(Opposed) None.

Persons Testifying: (In support) Representative Carlyle, prime sponsor; Casey Trupin, Columbia Legal Services; John Brumbach, Mockingbird Society; Ken Emmil, Office of the Superintendent of Public Instruction; and Janis Avery and Kathy Elias, Treehouse.

(In support with concerns) David Delvillar Fox, Department of Social and Health Services, Children's Administration.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by 27 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Carlyle, Cody, Dahlquist, Dunshee, Fagan, Green, Haigh, Haler, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Parker, Pedersen, Pettigrew, Pike, Ross, Seaquist, Springer and Sullivan.

Minority Report: Do not pass. Signed by 4 members: Representatives Buys, Harris, Schmick and Taylor.

Staff: Mary Mulholland (786-7391).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Early Learning & Human Services:

The provision that requires the Office of the Superintendent of Public Instruction to contract with a nongovernmental entity to establish a demonstration site, subject to specifically appropriated funds, is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many stakeholders have engaged in developing this bill and improving the policy framework. Despite the very good work of state agencies, this is not ultimately a policy problem. It is a child's problem. One must be fierce in commitment, optimism, and action to make a change for children. In the budget proviso, Treehouse would enter a public-private partnership in which it would raise \$2.6 million and the state would contribute \$400,000 to serve 500 kids with wraparound services that will work. In the next five years, the intent is to double the high school graduation rate for foster youth.

Superintendent Dorn is concerned about the underperformance problem for foster youth in school, and encourages the Legislature's support in addressing the problem. The bill would create steps to turn the train around.

(Opposed) None.

Persons Testifying: Representative Carlyle, prime sponsor; Janis Avery, Treehouse; and Ken Emmil, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.