
SECOND SUBSTITUTE HOUSE BILL 1566

State of Washington

63rd Legislature

2013 Regular Session

By House Appropriations (originally sponsored by Representatives Carlyle, Kagi, Ryu, Roberts, Moscoso, and Pollet)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to educational outcomes of youth in out-of-home
2 care; amending RCW 13.34.069, 28A.300.525, 28B.117.030, and
3 28A.225.330; reenacting and amending RCW 13.34.030; adding new sections
4 to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; adding
5 a new section to chapter 28A.225 RCW; and providing an expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature believes that youth residing
8 in foster care are capable of achieving success in school with
9 appropriate support. Youth residing in foster care in Washington state
10 lag behind their nonfoster youth peers in educational outcomes.
11 Reasonable efforts by the department of social and health services to
12 monitor educational outcomes and encourage academic achievement for
13 youth in out-of-home care should be a responsibility of the child
14 welfare system. When a youth is removed from his or her school
15 district, it is the expectation of the legislature that the department
16 of social and health services recognizes the impact this move may have
17 on a youth's academic success and provide the youth with necessary
18 supports to be successful in school. The legislature believes that

1 active oversight and advocacy by an educational liaison and
2 collaborations will encourage youth to reach their fullest academic
3 potential.

4 **Sec. 2.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each
5 reenacted and amended to read as follows:

6 For purposes of this chapter:

7 (1) "Abandoned" means when the child's parent, guardian, or other
8 custodian has expressed, either by statement or conduct, an intent to
9 forego, for an extended period, parental rights or responsibilities
10 despite an ability to exercise such rights and responsibilities. If
11 the court finds that the petitioner has exercised due diligence in
12 attempting to locate the parent, no contact between the child and the
13 child's parent, guardian, or other custodian for a period of three
14 months creates a rebuttable presumption of abandonment, even if there
15 is no expressed intent to abandon.

16 (2) "Child," "juvenile," and "youth" means:

17 (a) Any individual under the age of eighteen years; or

18 (b) Any individual age eighteen to twenty-one years who is eligible
19 to receive and who elects to receive the extended foster care services
20 authorized under RCW 74.13.031. A youth who remains dependent and who
21 receives extended foster care services under RCW 74.13.031 shall not be
22 considered a "child" under any other statute or for any other purpose.

23 (3) "Current placement episode" means the period of time that
24 begins with the most recent date that the child was removed from the
25 home of the parent, guardian, or legal custodian for purposes of
26 placement in out-of-home care and continues until: (a) The child
27 returns home; (b) an adoption decree, a permanent custody order, or
28 guardianship order is entered; or (c) the dependency is dismissed,
29 whichever occurs first.

30 (4) "Department" means the department of social and health
31 services.

32 (5) "Dependency guardian" means the person, nonprofit corporation,
33 or Indian tribe appointed by the court pursuant to this chapter for the
34 limited purpose of assisting the court in the supervision of the
35 dependency.

36 (6) "Dependent child" means any child who:

37 (a) Has been abandoned;

1 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
2 person legally responsible for the care of the child;

3 (c) Has no parent, guardian, or custodian capable of adequately
4 caring for the child, such that the child is in circumstances which
5 constitute a danger of substantial damage to the child's psychological
6 or physical development; or

7 (d) Is receiving extended foster care services, as authorized by
8 RCW 74.13.031.

9 (7) "Developmental disability" means a disability attributable to
10 intellectual disability, cerebral palsy, epilepsy, autism, or another
11 neurological or other condition of an individual found by the secretary
12 to be closely related to an intellectual disability or to require
13 treatment similar to that required for individuals with intellectual
14 disabilities, which disability originates before the individual attains
15 age eighteen, which has continued or can be expected to continue
16 indefinitely, and which constitutes a substantial limitation to the
17 individual.

18 (8) "Educational liaison" means a person who has been appointed by
19 the court to fulfill responsibilities outlined in section 5 of this
20 act.

21 (9) "Extended foster care services" means residential and other
22 support services the department is authorized to provide under RCW
23 74.13.031.

24 ((+9)) (10) "Guardian" means the person or agency that: (a) Has
25 been appointed as the guardian of a child in a legal proceeding,
26 including a guardian appointed pursuant to chapter 13.36 RCW; and (b)
27 has the legal right to custody of the child pursuant to such
28 appointment. The term "guardian" does not include a "dependency
29 guardian" appointed pursuant to a proceeding under this chapter.

30 ((+10)) (11) "Guardian ad litem" means a person, appointed by the
31 court to represent the best interests of a child in a proceeding under
32 this chapter, or in any matter which may be consolidated with a
33 proceeding under this chapter. A "court-appointed special advocate"
34 appointed by the court to be the guardian ad litem for the child, or to
35 perform substantially the same duties and functions as a guardian ad
36 litem, shall be deemed to be guardian ad litem for all purposes and
37 uses of this chapter.

1 (~~(11)~~) (12) "Guardian ad litem program" means a court-authorized
2 volunteer program, which is or may be established by the superior court
3 of the county in which such proceeding is filed, to manage all aspects
4 of volunteer guardian ad litem representation for children alleged or
5 found to be dependent. Such management shall include but is not
6 limited to: Recruitment, screening, training, supervision, assignment,
7 and discharge of volunteers.

8 (~~(12)~~) (13) "Housing assistance" means appropriate referrals by
9 the department or other supervising agencies to federal, state, local,
10 or private agencies or organizations, assistance with forms,
11 applications, or financial subsidies or other monetary assistance for
12 housing. For purposes of this chapter, "housing assistance" is not a
13 remedial service or time-limited family reunification service as
14 described in RCW 13.34.025(2).

15 (~~(13)~~) (14) "Indigent" means a person who, at any stage of a
16 court proceeding, is:

17 (a) Receiving one of the following types of public assistance:
18 Temporary assistance for needy families, aged, blind, or disabled
19 assistance benefits, medical care services under RCW 74.09.035,
20 pregnant women assistance benefits, poverty-related veterans' benefits,
21 food stamps or food stamp benefits transferred electronically, refugee
22 resettlement benefits, medicaid, or supplemental security income; or

23 (b) Involuntarily committed to a public mental health facility; or

24 (c) Receiving an annual income, after taxes, of one hundred twenty-
25 five percent or less of the federally established poverty level; or

26 (d) Unable to pay the anticipated cost of counsel for the matter
27 before the court because his or her available funds are insufficient to
28 pay any amount for the retention of counsel.

29 (~~(14)~~) (15) "Out-of-home care" means placement in a foster family
30 home or group care facility licensed pursuant to chapter 74.15 RCW or
31 placement in a home, other than that of the child's parent, guardian,
32 or legal custodian, not required to be licensed pursuant to chapter
33 74.15 RCW.

34 (~~(15)~~) (16) "Preventive services" means preservation services, as
35 defined in chapter 74.14C RCW, and other reasonably available services,
36 including housing assistance, capable of preventing the need for out-
37 of-home placement while protecting the child.

1 (~~(16)~~) (17) "Shelter care" means temporary physical care in a
2 facility licensed pursuant to RCW 74.15.030 or in a home not required
3 to be licensed pursuant to RCW 74.15.030.

4 (~~(17)~~) (18) "Sibling" means a child's birth brother, birth
5 sister, adoptive brother, adoptive sister, half-brother, or half-
6 sister, or as defined by the law or custom of the Indian child's tribe
7 for an Indian child as defined in RCW 13.38.040.

8 (~~(18)~~) (19) "Social study" means a written evaluation of matters
9 relevant to the disposition of the case and shall contain the following
10 information:

11 (a) A statement of the specific harm or harms to the child that
12 intervention is designed to alleviate;

13 (b) A description of the specific services and activities, for both
14 the parents and child, that are needed in order to prevent serious harm
15 to the child; the reasons why such services and activities are likely
16 to be useful; the availability of any proposed services; and the
17 agency's overall plan for ensuring that the services will be delivered.
18 The description shall identify the services chosen and approved by the
19 parent;

20 (c) If removal is recommended, a full description of the reasons
21 why the child cannot be protected adequately in the home, including a
22 description of any previous efforts to work with the parents and the
23 child in the home; the in-home treatment programs that have been
24 considered and rejected; the preventive services, including housing
25 assistance, that have been offered or provided and have failed to
26 prevent the need for out-of-home placement, unless the health, safety,
27 and welfare of the child cannot be protected adequately in the home;
28 and the parents' attitude toward placement of the child;

29 (d) A statement of the likely harms the child will suffer as a
30 result of removal;

31 (e) A description of the steps that will be taken to minimize the
32 harm to the child that may result if separation occurs including an
33 assessment of the child's relationship and emotional bond with any
34 siblings, and the agency's plan to provide ongoing contact between the
35 child and the child's siblings if appropriate; and

36 (f) Behavior that will be expected before determination that
37 supervision of the family or placement is no longer necessary.

1 (~~(19)~~) (20) "Supervising agency" means an agency licensed by the
2 state under RCW 74.15.090, or licensed by a federally recognized Indian
3 tribe located in this state under RCW 74.15.190, that has entered into
4 a performance-based contract with the department to provide case
5 management for the delivery and documentation of child welfare services
6 as defined in RCW 74.13.020.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
8 to read as follows:

9 (1) The department must identify an educational liaison for youth
10 in grades six through twelve who are subject to a proceeding under this
11 chapter and who meet one of the following requirements:

12 (a) All parental rights have been terminated;

13 (b) Parents are unavailable because of incarceration or other
14 limitations;

15 (c) The court has restricted contact between the youth and parents;
16 or

17 (d) The youth is placed in a behavioral rehabilitative setting and
18 the court has limited the educational rights of parents.

19 (2) If a child is placed in the custody of the department at the
20 shelter care hearing, the department shall recommend the identified
21 educational liaison at the shelter care hearing and all subsequent
22 review hearings for the given case. The purpose of identifying the
23 educational liaison at each hearing during the dependency case is to
24 determine if the identified educational liaison remains appropriate for
25 the case as youth change placements.

26 (3) It is presumed that the educational liaison is the youth's
27 parent. If a youth's parent is not able to serve as the educational
28 liaison, the department must identify another person to act as the
29 educational liaison. It is preferred that the educational liaison be
30 known to the youth and be a relative, other suitable person as
31 described in RCW 13.34.130(1)(b), or the youth's foster parent. Birth
32 parents with a primary plan of family reunification may serve as the
33 educational liaison. The identified educational liaison should be a
34 person committed to providing enduring educational support to the
35 youth. If the department is not able to identify an adult with an
36 existing relationship to the youth who is able to serve as the
37 educational liaison, the court may appoint another adult as the

1 educational liaison, such as the court-appointed special advocate if
2 applicable, but may not appoint the youth's caseworker. In the event
3 that any party disagrees with the department's recommendation, the
4 court shall determine who will serve as the educational liaison based
5 on who is most appropriate and available to act in the youth's
6 educational interest.

7 **Sec. 4.** RCW 13.34.069 and 2007 c 409 s 2 are each amended to read
8 as follows:

9 If a child is placed in the custody of the department of social and
10 health services or other supervising agency, immediately following the
11 shelter care hearing, an order and authorization regarding health care
12 and education records for the child shall be entered. The order shall:

13 (1) Provide the department or other supervising agency with the
14 right to inspect and copy all health, medical, mental health, and
15 education records of the child;

16 (2) Authorize and direct any agency, hospital, doctor, nurse,
17 dentist, orthodontist, or other health care provider, therapist, drug
18 or alcohol treatment provider, psychologist, psychiatrist, or mental
19 health clinic, or health or medical records custodian or document
20 management company, or school or school organization to permit the
21 department or other supervising agency to inspect and to obtain copies
22 of any records relating to the child involved in the case, without the
23 further consent of the parent or guardian of the child; and

24 (3) Identify the person who will serve as the educational liaison;
25 and

26 (4) Grant the department or other supervising agency or its
27 designee the authority and responsibility, where applicable, to:

28 (a) Notify the child's school that the child is in out-of-home
29 placement;

30 (b) Enroll the child in school;

31 (c) Request the school transfer records;

32 (d) Request and authorize evaluation of special needs;

33 (e) Attend parent or teacher conferences;

34 (f) Excuse absences;

35 (g) Grant permission for extracurricular activities;

36 (h) Authorize medications which need to be administered during

1 school hours and sign for medical needs that arise during school hours;
2 and

3 (i) Complete or update school emergency records.

4 Access to records under this section is subject to the child's
5 consent where required by other state and federal laws.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW
7 to read as follows:

8 (1) Unless otherwise directed by the court, the responsibilities of
9 the educational liaison for a youth subject to a proceeding under this
10 chapter include, but are not limited to, the following:

11 (a) To attend educational meetings and dependency hearings;

12 (b) To meet with local school personnel at regular intervals
13 regarding the youth's educational performance and academic needs;

14 (c) To seek to understand the youth's academic strengths, areas of
15 concern, and future life goals;

16 (d) To advocate for necessary educational services;

17 (e) To join in decision-making processes regarding appropriate
18 school placements, school coursework, personal future, and educational
19 planning;

20 (f) To explore opportunities and barriers for youth to participate
21 in extracurricular activities;

22 (g) To involve youth in educational decisions as developmentally
23 appropriate;

24 (h) To keep all information regarding the youth confidential except
25 as required pursuant to lawful order of a court; and

26 (i) To provide a written or verbal report to the court during each
27 dependency hearing. The report must include information about the
28 youth's educational progress, experience in school, and the educational
29 liaison's and youth's recommendations regarding needed services in
30 school or the community.

31 (2) The educational liaison may serve as the surrogate parent or
32 educational representative under federal law.

33 (3) The educational liaison may have access to all educational
34 records pertaining to the youth involved in the case, without the
35 consent of a parent or guardian of the child, or if the child is under
36 thirteen years of age.

1 (4) The educational liaison is a volunteer and not compensated for
2 services.

3 (5) The educational liaison must complete background checks as
4 required by the department.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.13 RCW
6 to read as follows:

7 (1) The department shall provide youth residing in out-of-home care
8 the opportunity to remain enrolled in the school he or she was
9 attending prior to out-of-home placement, unless the safety of the
10 youth is jeopardized, or a relative or other suitable person placement
11 approved by the department is secured for the youth, or it is
12 determined not to be in the youth's best interest to remain enrolled in
13 the school he or she was attending prior to out-of-home placement. If
14 the parties in the dependency case disagree regarding which school the
15 youth should be enrolled in, the youth may remain enrolled in the
16 school of origin until the disagreement is resolved in court, unless
17 the department determines that the youth is in immediate danger by
18 remaining enrolled in the school of origin.

19 (2) Unless otherwise directed by the court, the educational
20 responsibilities of the department for school-aged youth residing in
21 out-of-home care are the following:

22 (a) To collaboratively discuss and document school placement
23 options and plan necessary school transfers during the family team
24 decision-making meeting;

25 (b) To notify the receiving school and the school of origin that a
26 youth residing in foster care is transferring schools;

27 (c) To request and secure missing academic records or medical
28 records required for school enrollment within ten business days;

29 (d) To document the request and receipt of academic records in the
30 individual service and safety plan;

31 (e) To pay any unpaid fees or fines due by the youth to the school
32 or school district;

33 (f) To notify all legal parties when a school disruption occurs;
34 and

35 (g) To document factors that contributed to any school disruptions.

1 **Sec. 7.** RCW 28A.300.525 and 2012 c 163 s 11 are each amended to
2 read as follows:

3 (1) The education data center shall include in its reporting as
4 part of the P-20 education data project the educational experiences and
5 progress of students in children's administration out-of-home care.
6 This data should be disaggregated in the smallest units allowable by
7 law that do not identify an individual student, in order to learn which
8 school districts are experiencing the greatest success and challenges
9 in achieving quality educational outcomes with students in children's
10 administration out-of-home care.

11 (2) To the extent possible, the report should include information
12 on the following measures for a youth who is a dependent pursuant to
13 chapter 13.34 RCW:

14 (a) Aggregate scores from the Washington state kindergarten
15 readiness assessment;

16 (b) Aggregate scores from the third grade statewide student
17 assessment in reading;

18 (c) Number of youth graduating from high school with a documented
19 plan for postsecondary education, employment, or military service;

20 (d) Number of youth completing one year of postsecondary education,
21 the equivalent of first-year student credits, or achieving a
22 postsecondary certificate; and

23 (e) Number of youth who complete an associate or bachelor's degree.

24 (3) The report must identify strengths and weaknesses in practice
25 and recommend to the legislature strategy and needed resources for
26 improvement.

27 (4) An annual report must be made available to the legislature each
28 January.

29 **Sec. 8.** RCW 28B.117.030 and 2011 1st sp.s. c 11 s 221 are each
30 amended to read as follows:

31 (1) The office shall design and, to the extent funds are
32 appropriated for this purpose, implement, a program of supplemental
33 scholarship and student assistance for students who have emancipated
34 from the state foster care system after having spent at least one year
35 in care.

36 (2) The office shall convene and consult with an advisory committee
37 to assist with program design and implementation. The committee shall

1 include but not be limited to former foster care youth and their
2 advocates; representatives from the state board for community and
3 technical colleges, and from public and private agencies that assist
4 current and former foster care recipients in their transition to
5 adulthood; and student support specialists from public and private
6 colleges and universities.

7 (3) To the extent that sufficient funds have been appropriated for
8 this purpose, a student is eligible for assistance under this section
9 if he or she:

10 (a) (~~Emancipated from foster care on or after January 1, 2007,~~
11 ~~after having~~) Spent at least one year in foster care subsequent to his
12 or her sixteenth birthday;

13 (b) Meets one of the following three requirements:

14 (i) Emancipated from foster care on or after January 1, 2007;

15 (ii) Enrolls in extended foster care; or

16 (iii) Achieves a permanent plan after age seventeen and one-half
17 years;

18 (c) Is a resident student, as defined in RCW 28B.15.012(2);

19 ~~((+e+))~~ (d) Is enrolled with or will enroll on at least a half-time
20 basis with an institution of higher education in Washington state by
21 the age of twenty-one;

22 ~~((+d+))~~ (e) Is making satisfactory academic progress toward the
23 completion of a degree or certificate program, if receiving
24 supplemental scholarship assistance;

25 ~~((+e+))~~ (f) Has not earned a bachelor's or professional degree; and

26 ~~((+f+))~~ (g) Is not pursuing a degree in theology.

27 (4) A passport to college scholarship under this section:

28 (a) Shall not exceed resident undergraduate tuition and fees at the
29 highest-priced public institution of higher education in the state; and

30 (b) Shall not exceed the student's financial need, less a
31 reasonable self-help amount defined by the ~~((board))~~ office, when
32 combined with all other public and private grant, scholarship, and
33 waiver assistance the student receives.

34 (5) An eligible student may receive a passport to college
35 scholarship under this section for a maximum of five years after the
36 student first enrolls with an institution of higher education or until
37 the student turns age twenty-six, whichever occurs first. If a student
38 turns age twenty-six during an academic year, and would otherwise be

1 eligible for a scholarship under this section, the student shall
2 continue to be eligible for a scholarship for the remainder of the
3 academic year.

4 (6) The office, in consultation with and with assistance from the
5 state board for community and technical colleges, shall perform an
6 annual analysis to verify that those institutions of higher education
7 at which students have received a scholarship under this section have
8 awarded the student all available need-based and merit-based grant and
9 scholarship aid for which the student qualifies.

10 (7) In designing and implementing the passport to college student
11 support program under this section, the office, in consultation with
12 and with assistance from the state board for community and technical
13 colleges, shall ensure that a participating college or university:

14 (a) Has a viable plan for identifying students eligible for
15 assistance under this section, for tracking and enhancing their
16 academic progress, for addressing their unique needs for assistance
17 during school vacations and academic interims, and for linking them to
18 appropriate sources of assistance in their transition to adulthood;

19 (b) Receives financial and other incentives for achieving
20 measurable progress in the recruitment, retention, and graduation of
21 eligible students.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.225
23 RCW to read as follows:

24 A school district representative or school employee shall review
25 unexpected or excessive absences with a youth who is dependent pursuant
26 to chapter 13.34 RCW and adults involved with that youth, to include
27 the youth's caseworker, educational liaison, attorney if one is
28 appointed, parent or guardians, and foster parents or the person
29 providing placement for the youth. The purpose of the review is to
30 determine the cause of the absences, taking into account: Unplanned
31 school transitions, periods of running from care, in-patient treatment,
32 incarceration, school adjustment, educational gaps, psycho-social
33 issues, and unavoidable appointments during the school day. A school
34 district representative or a school employee must proactively support
35 the youth's school work so the student does not fall behind and to
36 avoid suspension or expulsion based on truancy.

1 **Sec. 10.** RCW 28A.225.330 and 2009 c 380 s 2 are each amended to
2 read as follows:

3 (1) When enrolling a student who has attended school in another
4 school district, the school enrolling the student may request the
5 parent and the student to briefly indicate in writing whether or not
6 the student has:

7 (a) Any history of placement in special educational programs;

8 (b) Any past, current, or pending disciplinary action;

9 (c) Any history of violent behavior, or behavior listed in RCW
10 13.04.155;

11 (d) Any unpaid fines or fees imposed by other schools; and

12 (e) Any health conditions affecting the student's educational
13 needs.

14 (2) The school enrolling the student shall request the school the
15 student previously attended to send the student's permanent record
16 including records of disciplinary action, history of violent behavior
17 or behavior listed in RCW 13.04.155, attendance, immunization records,
18 and academic performance. If the student has not paid a fine or fee
19 under RCW 28A.635.060, or tuition, fees, or fines at approved private
20 schools the school may withhold the student's official transcript, but
21 shall transmit information about the student's academic performance,
22 special placement, immunization records, records of disciplinary
23 action, and history of violent behavior or behavior listed in RCW
24 13.04.155. If the official transcript is not sent due to unpaid
25 tuition, fees, or fines, the enrolling school shall notify both the
26 student and parent or guardian that the official transcript will not be
27 sent until the obligation is met, and failure to have an official
28 transcript may result in exclusion from extracurricular activities or
29 failure to graduate.

30 (3) Upon request, school districts shall furnish a set of
31 unofficial educational records to a parent or guardian of a student who
32 is transferring out of state and who meets the definition of a child of
33 a military family in transition under Article II of RCW 28A.705.010.
34 School districts may charge the parent or guardian the actual cost of
35 providing the copies of the records.

36 (4) If information is requested under subsection (2) of this
37 section, the information shall be transmitted within two school days
38 after receiving the request and the records shall be sent as soon as

1 possible. The records of a student who meets the definition of a child
2 of a military family in transition under Article II of RCW 28A.705.010
3 shall be sent within ten days after receiving the request. Any school
4 district or district employee who releases the information in
5 compliance with this section is immune from civil liability for damages
6 unless it is shown that the school district employee acted with gross
7 negligence or in bad faith. The professional educator standards board
8 shall provide by rule for the discipline under chapter 28A.410 RCW of
9 a school principal or other chief administrator of a public school
10 building who fails to make a good faith effort to assure compliance
11 with this subsection.

12 (5) Any school district or district employee who releases the
13 information in compliance with federal and state law is immune from
14 civil liability for damages unless it is shown that the school district
15 or district employee acted with gross negligence or in bad faith.

16 (6) When a school receives information under this section or RCW
17 13.40.215 that a student has a history of disciplinary actions,
18 criminal or violent behavior, or other behavior that indicates the
19 student could be a threat to the safety of educational staff or other
20 students, the school shall provide this information to the student's
21 teachers and security personnel.

22 (7) A school may not prevent a student who is dependent pursuant to
23 chapter 13.34 RCW from enrolling if there is incomplete information as
24 enumerated in subsection (1) of this section during the ten business
25 days that the department of social and health services has to obtain
26 that information under section 6 of this act. In addition, upon
27 enrollment of a student who is dependent pursuant to chapter 13.34 RCW,
28 the school district must make reasonable efforts to obtain and assess
29 that child's educational history in order to meet the child's unique
30 needs within two business days.

31 NEW SECTION. Sec. 11. Section 8 of this act expires June 30,
32 2022.

--- END ---