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**SUBSTITUTE SENATE BILL 5155**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Higher Education (originally sponsored by Senators Kilmer, Hargrove, Shin, Murray, Marr, Kauffman, Rockefeller, Kohl-Welles, Tom, Schoesler, Sheldon, Berkey, Delvin, McAuliffe, Keiser, Rasmussen and Franklin)

READ FIRST TIME 02/06/07.

1       AN ACT Relating to helping former foster care youth gain  
2 postsecondary education and providing scholarships to former foster  
3 care youth for this purpose; adding a new chapter to Title 28B RCW; and  
4 making appropriations.

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

6       NEW SECTION. **Sec. 1.** (1)(a) The legislature finds that in  
7 Washington, there are more than seven thousand three hundred children  
8 in foster family or group care. These children face unique obstacles  
9 and burdens as they transition to adulthood, including lacking  
10 continuity in their elementary and high school educations. As compared  
11 to the general population of students, twice as many foster care youth  
12 change schools at least once during their elementary and secondary  
13 school careers, and three times as many change schools at least three  
14 times. Only thirty-four percent of foster care youth graduate from  
15 high school within four years, compared to seventy percent for the  
16 general population. Of the former foster care youth who earn a high  
17 school diploma, more than twenty-eight percent earn a GED instead of a  
18 traditional high school diploma. This is almost six times the rate of  
19 the general population. Research indicates that GED holders tend not

1 to be as economically successful as the holders of traditional high  
2 school diplomas. Only twenty percent of former foster care youth who  
3 earn a high school degree enroll in college, compared to over sixty  
4 percent of the population generally. Of the former foster care youth  
5 who do enroll in college, very few go on to earn a degree. Less than  
6 two percent of former foster care youth hold bachelor's degrees,  
7 compared to twenty-eight percent of Washington's population generally.

8 (b) Former foster care youth face two critical hurdles to enrolling  
9 in college. The first is a lack of information regarding preparation  
10 for higher education and their options for enrolling in higher  
11 education. The second is finding the financial resources to fund their  
12 education. As a result of the unique hurdles and challenges that face  
13 former foster care youth, a disproportionate number of them are part of  
14 society's large group of marginalized youth and are at increased risk  
15 of continuing the cycle of poverty and violence that frequently plagues  
16 their families.

17 (c) Former foster care youth suffer from mental health problems at  
18 a rate greater than that of the general population. For example, one  
19 in four former foster care youth report having suffered from  
20 posttraumatic stress disorder within the previous twelve months,  
21 compared to only four percent of the general population. Similarly,  
22 the incidence of major depression among former foster care youth is  
23 twice that of the general population, twenty percent versus ten  
24 percent.

25 (d) There are other barriers for former foster care youth to  
26 achieving successful adulthood. One-third of former foster care youth  
27 live in households that are at or below the poverty level. This is  
28 three times the rate for the general population. The percentage of  
29 former foster care youth who report being homeless within one year of  
30 leaving foster care varies from over ten percent to almost twenty-five  
31 percent. By comparison, only one percent of the general population  
32 reports having been homeless at sometime during the past year. One in  
33 three former foster care youth lack health insurance, compared to less  
34 than one in five people in the general population. One in six former  
35 foster care youth receive cash public assistance. This is five times  
36 the rate of the general population.

37 (e) Approximately twenty-five percent of former foster care youth  
38 are incarcerated at sometime after leaving foster care. This is four

1 times the rate of incarceration for the general population. Of the  
2 former foster care youth who "age out" of foster care, twenty-seven  
3 percent of the males and ten percent of the females are incarcerated  
4 within twelve to eighteen months of leaving foster care.

5 (f) Female former foster care youth become sexually active more  
6 than seven months earlier than their nonfoster care counterparts, have  
7 more sexual partners, and have a mean age of first pregnancy of almost  
8 two years earlier than their peers who were not in foster care.

9 (2) The legislature further finds that a court may order a  
10 noncustodial parent to pay for some or all of their children's  
11 reasonable higher education costs. With respect to youth who have been  
12 in the foster care system during their adolescent years, and  
13 particularly with respect to youth who age out of the foster care  
14 system, the state has a duty to these youth that is not less than that  
15 of a noncustodial parent.

16 (3) The legislature intends to create the passport to college  
17 promise program that will have two primary components, as follows:

18 (a) Significantly increasing outreach to foster care youth between  
19 the ages of fourteen and eighteen regarding the higher education  
20 opportunities available to them, how to apply to college, and how to  
21 apply for and obtain financial aid; and

22 (b) Providing financial aid to former foster care youth to ensure  
23 that the entire costs of their public undergraduate college education  
24 are paid for.

25 NEW SECTION. **Sec. 2.** The definitions in this section apply  
26 throughout this chapter unless the context clearly requires otherwise.

27 (1) "Cost of attendance" means the cost associated with attending  
28 a particular institution of higher education as determined by the  
29 higher education coordinating board, including but not limited to  
30 tuition, fees, room, board, books, personal expenses, and  
31 transportation, plus the cost of reasonable additional expenses  
32 incurred by an eligible student and approved by a financial aid  
33 administrator at the student's school of attendance.

34 (2) "Eligible student" means a student who:

35 (a) Is between the ages of sixteen and twenty-six;

36 (b) Has been in foster care in the state of Washington for a  
37 minimum of six months since his or her fourteenth birthday;

1 (c) Is a resident student, as defined in RCW 28B.15.012(2);  
2 (d) Has enrolled with or will enroll on at least a half-time basis  
3 with an institution of higher education in Washington state by the age  
4 of twenty-one;  
5 (e) Is making satisfactory progress toward the completion of a  
6 degree or certificate program;  
7 (f) Has not earned a bachelor's or professional degree; and  
8 (g) Is not pursuing a degree in theology.  
9 (3) "Financial need" means the difference between a student's cost  
10 of attendance and the student's total family contribution as determined  
11 by the method prescribed by the United States department of education.  
12 (4) "Independent college or university" means a private, nonprofit  
13 institution of higher education, open to residents of the state,  
14 providing programs of education beyond the high school level leading to  
15 at least the baccalaureate degree, and accredited by the Northwest  
16 association of schools and colleges, and other institutions as may be  
17 developed that are approved by the higher education coordinating board  
18 as meeting equivalent standards as those institutions accredited under  
19 this section.  
20 (5) "Institution of higher education" means:  
21 (a) Any public university, college, community college, or technical  
22 college operated by the state of Washington or any political  
23 subdivision thereof; or  
24 (b) Any independent college or university in Washington; or  
25 (c) Any other university, college, school, or institute in the  
26 state of Washington offering instruction beyond the high school level  
27 that is a member institution of an accrediting association recognized  
28 by rule of the higher education coordinating board for the purposes of  
29 this section: PROVIDED, That any institution, branch, extension, or  
30 facility operating within the state of Washington that is affiliated  
31 with an institution operating in another state must be a separately  
32 accredited member institution of any such accrediting association, or  
33 a branch of a member institution of an accrediting association  
34 recognized by rule of the board for purposes of this section, that is  
35 eligible for federal student financial aid assistance and has operated  
36 as a nonprofit college or university delivering on-site classroom  
37 instruction for a minimum of twenty consecutive years within the state

1 of Washington, and has an annual enrollment of at least seven hundred  
2 full-time equivalent students.

3 (6) "Program" means the passport to college promise program created  
4 in this chapter.

5 NEW SECTION. **Sec. 3.** The passport to college promise program is  
6 created. The purpose of the program is:

7 (1) To encourage current and former foster care youth to prepare  
8 for, attend, and successfully complete higher education; and

9 (2) To provide current and former foster care youth with the  
10 educational planning, information, institutional support, and direct  
11 financial resources necessary for them to succeed in higher education.

12 NEW SECTION. **Sec. 4.** (1) Institutions of higher education are  
13 encouraged to recruit and actively assist current and former foster  
14 care youth to attend institutions of higher education. Any institution  
15 of higher education that receives funds under this chapter must provide  
16 enrolled eligible students with comprehensive guidance regarding the  
17 financial aid process.

18 (2) For fiscal year 2008, the office of financial management shall  
19 allocate the appropriation made for the purposes of this section  
20 between the higher education coordinating board and the state board for  
21 community and technical colleges. The allocation shall be based on and  
22 in proportion to the historical enrollment of former foster care youth  
23 ages sixteen to twenty-six from 2001 to 2006 at the community and  
24 technical colleges in Washington state and at the four-year  
25 institutions of higher education in Washington state. Thereafter, the  
26 office of financial management shall allocate the funds appropriated  
27 for the purposes of this section based on the prior academic year's  
28 enrollments of former foster care youth ages sixteen to twenty-six at  
29 the community and technical colleges and at the four-year institutions  
30 of higher education.

31 (3) Up to the amount allocated to the state board for community and  
32 technical colleges for the purposes of this section, for every eligible  
33 student enrolled in a community or technical college in this state who  
34 earns forty-five quarter or thirty semester credits, or the equivalent,  
35 from a particular community or technical college, the state board for  
36 community and technical colleges shall award the college three thousand

1 five hundred dollars. Thereafter, the state board for community and  
2 technical colleges shall award the college an additional two thousand  
3 five hundred dollars for every additional forty-five quarter or thirty  
4 semester credits, or the equivalent, the eligible student earns from  
5 the college, until the student has earned ninety quarter or sixty  
6 semester college credits, or met other certification or training  
7 requirements established by the state board for community and technical  
8 colleges.

9 (4) Up to the amount allocated to the higher education coordinating  
10 board for the purposes of this section, for every eligible student  
11 enrolled at a four-year institution of higher education who earns  
12 forty-five quarter or thirty semester credits, or the equivalent, from  
13 a particular four-year institution, the higher education coordinating  
14 board shall award the institution three thousand five hundred dollars.  
15 Thereafter, the higher education coordinating board shall award the  
16 institution an additional two thousand five hundred dollars for every  
17 additional forty-five quarter or thirty semester credits, or the  
18 equivalent, the eligible student earns from the institution, until the  
19 student has earned one hundred eighty quarter or one hundred twenty  
20 semester college credits.

21 NEW SECTION. **Sec. 5.** (1) The purpose of this section is to  
22 provide supplemental scholarships to cover the full, effective, and  
23 true cost of attendance for eligible students' undergraduate higher  
24 education. However, in no instance shall the annual amount of an  
25 eligible student's scholarship under this section exceed the lower of  
26 (a) the cost of attendance at the institution of higher education  
27 attended by the student, plus the cost of reasonable additional  
28 expenses incurred by an eligible student and approved by a financial  
29 aid administrator at the student's school of attendance, or (b) the  
30 resident undergraduate cost of attendance at the University of  
31 Washington per academic year for a full-time student, plus the cost of  
32 reasonable additional expenses incurred by an eligible student and  
33 approved by a financial aid administrator at the student's school of  
34 attendance.

35 (2) The institution of higher education at which an eligible  
36 student is enrolled shall award the student all available need-based  
37 and merit-based financial aid that the student qualifies for, not

1 including loans. An eligible student may choose to include work-study  
2 funds in the financial aid package provided by the institution of  
3 higher education.

4 (3) Subject to the limitation set forth in subsection (1) of this  
5 section, the institution of higher education at which an eligible  
6 student is enrolled shall provide each eligible student with a  
7 supplemental scholarship equal to the difference between the student's  
8 financial need and the amount of financial aid awarded to the student  
9 under subsection (2) of this section.

10 (4) Each institution of higher education providing supplemental  
11 scholarships under this section shall submit, at least annually, a  
12 request for reimbursement to the higher education coordinating board  
13 for the amount of the supplemental scholarships provided to eligible  
14 students. The higher education coordinating board shall timely  
15 reimburse the individual institutions of higher education for the  
16 amount of the supplemental scholarships from funds appropriated to the  
17 board for this purpose.

18 (5) A student receiving a scholarship under this section shall meet  
19 the satisfactory academic progress requirements of the student's school  
20 of attendance as monitored by the school's financial aid office.

21 (6) An eligible student is eligible to receive a scholarship under  
22 this section for a maximum of five years after the student first  
23 enrolls with an institution of higher education or until the student  
24 turns age twenty-six, whichever occurs first. If a student turns age  
25 twenty-six during an academic year, and would otherwise be eligible for  
26 a scholarship under this section, the student shall continue to be  
27 eligible for a scholarship for the remainder of the academic year.

28 (7) The higher education coordinating board shall perform an annual  
29 analysis to ensure that those institutions of higher education at which  
30 students have received a scholarship under this section during the  
31 previous academic year are in compliance with this section, including  
32 the requirement that other available sources of financial aid be used  
33 before the use of scholarship funds under this section.

34 (8) To allow institutions of higher education to readily identify  
35 students who may be eligible for a scholarship under this section, all  
36 institutions of higher education shall include on their applications  
37 for undergraduate or relevant admission or on their registration  
38 materials a question asking whether the applicant has been in foster

1 care in Washington state for at least six months since his or her  
2 fourteenth birthday. An institution shall not consider whether an  
3 applicant may be eligible for a scholarship under this section when  
4 deciding whether the applicant will be granted admission to the  
5 institution.

6 (9) The higher education coordinating board may adopt rules to  
7 implement this chapter.

8 NEW SECTION. **Sec. 6.** (1) The state board for community and  
9 technical colleges, with input from the higher education coordinating  
10 board and institutions of higher education, shall develop and maintain  
11 an internet web site and outreach program to serve as a comprehensive  
12 portal for foster care youth in Washington state to obtain information  
13 regarding higher education including, but not necessarily limited to:

14 (a) Academic, social, family, financial, and logistical information  
15 important to successful postsecondary educational success;

16 (b) How and when to obtain and complete college applications;

17 (c) What college placement tests, if any, are generally required  
18 for admission to college and when and how to register for such tests;

19 (d) How and when to obtain and complete a federal free application  
20 for federal student aid (FAFSA); and

21 (e) Detailed sources of financial aid likely available to eligible  
22 former foster care youth, including the financial aid provided by this  
23 chapter.

24 (2) The state board for community and technical colleges shall  
25 determine whether to design, build, and operate such program and web  
26 site directly or to use, support, and modify existing web sites created  
27 by government or nongovernmental entities for a similar purpose.

28 NEW SECTION. **Sec. 7.** (1) The department of social and health  
29 services, with input from the state board for community and technical  
30 colleges, the higher education coordinating board, and institutions of  
31 higher education, shall contract with at least one nongovernmental  
32 entity through a request for proposals process to develop, implement,  
33 and administer a program of supplemental educational transition  
34 planning for youth in foster care in Washington state.

35 (2) The nongovernmental entity or entities chosen by the department



1 shall have demonstrated success in working with foster care youth and  
2 assisting foster care youth in successfully making the transition from  
3 foster care to independent adulthood.

4 (3) The selected nongovernmental entity or entities shall provide  
5 supplemental educational transition planning to foster care youth in  
6 Washington state beginning at age fourteen and then at least every six  
7 months thereafter. The supplemental transition planning shall include:

8 (a) Comprehensive information regarding postsecondary educational  
9 opportunities including, but not limited to, sources of financial aid,  
10 institutional characteristics and record of support for former foster  
11 care youth, transportation, housing, and other logistical  
12 considerations;

13 (b) How and when to apply to postsecondary educational programs;

14 (c) What precollege tests, if any, the particular foster care youth  
15 should take based on his or her postsecondary plans and when to take  
16 the tests;

17 (d) What courses to take to prepare the particular foster care  
18 youth to succeed at his or her postsecondary plans;

19 (e) Social, community, educational, logistical, and other issues  
20 that frequently impact college students and their success rates; and

21 (f) Which web sites, nongovernmental entities, public agencies, and  
22 other foster care youth support providers specialize in which services.

23 (4) The selected nongovernmental entity or entities shall work  
24 directly with the school counselors at the foster care youths' high  
25 schools to ensure that a consistent and complete transition plan has  
26 been prepared for each foster care youth who emancipates out of the  
27 foster care system in Washington state.

28 NEW SECTION. **Sec. 8.** (1) The state board for community and  
29 technical colleges shall award one or more awards totaling twenty-five  
30 thousand dollars annually, from the appropriation made for this  
31 purpose, to the institutions of higher education that have been the  
32 most successful, as determined by the board, in recruiting, retaining,  
33 and graduating eligible students under this chapter.

34 (2) Institutions that receive an award under this section are  
35 encouraged to use the award to further assist former foster care youth  
36 in obtaining postsecondary education.

1        NEW SECTION.    **Sec. 9.** (1) The state board for community and  
2 technical colleges shall monitor and analyze the academic progress of  
3 community and technical college students who receive scholarships under  
4 this chapter, and shall submit a report regarding the number of  
5 community and technical college students who have received scholarships  
6 under this chapter and the academic progress of those students to the  
7 higher education committees of the senate and the house of  
8 representatives by January 15, 2010.

9        (2) The higher education coordinating board shall monitor and  
10 analyze the academic progress of students enrolled at four-year  
11 institutions of higher education who receive scholarships under this  
12 chapter, and shall submit a report regarding the number of students who  
13 have received scholarships under this chapter and the academic progress  
14 of those students to the higher education committees of the senate and  
15 the house of representatives by January 15, 2010.

16        NEW SECTION.    **Sec. 10.** Nothing in this chapter may be construed  
17 to:

18        (1) Guarantee acceptance by, or entrance into, any institution of  
19 higher education; or

20        (2) Limit the participation of youth, in or formerly in, foster  
21 care in Washington state in any other program of financial assistance  
22 for postsecondary education.

23        NEW SECTION.    **Sec. 11.** Sections 1 through 10 of this act  
24 constitute a new chapter in Title 28B RCW.

25        NEW SECTION.    **Sec. 12.** (1) The sum of three million dollars, or as  
26 much thereof as may be necessary, is appropriated for the fiscal year  
27 ending June 30, 2008, from the general fund to the office of financial  
28 management for the purposes of this act.

29        (2) The sum of three million dollars, or as much thereof as may be  
30 necessary, is appropriated for the fiscal year ending June 30, 2009,  
31 from the general fund to the office of financial management for the  
32 purposes of this act.

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