

SENATE BILL REPORT

2SHB 1566

As Reported by Senate Committee On:
Human Services & Corrections, April 1, 2013
Ways & Means, April 9, 2013

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: House Committee on Appropriations (originally sponsored by Representatives Carlyle, Kagi, Ryu, Roberts, Moscoso and Pollet).

Brief History: Passed House: 3/08/13, 86-12.

Committee Activity: Human Services & Corrections: 3/26/13, 4/01/13 [DP-WM].
Ways & Means: 4/08/13, 4/09/13 [DPA, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

Staff: Joan Miller (786-7784)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Fraser, Hasegawa, Hatfield, Hewitt, Keiser, Kohl-Welles, Murray, Parlette, Ranker, Rivers, Schoesler and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Jenny Greenlee (786-7711)

Background: In 2001, the Washington Legislature, the Department of Social and Health Services Children's Administration (DSHS), the Office of Superintendent of Public

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.

Instruction (OSPI), and the Washington State Institute for Public Policy (WSIPP) began to study and develop strategies in an effort to improve the educational outcomes for youth residing in out-of-home placements.

Over the past ten years, WSIPP completed 13 evaluations that examine an array of educational outcomes for youth in foster care and study the impact of specific interventions aimed at improving educational achievement for said youth. OSPI must complete annual reports for the Legislature that examine the experiences and educational outcomes for youth in foster care. Additionally, DSHS must maximize educational continuity and achievement for foster children, form a multidisciplinary oversight committee to promote best-case practices 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 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, DSHS is currently in compliance with this educational benchmark as listed in the *Braam* settlement.

Summary of Bill (Recommended Amendments): DSHS must identify an educational liaison at shelter care hearings and all subsequent review hearings for eligible youth in grades six through 12. A youth is eligible to receive an educational liaison if all parental rights are terminated; the parents are unavailable due to incarceration or other limitations; the court restricted contact between the youth and parents; or the youth is placed in a behavioral rehabilitative setting, and the court limited the educational rights of the parents. It is presumed that the educational liaison is the child's parent. If the youth's parent is unable to serve as the educational liaison, then the educational liaison should be known to the child and be a relative, another suitable person, or the youth's foster parent.

The responsibilities of the educational liaison are outlined and examples include, but are not limited to, attending school meetings, providing educational advocacy for the youth, seeking to understand the youth's academic strengths and future goals, and exploring barriers and opportunities for the youth to participate in extracurricular activities. DSHS has the responsibility 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 the Passport to College Promise Program are expanded to include youth participating in the extended foster care program or youth achieving a permanent plan after 17 years and six months of age.

A school district representative or school employee must review and determine the cause of unexpected absences and proactively support the youth so that the youth does not fall behind academically. A school district may not prevent a youth from enrolling in school if there is incomplete information needed for enrollment. A university-based child welfare research entity must include in its annual report specific measures relating to educational outcomes for youth in foster care.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): The entity responsible for analyzing and reporting on data related to educational outcomes is changed from the education data center to a university-based child welfare research entity.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Human Services & Corrections): PRO: Washington State has about a 46 percent high school graduation rate for foster youth. This legislation is the result of the hard work from a variety of stakeholders, agencies, and OSPI and seeks to give a sense of accountability surrounding the educational outcomes of foster youth. Children's Administration (CA) and OSPI collaborate and work together, but no one has specific accountability with respect to graduation rates. Under this bill, CA has specific duties, and the educational liaison will have specific ownership of the youth's academic success. The *McCleary* decision is focusing all of our collective attention on the budget; but regardless of how much money we provide, students in foster care perform worse in every single educational measure. They have a persistent high school graduation rate of less than 50 percent, which results in poor life outcomes. CA focuses primarily on safety and permanency with well-being left to caregivers without enough resources. This legislation is another small, incremental step to improve the educational outcomes of foster youth. Under the *Braam* settlement, CA has made some progress, such as educational continuity, but CA still needs to show improvement in providing minimally adequate education services, such as special education planning and college planning. Need improvements in these areas will be sustained after the settlement only if it is clear who is responsible for the youth's education and if there is more clarity around CA's educational duties. This bill would be a huge step in clarifying who is accountable and in improving the educational outcomes for foster youth. State Superintendent Randy Dorn strongly supports this bill. He believes it is essential, and he is committed to providing the support necessary to ensure improved educational outcomes for foster youth.

Persons Testifying (Human Services & Corrections): PRO: Representative Carlyle, prime sponsor; Janis Avery, Treehouse; Marcia Fromhold, OSPI; Katara Jordan, Columbia Legal Services.

Staff Summary of Public Testimony on Second Substitute House Bill (Ways & Means): PRO: This bill will create more accountability around educational outcomes for foster children. Advocates are working incrementally to improve education outcomes. This bill is one more step forward in improving outcomes for children in foster care.

Persons Testifying (Ways & Means): PRO: Janis Avery, Treehouse.