

# SENATE BILL REPORT

## 4SHB 1999

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 25, 2016  
Ways & Means, February 29, 2016

**Title:** An act relating to coordinating services and programs for foster youth in order to improve educational outcomes.

**Brief Description:** Coordinating services and programs for foster youth in order to improve educational outcomes.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Carlyle, Kagi, Lytton, Walsh, Sawyer, Pettigrew, Ortiz-Self, Dent, Parker, Caldier, Goodman and Jinkins).

**Brief History:** Passed House: 2/12/16, 94-2.

**Committee Activity:** Early Learning & K-12 Education: 2/18/16, 2/25/16 [DP-WM].  
Ways & Means: 2/29/16 [w/oRec].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Billig, Fain, Hill, Mullet, Rivers and Rolfes.

**Staff:** Susan Mielke (786-7422)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That it be referred without recommendation.

Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Darneille, Hasegawa, Nelson, O'Ban, Padden, Parlette, Pedersen, Rolfes, Schoesler and Warnick.

**Staff:** Brian Sims (786-7431)

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*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:** Program of Education Coordination (PEC) for Dependent Youth. Since 2012, to the extent that funds are appropriated, the Department of Social and Human Services (DSHS) must contract with at least one nongovernmental entity to administer a PEC for dependent youth from birth through twelfth grade. Dependent, in this case, means abandoned; abused or neglected by a person legally responsible for the care of the child; has no parent, guardian, or custodian capable of adequately caring for the child; or receives extended foster care services. Extended foster care is a voluntary program that offers youth in foster care the option of remaining in care from age 18 until age 21 to support a successful transition to independence.

The contracted nongovernmental entity that administers the PEC must have demonstrated success in assisting foster care youth in receiving appropriate educational services. The entity must engage in a public-private partnership with DSHS and provide a portion of the funds needed for service delivery, administration, and evaluation. The entity must be co-located in DSHS and have access to all information pertinent to the educational planning and services of the youth in the program. The entity must biannually report outcomes to DSHS.

Demonstration Sites to Improve Educational Outcomes for Dependent Youth. Both the 2013-15 and the 2015-17 Biennial Operating Budgets provided funding and direction to DSHS' Children's Administration to contract with a nongovernmental entity to establish a demonstration site in Western Washington in a school district or districts with a significant number of students who are dependent. Dependent, in this case, means abandoned; abused or neglected by a person legally responsible for the care of the child; has no parent, guardian, or custodian capable of adequately caring for the child; or receives extended foster care services. Extended foster care is a voluntary program that offers youth in foster care the option of remaining in care until age 21 to support a successful transition to independence.

The stated purpose of the demonstration site is to improve educational outcomes of dependent students by providing individualized education services and monitoring and supporting the completion of educational milestones, remediation needs, and special education needs of these students. Dependent youth who are 15 years or older, within the demonstration site, must be referred and provided specified services. The contract with the nongovernmental entity must be performance-based with a stated goal of improving the graduation rates of foster youth by 2 percent per year over five school years, starting with the 2014-15 school year.

The 2015-17 Operating Budget expanded the eligibility for the demonstration site program to dependent youth who are 13 years or older and provided funding for a second demonstration site to be implemented no earlier than July 1, 2016.

Supplemental Educational Transition Planning (SETuP). In 2007, the Legislature created the Passport to College Program to encourage current and former foster care youth to prepare for, attend, and successfully complete higher education. The program was originally created as a six-year pilot program, but in 2012 the Legislature extended the expiration date to June 30, 2022. The Passport to College Program includes SETuP. To the extent that funds are appropriated, DSHS - with input from the State Board for Community and Technical Colleges, the Office of Student Financial Assistance, and institutions of higher education - must contract with at least one nongovernmental entity to develop, implement and administer

SETuP for youth in foster care. The entity must have demonstrated success in assisting foster care youth to successfully transition from foster care to independent adulthood. SETuP must include specified services and must be provided to foster care youth beginning at age 14 and then at least every six months thereafter.

Records of Youth in Foster Care. The 2015-17 Operating Budget required a feasibility study regarding transferring the PEC program, demonstration sites, and SETuP from DSHS to OSPI and WSAC. The study recommendations included enabling the sharing of confidential child welfare records that pertain to or may assist with the educational needs of youth in foster care.

The Office of the Superintendent of Public Instruction (OSPI). OSPI is the primary state agency charged by the state constitution with supervising all matters pertaining to public schools.

Washington Student Achievement Council (WSAC). In 2012, the Legislature abolished the Higher Education Coordinating Board and created WSAC. WSAC provides strategic planning, oversight, and advocacy to support increased student success and higher levels of educational attainment in Washington.

**Summary of Bill:** Goals. The stated goals include making Washington number one in the nation for foster care graduation rates, enrollment in postsecondary education, and postsecondary completion.

PEC for Dependent Youth. The contracting process with the nongovernmental entities to administer a PEC is changed. DSHS must contract with OSPI and OSPI must contract with at least one nongovernmental entity to administer a PEC. The OSPI contract with the entity must be outcome-driven with a stated goal of reducing educational barriers to youth success. The entity must engage in a public-private partnership with OSPI and may co-locate in DSHS but is not required to do so. Eligibility for the program is changed to dependent youth from kindergarten, instead of birth, through twelfth grade. The entity must report outcomes twice a year to OSPI and DSHS. OSPI with DSHS must comply with all requirements necessary to maximize federal reimbursement for PEC.

Demonstration Sites to Improve Educational Outcomes for Dependent Youth. The demonstration site programs are put into statute. The contracting duty with nongovernmental entities to establish the two demonstration sites is changed from DSHS to OSPI, to the extent funds are appropriated. The contract with the nongovernmental entity must be outcome-driven. The entity must also engage in a public-private partnership with OSPI and provide a portion of the funds needed for service delivery, administration, and evaluation. The entities may co-locate in DSHS, must have access to all information pertinent to the educational planning and services of dependent youth referred to the program, provide specified education services, and report site outcomes to OSPI and DSHS twice a year.

The current site is expanded to include the entire county in which it is located, subject to availability of private funds. The second site's location must be selected collaboratively by OSPI, the nongovernmental entity at the first site, and DSHS, and should be a school district or group of school districts with a significant number of dependent youth. The second site

must be implemented after July 1, 2016. Eligibility for the programs is expanded to include dependent youth ages 13 through 21 who are not being served by the SETuP program. Eligibility continues through initiation of a postsecondary plan.

SETuP. The SETuP program for youth in foster care is transferred from DSHS to WSAC. WSAC, with input from OSPI and DSHS, must contract with nongovernmental entities to administer SETuP. The entities must have demonstrated success assisting foster care youth in successfully transitioning from high school to a postsecondary plan. The contract with the nongovernmental entity must be outcome-driven with a stated goal of improving the graduation rates of foster youth by 2 percent per year over five school years, starting with the 2016-17 school year. The entities may co-locate in DSHS, must have access to all information pertinent to the educational planning and services of youth referred to the program, provide specified education services, and report outcomes to WSAC and DSHS twice a year beginning December 1, 2016. Eligibility for SETuP is expanded to include dependent youth ages 13 through 21 who are not being served by the demonstration sites. Eligibility continues through initiation of a postsecondary plan. The Passport to College Program's expiration date of June 30, 2022, no longer applies to the SETuP program.

Memoranda of Understanding. WSAC and OSPI must establish indicators to be used in the outcome-driven contracts with the nongovernmental entities contracted to administer the PEC and demonstration site programs. DSHS, WSAC, and OSPI must enter into, or revise existing memoranda of understanding that:

- facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental agencies; and
- effectuate transfer of responsibilities from DSHS to OSPI for the the demonstration sites; and from DSHS to WSAC for the SETuP program.

Reports. By November 1, 2016, and biannually thereafter, DSHS, WSAC, and OSPI must submit a report to the Governor and the Legislature regarding the programs and the progress on the goal to make Washington number one in the nation for foster care graduation rates, and postsecondary enrollment and completion. DSHS, WSAC, and OSPI, in consultation with the nongovernmental entities, must submit a report by November 1, 2018, to the Governor and the Legislature regarding whether the transfer of programs from DSHS has resulted in better coordinated services for youth.

Records of Youth in Foster Care. DSHS may disclose confidential child welfare records of youth in foster care to a state agency or an agency contractor only when the records pertain to or may assist with meeting the educational needs of the youth. The records cannot be further disclosed, except as permitted by law.

**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 (Early Learning & K-12 Education):** PRO: This bill is about alignment of program outcomes, streamlining eligibility of the student populations served in these programs, and authorizing the sharing of records and information that is necessary for these programs to serve the foster care youth. This will provide continuity for these kids who have tremendous challenges and need specialized, individualized education support services. The bill keeps the Children's Administration as a collaborator but puts the programs in the relevant educational state agencies. Shifting these programs to OSPI and WSAC will help to track the impact of the programs by using outcome indicators. Efforts are already underway to ensure a smooth transfer of these programs. WSAC has experience with the Passport to College Program and wants to continue to work with Children's Administration, OSPI, and other partners to ensure a seamless and coordinated service delivery to dramatically improve the educational outcomes for the foster care youth in these programs.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Janis Avery, Treehouse/CEO; Katie Kaiser, College Success Foundation; and Maddy Thompson, Washington Student Achievement Council.

**Persons Signed In To Testify But Not Testifying:** No one.

**Staff Summary of Public Testimony (Ways & Means):** No Public Hearing held.

**Persons Testifying (Ways & Means):** N/A

**Persons Signed In To Testify But Not Testifying:** N/A