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HOUSE BILL 2684

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self, Johnson, Muri, and McBride

Read first time 01/12/18. Referred to Committee on Education.

1 AN ACT Relating to defining best practices for the process and  
2 people involved in best interest determination of students in out-of-  
3 home care; amending RCW 74.13.560 and 74.13.631; adding new sections  
4 to chapter 28A.225 RCW; adding a new section to chapter 28A.320 RCW;  
5 repealing RCW 28A.300.800; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.225  
8 RCW to read as follows:

9 School districts must collaborate with the department of  
10 children, youth, and families, as also required under RCW 74.13.560,  
11 to develop protocols specifying specific strategies for  
12 communication, coordination, and collaboration regarding the status  
13 and progress of children in out-of-home care placed in the region, in  
14 order to maximize the educational continuity and achievement of these  
15 children. For the purposes of this section, "out-of-home care" has  
16 the meaning provided in RCW 13.34.030.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.225  
18 RCW to read as follows:

19 (1) For the purposes of this section, "out-of-home care" has the  
20 meaning provided in RCW 13.34.030.

1 (2) The protocols developed in collaboration between school  
2 districts and the department of children, youth, and families for  
3 making best interest determinations of students in out-of-home care  
4 must meet the requirements of this section.

5 (3) Best interest determinations should be made as quickly as  
6 possible in order to prevent educational discontinuity for the  
7 student.

8 (a) When making best interest determinations, every effort should  
9 be made to gather meaningful input from relevant and appropriate  
10 persons on their perspectives on which school the student should  
11 attend during his or her time in out-of-home care, consistent with  
12 the student's case plan.

13 (b) Relevant and appropriate persons include:

14 (i) Department of children, youth, and families representatives;

15 (ii) School of origin representatives, such as a teacher,  
16 counselor, coach, or other meaningful person in the student's life;

17 (iii) Biological parents;

18 (iv) Foster parents;

19 (v) Educational liaisons identified under RCW 13.34.045;

20 (vi) The student's relatives; and

21 (vii) Depending on his or her age, the student.

22 (4) In accordance with RCW 74.13.550, whenever practical and in  
23 their best interest, students placed into out-of-home care must  
24 remain enrolled in the school that they were attending at the time  
25 they entered out-of-home care. Student-centered factors must be used  
26 to determine what is in a student's best interest.

27 (a) In order to make a well-informed best interest determination  
28 a variety of student-centered factors should be considered,  
29 including:

30 (i) How long is the student's current out-of-home care placement  
31 expected to last?

32 (ii) What is the student's permanency plan and how does it relate  
33 to school stability?

34 (iii) How many schools has the student attended in the current  
35 year?

36 (iv) How many schools has the student attended over the past few  
37 years?

38 (v) Considering the impacts of past transfers, how may  
39 transferring to a new school impact the student academically,  
40 emotionally, physically, and socially?

1 (vi) What are the immediate and long-term educational plans of,  
2 and for, the student?

3 (vii) How strong is the student academically?

4 (viii) If the student has special needs, what impact will  
5 transferring to a new school have on the student's progress and  
6 services?

7 (ix) To what extent are the programs and activities at the  
8 potential new school comparable to, or more appropriate than, those  
9 at the school of origin?

10 (x) Does one school have programs and activities that address the  
11 unique needs or interests of the student that the other school does  
12 not have?

13 (xi) Which school does the student prefer?

14 (xii) How deep are the child's ties to his or her school of  
15 origin?

16 (xiii) Would the timing of the school transfer coincide with a  
17 logical juncture, such as after testing, after an event that is  
18 significant to the student, or at the end of the school year?

19 (xiv) How would changing schools affect the student's ability to  
20 earn full academic credit, participate in sports or other extra-  
21 curricular activities, proceed to the next grade, or graduate on  
22 time?

23 (xv) How would the commute to the schools under consideration  
24 impact the student, in terms of distance, mode of transportation, and  
25 travel time?

26 (xvi) How anxious is the student about having been removed from  
27 the home or about any upcoming moves?

28 (xvii) What school does the student's sibling attend?

29 (xviii) Are there safety issues to consider?

30 (b) Transportation costs should not be considered when making  
31 best interest determinations.

32 (5) The student must remain in his or her school of origin while  
33 a best interest determination is made and while disputes are  
34 resolved, in order to minimize disruption and reduce the number of  
35 school transfers.

36 (a) School districts are encouraged to use any best interest  
37 determination guide developed by the office of the superintendent of  
38 public instruction during the discussion about the advantages and  
39 disadvantages of keeping the student in the school of origin or  
40 transferring the student to a new school.

1 (b) School districts are encouraged to use any dispute resolution  
2 process developed by the office of the superintendent of public  
3 instruction when there is a disagreement about school placement, the  
4 provision of educational services, or a dispute between agencies.

5 (6) The special education services of a student must not be  
6 interrupted by a transfer to a new school.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320  
8 RCW to read as follows:

9 (1) For the purposes of this section, "out-of-home care" has the  
10 meaning provided in RCW 13.34.030.

11 (2)(a) A school district must designate a foster care liaison to  
12 facilitate district compliance with state and federal laws related to  
13 students in out-of-home care and to collaborate with the department  
14 of children, youth, and families to address educational barriers for  
15 these students.

16 (b) The role and responsibilities of a foster care liaison may  
17 include:

18 (i) Coordinating with the department of children, youth, and  
19 families on the implementation of state and federal laws related to  
20 students in out-of-home care;

21 (ii) Coordinating with foster care education program staff at the  
22 office of the superintendent of public instruction;

23 (iii) Attending training and professional development  
24 opportunities to improve school district implementation efforts;

25 (iv) Serving as the primary contact person for representatives of  
26 the department of children, youth, and families;

27 (v) Leading and documenting the development of a process for  
28 making best interest determinations, in accordance with section 2 of  
29 this act;

30 (vi) Facilitating immediate enrollment, in accordance with RCW  
31 28A.225.330;

32 (vii) Facilitating the transfer of the records, in accordance  
33 with RCW 28A.150.510 and 28A.225.330;

34 (viii) Facilitating data sharing with child welfare agencies,  
35 consistent with state and federal privacy laws and rules;

36 (ix) Developing and coordinating local transportation procedures;

37 (x) Managing best interest determination and transportation cost  
38 disputes, according to the best practices developed by the office of  
39 the superintendent of public instruction;

1 (xi) Ensuring that students in out-of-home care are enrolled in  
2 and regularly attending school, consistent with RCW 28A.225.023; and

3 (xii) Providing professional development and training to school  
4 staff on state and federal laws related to students in out-of-home  
5 care and their educational needs, as needed.

6 **Sec. 4.** RCW 74.13.560 and 2009 c 520 s 88 are each amended to  
7 read as follows:

8 The administrative regions of the department and the supervising  
9 agencies shall develop protocols with the respective school districts  
10 in their regions, as also required under section 1 of this act,  
11 specifying specific strategies for communication, coordination, and  
12 collaboration regarding the status and progress of ((foster))  
13 children in out-of-home care placed in the region, in order to  
14 maximize the educational continuity and achievement for ((foster))  
15 children in out-of-home care. The protocols shall include methods to  
16 assure effective sharing of information consistent with RCW  
17 28A.225.330. The protocols for making best interest determinations  
18 must meet the requirements of section 2 of this act.

19 **Sec. 5.** RCW 74.13.631 and 2013 c 182 s 6 are each amended to  
20 read as follows:

21 (1) Consistent with the protocols for making best interest  
22 determinations developed under section 2 of this act and RCW  
23 74.13.560, the department shall provide youth residing in out-of-home  
24 care the opportunity to remain enrolled in the school he or she was  
25 attending prior to out-of-home placement, unless the safety of the  
26 youth is jeopardized, or a relative or other suitable person  
27 placement approved by the department is secured for the youth, or it  
28 is determined not to be in the youth's best interest to remain  
29 enrolled in the school he or she was attending prior to out-of-home  
30 placement. If the parties in the dependency case disagree regarding  
31 which school the youth should be enrolled in, the youth may remain  
32 enrolled in the school of origin until the disagreement is resolved  
33 in court, unless the department determines that the youth is in  
34 immediate danger by remaining enrolled in the school of origin.

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

1 (a) To collaboratively discuss and document school placement  
2 options and plan necessary school transfers during the family team  
3 decision-making meeting;

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

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

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

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

12 (f) To notify all legal parties when a school disruption occurs;  
13 and

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

16 NEW SECTION. **Sec. 6.** RCW 28A.300.800 (Education of school-age  
17 children in short-term foster care—Working group—Recommendations to  
18 legislature) and 2002 c 326 s 1 are each repealed.

19 NEW SECTION. **Sec. 7.** This act takes effect September 1, 2018.

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