

HB 1561 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 43.216.015 and 2018 c 58 s 76 and 2018 c 51 s 1 are
4 each reenacted and amended to read as follows:

5 (1)(a) The department of children, youth, and families is created
6 as an executive branch agency. The department is vested with all
7 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
8 sp. sess. and such other powers and duties as may be authorized by
9 law. The vision for the department is that Washington state's
10 children and youth grow up safe and healthy—thriving physically,
11 emotionally, and academically, nurtured by family and community.

12 (b) The department, in partnership with state and local agencies,
13 tribes, and communities, shall protect children and youth from harm
14 and promote healthy development with effective, high quality
15 prevention, intervention, and early education services delivered in
16 an equitable manner. An important role for the department shall be to
17 provide preventative services to help secure and preserve families in
18 crisis. The department shall partner with the federally recognized
19 Indian tribes to develop effective services for youth and families
20 while respecting the sovereignty of those tribes and the government-
21 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
22 sp. sess. alters the duties, requirements, and policies of the
23 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
24 as amended, or the Indian child welfare act, chapter 13.38 RCW.

25 (2) Beginning July 1, 2018, the department must develop
26 definitions for, work plans to address, and metrics to measure the
27 outcomes for children, youth, and families served by the department
28 and must work with state agencies to ensure services for children,
29 youth, and families are science-based, outcome-driven, data-informed,
30 and collaborative.

1 (3) (a) Beginning July 1, 2018, the department must establish
2 short and long-term population level outcome measure goals, including
3 metrics regarding reducing disparities by family income, race, and
4 ethnicity in each outcome.

5 (b) The department must report to the legislature on outcome
6 measures, actions taken, progress toward these goals, and plans for
7 the future year, no less than annually, beginning December 1, 2018.

8 (c) The outcome measures must include, but are not limited to:

9 (i) Improving child development and school readiness through
10 voluntary, high quality early learning opportunities as measured by:

11 (A) Increasing the number and proportion of children kindergarten-
12 ready as measured by the Washington kindergarten inventory of
13 developing skills (WAKids) assessment including mathematics; (B)
14 increasing the proportion of children in early learning programs that
15 have achieved the level 3 or higher early achievers quality standard;
16 and (C) increasing the available supply of licensed child care in
17 both child care centers and family homes, including providers not
18 receiving state subsidy;

19 (ii) Preventing child abuse and neglect;

20 (iii) Improving child and youth safety, permanency, and well-
21 being as measured by: (A) Reducing the number of children entering
22 out-of-home care; (B) reducing a child's length of stay in out-of-
23 home care; (C) reducing maltreatment of youth while in out-of-home
24 care; (D) licensing more foster homes than there are children in
25 foster care; (E) reducing the number of children that reenter out-of-
26 home care within twelve months; (F) increasing the stability of
27 placements for children in out-of-home care; and (G) developing
28 strategies to demonstrate to foster families that their service and
29 involvement is highly valued by the department, as demonstrated by
30 the development of strategies to consult with foster families
31 regarding future placement of a foster child currently placed with a
32 foster family;

33 (iv) Improving reconciliation of children and youth with their
34 families as measured by: (A) Increasing family reunification; and (B)
35 increasing the number of youth who are reunified with their family of
36 origin;

37 (v) In collaboration with county juvenile justice programs,
38 improving adolescent outcomes including reducing multisystem
39 involvement and homelessness; and increasing school graduation rates

1 and successful transitions to adulthood for youth involved in the
2 child welfare and juvenile justice systems;

3 (vi) Reducing future demand for mental health and substance use
4 disorder treatment for youth involved in the child welfare and
5 juvenile justice systems;

6 (vii) In collaboration with county juvenile justice programs,
7 reducing criminal justice involvement and recidivism as measured by:
8 (A) An increase in the number of youth who successfully complete the
9 terms of diversion or alternative sentencing options; (B) a decrease
10 in the number of youth who commit subsequent crimes; and (C)
11 eliminating the discharge of youth from institutional settings into
12 homelessness; and

13 (viii) Reducing racial and ethnic disproportionality and
14 disparities in system involvement and across child and youth outcomes
15 in collaboration with other state agencies.

16 (4) Beginning July 1, 2018, the department must:

17 (a) Lead ongoing collaborative work to minimize or eliminate
18 systemic barriers to effective, integrated services in collaboration
19 with state agencies serving children, youth, and families;

20 (b) Identify necessary improvements and updates to statutes
21 relevant to their responsibilities and proposing legislative changes
22 to the governor no less than biennially;

23 (c) Help create a data-focused environment in which there are
24 aligned outcomes and shared accountability for achieving those
25 outcomes, with shared, real-time data that is accessible to
26 authorized persons interacting with the family, child, or youth to
27 identify what is needed and which services would be effective;

28 (d) Lead the provision of state services to adolescents, focusing
29 on key transition points for youth, including exiting foster care and
30 institutions, and coordinating with the office of homeless youth
31 prevention and protection programs to address the unique needs of
32 homeless youth; and

33 (e) Create and annually update a list of the rights and
34 responsibilities of foster parents in partnership with foster parent
35 representatives. The list of foster parent rights and
36 responsibilities must be posted on the department's web site,
37 provided to individuals participating in a foster parent orientation
38 before licensure, provided to foster parents in writing at the time
39 of licensure, and provided to foster parents applying for license
40 renewal.

1 (5) The department is accountable to the public. To ensure
2 transparency, beginning December 30, 2018, agency performance data
3 for the services provided by the department, including outcome data
4 for contracted services, must be available to the public, consistent
5 with confidentiality laws, federal protections, and individual rights
6 to privacy. Publicly available data must include budget and funding
7 decisions, performance-based contracting data, including data for
8 contracted services, and performance data on metrics identified in
9 this section. The ~~((oversight))~~ board ~~((for children, youth, and
10 families))~~ must work with the secretary and director to develop the
11 most effective and cost-efficient ways to make department data
12 available to the public, including making this data readily available
13 on the department's web site.

14 (6) The department shall ensure that all new and renewed
15 contracts for services are performance-based.

16 (7) ~~((As used in this section, "performance-based contract" means
17 results-oriented contracting that focuses on the quality or outcomes
18 that tie at least a portion of the contractor's payment, contract
19 extensions, or contract renewals to the achievement of specific
20 measurable performance standards and requirements.~~

21 ~~(8))~~ The department must execute all new and renewed contracts
22 for services in accordance with this section and consistent with RCW
23 74.13B.020. When contracted services are managed through a network
24 administrator or other third party, the department must execute data-
25 sharing agreements with the entities managing the contracts to track
26 provider performance measures. Contracts with network administrators
27 or other third parties must provide the contract administrator the
28 ability to shift resources from one provider to another, to evaluate
29 individual provider performance, to add or delete services in
30 consultation with the department, and to reinvest savings from
31 increased efficiencies into new or improved services in their
32 catchment area. Whenever possible, contractor performance data must
33 be made available to the public, consistent with confidentiality laws
34 and individual rights to privacy.

35 ~~((9))~~ (8)(a) The ~~((oversight))~~ board ~~((for children, youth, and
36 families))~~ shall begin its work and call the first meeting of the
37 board on or after July 1, 2018. The ~~((oversight))~~ board shall
38 immediately assume the duties of the legislative children's oversight
39 committee, as provided for in RCW 74.13.570 and assume the full
40 functions of the board as provided for in this section by July 1,

1 2019. The office of innovation, alignment, and accountability shall
2 provide quarterly updates regarding the implementation of the
3 department (~~of children, youth, and families~~) to the board between
4 July 1, 2018, and July 1, 2019.

5 (b) The office of the family and children's ombuds shall
6 establish the (~~oversight~~) board (~~for children, youth, and~~
7 ~~families~~). The board is authorized for the purpose of monitoring and
8 ensuring that the department (~~of children, youth, and families~~)
9 achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp.
10 sess., and complies with administrative acts, relevant statutes,
11 rules, and policies pertaining to early learning, juvenile
12 rehabilitation, juvenile justice, and children and family services.

13 (~~(10)~~) (9)(a) The (~~oversight~~) board (~~for children, youth,~~
14 ~~and families~~) shall consist of the following members:

15 (i) Two senators and two representatives from the legislature
16 with one member from each major caucus(~~(τ)~~);

17 (ii) One nonvoting representative from the governor's
18 office(~~(τ)~~);

19 (iii) One subject matter expert in early learning(~~(τ)~~);

20 (iv) One subject matter expert in child welfare(~~(τ)~~);

21 (v) One subject matter expert in juvenile rehabilitation and
22 justice(~~(τ)~~);

23 (vi) One subject matter expert in reducing disparities in child
24 outcomes by family income and race and ethnicity(~~(τ)~~);

25 (vii) One tribal representative from (~~the~~) west of the crest of
26 the Cascade mountains(~~(τ)~~);

27 (viii) One tribal representative from (~~the~~) east of the crest
28 of the Cascade mountains(~~(τ)~~);

29 (ix) One current or former foster parent representative(~~(τ)~~);

30 (x) One representative of an organization that advocates for the
31 best interest of the child(~~(τ)~~);

32 (xi) One parent stakeholder group representative(~~(τ)~~);

33 (xii) One law enforcement representative(~~(τ)~~);

34 (xiii) One child welfare caseworker representative(~~(τ)~~);

35 (xiv) One early childhood learning program implementation
36 practitioner(~~(τ)~~);

37 (xv) One current or former foster youth under age twenty-five;

38 (xvi) One individual under age twenty-five with current or
39 previous experience with the juvenile justice system;

1 (xvii) One physician with experience working with children or
2 youth; and

3 (xviii) One judicial representative presiding over child welfare
4 court proceedings or other children's matters.

5 (b) The senate members of the board shall be appointed by the
6 leaders of the two major caucuses of the senate. The house of
7 representatives members of the board shall be appointed by the
8 leaders of the two major caucuses of the house of representatives.
9 Members shall be appointed before the close of each regular session
10 of the legislature during an odd-numbered year.

11 (c) The remaining board members shall be nominated by the
12 governor, subject to the approval of the appointed legislators by
13 majority vote, and serve four-year terms. When nominating and
14 approving members after the effective date of this section, the
15 governor and appointed legislators must ensure that at least five of
16 the board members reside east of the crest of the Cascade mountains.

17 ~~((11))~~ (10) The ~~((oversight))~~ board ~~((for children, youth, and~~
18 ~~families))~~ has the following powers, which may be exercised by
19 majority vote of the board:

20 (a) To receive reports of the office of the family and children's
21 ombuds;

22 (b) To obtain access to all relevant records in the possession of
23 the office of the family and children's ombuds, except as prohibited
24 by law;

25 (c) To select its officers and adoption of rules for orderly
26 procedure;

27 (d) To request investigations by the office of the family and
28 children's ombuds of administrative acts;

29 (e) To request and receive information, outcome data, documents,
30 materials, and records from the department ~~((of children, youth, and~~
31 ~~families))~~ relating to children and family welfare, juvenile
32 rehabilitation, juvenile justice, and early learning;

33 (f) To determine whether the department ~~((of children, youth, and~~
34 ~~families))~~ is achieving the performance measures;

35 (g) If final review is requested by a licensee, to review whether
36 department ~~((of children, youth, and families'))~~ licensors
37 appropriately and consistently applied agency rules in child care
38 facility licensing compliance agreements as defined in RCW 43.216.395
39 that do not involve a violation of health and safety standards as
40 defined in RCW 43.216.395 in cases that have already been reviewed by

1 the internal review process described in RCW 43.216.395 with the
2 authority to overturn, change, or uphold such decisions;

3 (h) To conduct annual reviews of a sample of department (~~of~~
4 ~~children, youth, and families~~) contracts for services from a variety
5 of program and service areas to ensure that those contracts are
6 performance-based and to assess the measures included in each
7 contract; and

8 (i) Upon receipt of records or data from the office of the family
9 and children's ombuds or the department (~~of children, youth, and~~
10 ~~families~~), the (~~oversight~~) board (~~for children, youth, and~~
11 ~~families~~) is subject to the same confidentiality restrictions as the
12 office of the family and children's ombuds is under RCW 43.06A.050.
13 The provisions of RCW 43.06A.060 also apply to the (~~oversight~~)
14 board (~~for children, youth, and families~~).

15 (~~(12)~~) (11) The (~~oversight~~) board (~~for children, youth, and~~
16 ~~families~~) has general oversight over the performance and policies of
17 the department and shall provide advice and input to the department
18 and the governor.

19 (~~(13)~~) (12) The (~~oversight~~) board (~~for children, youth, and~~
20 ~~families~~) must no less than twice per year convene stakeholder
21 meetings to allow feedback to the board regarding contracting with
22 the department (~~of children, youth, and families~~), departmental use
23 of local, state, private, and federal funds, and other matters as
24 relating to carrying out the duties of the department.

25 (~~(14)~~) (13) The (~~oversight~~) board (~~for children, youth, and~~
26 ~~families~~) shall review existing surveys of providers, customers,
27 parent groups, and external services to assess whether the department
28 (~~of children, youth, and families~~) is effectively delivering
29 services, and shall conduct additional surveys as needed to assess
30 whether the department is effectively delivering services.

31 (~~(15)~~) (14) The (~~oversight~~) board (~~for children, youth, and~~
32 ~~families~~) is subject to the open public meetings act, chapter 42.30
33 RCW, except to the extent disclosure of records or information is
34 otherwise confidential under state or federal law.

35 (~~(16)~~) (15) Records or information received by the
36 (~~oversight~~) board (~~for children, youth, and families~~) is
37 confidential to the extent permitted by state or federal law. This
38 subsection does not create an exception for records covered by RCW
39 13.50.100.

1 ~~((17))~~ (16) The ~~((oversight))~~ board ~~((for children, youth, and~~
2 ~~families))~~ members shall receive no compensation for their service on
3 the board, but shall be reimbursed for travel expenses incurred while
4 ~~((attending meetings))~~ conducting business of the board when
5 authorized by the board and within resources allocated for this
6 purpose, except appointed legislators who shall be reimbursed for
7 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

8 ~~((18))~~ (17) The ~~((oversight))~~ board ~~((for children, youth, and~~
9 ~~families))~~ shall select, by majority vote, an executive director who
10 shall be the chief administrative officer of the board and shall be
11 responsible for carrying out the policies adopted by the board. The
12 executive director is exempt from the provisions of the state civil
13 service law, chapter 41.06 RCW, and shall serve at the pleasure of
14 the board established in this section.

15 ~~((19))~~ (18) The ~~((oversight))~~ board ~~((for children, youth, and~~
16 ~~families))~~ shall maintain a staff not to exceed one full-time
17 equivalent employee. The board-selected executive director of the
18 board is responsible for coordinating staff appointments.

19 ~~((20))~~ (19) The ~~((oversight))~~ board ~~((for children, youth, and~~
20 ~~families))~~ shall issue an annual report to the governor and
21 legislature by December 1st of each year with an initial report
22 delivered by December 1, 2019. The report must review the
23 ~~((department of children, youth, and families'))~~ department's
24 progress towards meeting stated performance measures and desired
25 performance outcomes, and must also include a review of the
26 department's strategic plan, policies, and rules.

27 ~~((21) As used in this section, "department" means the department~~
28 ~~of children, youth, and families,))~~ (20) The definitions in this
29 subsection apply throughout this section unless the context clearly
30 requires otherwise.

31 (a) "Board" means the oversight board for children, youth, and
32 families established in subsection (8) of this section.

33 (b) "Director" means the director of the office of innovation,
34 alignment, and accountability~~((, and "secretary" means the secretary~~
35 ~~of the department))~~.

36 (c) "Performance-based contract" means results-oriented
37 contracting that focuses on the quality or outcomes that tie at least
38 a portion of the contractor's payment, contract extensions, or
39 contract renewals to the achievement of specific measurable
40 performance standards and requirements.

1 (~~((22) The governor must appoint the secretary of the department~~
2 ~~within thirty days of July 6, 2017.))~~)"

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ADOPTED 04/10/2019

3 On page 1, line 5 of the title, after "range;" strike the
4 remainder of the title and insert "and reenacting and amending RCW
5 43.216.015."

EFFECT: Board members are reimbursed for travel expenses incurred while conducting business of the Board, within resources allocated for this purpose.

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