

# HOUSE BILL REPORT

## HB 2583

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### As Reported by House Committee On:

Education  
Appropriations

**Title:** An act relating to student transportation for students in out-of-home placements.

**Brief Description:** Ensuring student transportation for students in out-of-home placements.

**Sponsors:** Representatives Caldier, Dent and Corry.

### Brief History:

#### Committee Activity:

Education: 1/21/20, 2/6/20 [DPS];

Appropriations: 2/10/20, 2/11/20 [DPS(ED)].

#### Brief Summary of Substitute Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to establish a process for school districts to collect and report information related to transporting students placed in out-of-home care outside their school of origin district.
- Specifies that, within existing resources, the OSPI must provide technical assistance to school districts related to transporting students placed in out-of-home care outside their school of origin district.
- Requires, that the OSPI, by October 1, 2022, report to the Legislature with certain data on, and recommendations for improving processes for, transporting students placed in out-of-home care outside their school of origin district to and from their school of origin.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

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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.*

**Staff:** Megan Wargacki (786-7194).

**Background:**

Some children and youth in foster care or other out-of-home care need transportation to remain in their school of origin when it is in their best interest. The school of origin is the school the student was enrolled in when they entered out-of-home care. As defined in state law, foster care and out-of-home care mean placement in a foster family home or a licensed group care facility or other legally authorized care. An out-of-home care placement could include placement with a relative.

When it is in the best interest of a child or youth to remain enrolled in his or her school of origin, the Department of Children Youth and Families (DCYF) and school districts must collaborate to ensure that transportation to the school of origin is provided, arranged and funded. State law provides that, when making best interest determinations, a variety of student-centered factors should be considered and every effort should be made to gather meaningful input on the matter from relevant and appropriate persons. Federal guidance states that transportation costs should not be considered when making best interest determinations. State law requires that students remain in their school of origin while a best interest determination is made and while disputes are resolved in order to minimize disruption and reduce the number of school transfers.

Federal law requires that the DCYF and school districts develop procedures that ensure prompt receipt of cost-effective transportation. Federal guidance provides examples of no-cost or low-cost options, such as public transportation or transportation by the foster parents or other family members.

The Office of the Superintendent of Public Instruction (OSPI) uses a regression analysis to determine an estimate for the state allocation necessary to fund the expected expenditures for each school district's transportation operations. School districts are required to report student counts, route data, and other statistically significant factors each school year. School districts are not required to report disaggregate data related to transporting students in out-of-home care separately from other data.

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**Summary of Substitute Bill:**

By December 31, 2020, the OSPI must establish a uniform process designed to collect and report information related to transportation to and from the school of origin for students placed in out-of-home care outside their school of origin district. The information must include transportation distance and time, mode of transit, additional expenditures, including expenditures required under federal foster care-related laws, and source of expenditure revenue. Once established, the OSPI must adopt the administrative rules to direct each school district to adopt and use the uniform process to collect the required information and report it to the OSPI.

Within existing resources, the OSPI must provide technical assistance to school districts related to transporting students placed in out-of-home care outside their school of origin district. The technical assistance must include assistance with using the information collection and reporting process described above, complying with state allocation reporting requirements, providing efficient transportation services, and maximizing revenue that can be used to transport out-of-home care students.

By October 1, 2022, the OSPI must report to the Legislature with the following information:

- the number of interdistrict enrollments each student in out-of-home care experienced during the 2021-22 school year;
- an analysis of travel distance data collected during the 2021-22 school year for students placed in out-of-home care outside their school of origin district, including the distance: from the out-of-home care placement to the school of origin; from the out-of-home care placement to the school of enrollment, if the student is no longer enrolled in the school of origin; and from the school of origin to the school of enrollment, if the student is no longer enrolled in the school of origin;
- a summary of information related to transporting students placed in out-of-home care outside their school of origin district to and from their school of origin reported by school districts required as described above;
- a summary of technical assistance provided to school districts required as described above; and
- recommendations for improving the processes for appropriately compensating school districts for the costs of transporting students placed in out-of-home care outside their school of origin district to and from their school of origin.

### **Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the original bill:

- eliminates the notifications and financial penalties;
- adds school district and the OSPI reporting requirements related to students in out-of-home care, including transportation-related data; and
- requires the OSPI to provide technical assistance to school districts related to transporting students placed in out-of-home care outside their school of origin district.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 6, 2020.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) There are federal and state laws that require school districts to provide transportation when foster children are placed out of their school of origin district. Districts are concerned about these transportation costs. Funding was added to the House of

Representative's operating budget last year for these transportation costs. However, people advocated the Senators that transportation is already provided so no additional funding is needed, and the Senate removed the funding.

School districts are putting pressure on foster families and case workers to immediately enroll students out of district, rather than providing transportation to the school of origin. Districts advocated that they are already doing this and do not need more money. If they are doing their job, they will not be penalized under the bill. This bill adds teeth to the legal requirement.

(Opposed) None.

(Other) With every school change, students lose four to six months of academic progress. Children and youth in foster care change schools far too often. Students must stay in their school of origin if it is in their best interest and it is logistically possible. There are challenges with transportation of students placed out of their school district of origin.

Under federal law child welfare agencies and school districts have shared responsibility for the educational progress of youth in foster care and must collaborate to determine best school placement and determine cost sharing for transportation to the school of origin. However, school districts are rarely involved in best interest determinations and often pay transportation costs 100 percent of the time. There should be shared accountability, which should be reflected in legislation and practice.

Youth should not spend more than three days out of school when they enter foster care. Most are not out of school more than three weeks. However, many students spend 7 to 10 days out of school, during which time tenuous attachment to school and academic progress is derailed. There is concern that the punitive nature of this bill will not improve school stability.

**Persons Testifying:** (In support) Representative Caldier, prime sponsor.

(Other) Dawn Rains, Treehouse; and Peggy Carlson, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

**Staff:** Jordan Clarke (786-7123).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Federal and state laws require transportation of students in out-of-home care to their school of origin. Some school districts are doing this already, but some school districts automatically enroll a student in a new school. This bill will help the state gather data on students in out-of-home placements.

(Opposed) None.

**Persons Testifying:** Representative Caldier, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.