

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1561

66th Legislature
2019 Regular Session

Passed by the House April 18, 2019
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 10, 2019
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1561** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1561

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Representatives Dent, Senn, Appleton, Doglio, Tharinger, Slatter, Ormsby, Frame, and Leavitt

Read first time 01/24/19. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to ensuring participation on the oversight board
2 for children, youth, and families by current or former foster youth,
3 individuals with current or previous experience in the juvenile
4 justice system, a physician with experience working with children or
5 youth, and individuals residing east of the Cascade mountain range;
6 and reenacting and amending RCW 43.216.015.

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

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

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

17 (b) The department, in partnership with state and local agencies,
18 tribes, and communities, shall protect children and youth from harm
19 and promote healthy development with effective, high quality
20 prevention, intervention, and early education services delivered in
21 an equitable manner. An important role for the department shall be to

1 provide preventative services to help secure and preserve families in
2 crisis. The department shall partner with the federally recognized
3 Indian tribes to develop effective services for youth and families
4 while respecting the sovereignty of those tribes and the government-
5 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
6 sp. sess. alters the duties, requirements, and policies of the
7 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
8 as amended, or the Indian child welfare act, chapter 13.38 RCW.

9 (2) Beginning July 1, 2018, the department must develop
10 definitions for, work plans to address, and metrics to measure the
11 outcomes for children, youth, and families served by the department
12 and must work with state agencies to ensure services for children,
13 youth, and families are science-based, outcome-driven, data-informed,
14 and collaborative.

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

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

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

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

25 (A) Increasing the number and proportion of children kindergarten-
26 ready as measured by the Washington kindergarten inventory of
27 developing skills (WAKids) assessment including mathematics; (B)
28 increasing the proportion of children in early learning programs that
29 have achieved the level 3 or higher early achievers quality standard;
30 and (C) increasing the available supply of licensed child care in
31 both child care centers and family homes, including providers not
32 receiving state subsidy;

33 (ii) Preventing child abuse and neglect;

34 (iii) Improving child and youth safety, permanency, and well-
35 being as measured by: (A) Reducing the number of children entering
36 out-of-home care; (B) reducing a child's length of stay in out-of-
37 home care; (C) reducing maltreatment of youth while in out-of-home
38 care; (D) licensing more foster homes than there are children in
39 foster care; (E) reducing the number of children that reenter out-of-
40 home care within twelve months; (F) increasing the stability of

1 placements for children in out-of-home care; and (G) developing
2 strategies to demonstrate to foster families that their service and
3 involvement is highly valued by the department, as demonstrated by
4 the development of strategies to consult with foster families
5 regarding future placement of a foster child currently placed with a
6 foster family;

7 (iv) Improving reconciliation of children and youth with their
8 families as measured by: (A) Increasing family reunification; and (B)
9 increasing the number of youth who are reunified with their family of
10 origin;

11 (v) In collaboration with county juvenile justice programs,
12 improving adolescent outcomes including reducing multisystem
13 involvement and homelessness; and increasing school graduation rates
14 and successful transitions to adulthood for youth involved in the
15 child welfare and juvenile justice systems;

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

19 (vii) In collaboration with county juvenile justice programs,
20 reducing criminal justice involvement and recidivism as measured by:
21 (A) An increase in the number of youth who successfully complete the
22 terms of diversion or alternative sentencing options; (B) a decrease
23 in the number of youth who commit subsequent crimes; and (C)
24 eliminating the discharge of youth from institutional settings into
25 homelessness; and

26 (viii) Reducing racial and ethnic disproportionality and
27 disparities in system involvement and across child and youth outcomes
28 in collaboration with other state agencies.

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

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

33 (b) Identify necessary improvements and updates to statutes
34 relevant to their responsibilities and proposing legislative changes
35 to the governor no less than biennially;

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

1 (d) Lead the provision of state services to adolescents, focusing
2 on key transition points for youth, including exiting foster care and
3 institutions, and coordinating with the office of homeless youth
4 prevention and protection programs to address the unique needs of
5 homeless youth; and

6 (e) Create and annually update a list of the rights and
7 responsibilities of foster parents in partnership with foster parent
8 representatives. The list of foster parent rights and
9 responsibilities must be posted on the department's web site,
10 provided to individuals participating in a foster parent orientation
11 before licensure, provided to foster parents in writing at the time
12 of licensure, and provided to foster parents applying for license
13 renewal.

14 (5) The department is accountable to the public. To ensure
15 transparency, beginning December 30, 2018, agency performance data
16 for the services provided by the department, including outcome data
17 for contracted services, must be available to the public, consistent
18 with confidentiality laws, federal protections, and individual rights
19 to privacy. Publicly available data must include budget and funding
20 decisions, performance-based contracting data, including data for
21 contracted services, and performance data on metrics identified in
22 this section. The ~~((oversight))~~ board ~~((for children, youth, and
23 families))~~ must work with the secretary and director to develop the
24 most effective and cost-efficient ways to make department data
25 available to the public, including making this data readily available
26 on the department's web site.

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

29 ~~((As used in this section, "performance-based contract" means
30 results-oriented contracting that focuses on the quality or outcomes
31 that tie at least a portion of the contractor's payment, contract
32 extensions, or contract renewals to the achievement of specific
33 measurable performance standards and requirements.~~

34 ~~(8))~~ The department must execute all new and renewed contracts
35 for services in accordance with this section and consistent with RCW
36 74.13B.020. When contracted services are managed through a network
37 administrator or other third party, the department must execute data-
38 sharing agreements with the entities managing the contracts to track
39 provider performance measures. Contracts with network administrators
40 or other third parties must provide the contract administrator the

1 ability to shift resources from one provider to another, to evaluate
2 individual provider performance, to add or delete services in
3 consultation with the department, and to reinvest savings from
4 increased efficiencies into new or improved services in their
5 catchment area. Whenever possible, contractor performance data must
6 be made available to the public, consistent with confidentiality laws
7 and individual rights to privacy.

8 ~~((9))~~ (8) (a) The ~~((oversight))~~ board ~~((for children, youth, and
9 families))~~ shall begin its work and call the first meeting of the
10 board on or after July 1, 2018. The ~~((oversight))~~ board shall
11 immediately assume the duties of the legislative children's oversight
12 committee, as provided for in RCW 74.13.570 and assume the full
13 functions of the board as provided for in this section by July 1,
14 2019. The office of innovation, alignment, and accountability shall
15 provide quarterly updates regarding the implementation of the
16 department ~~((of children, youth, and families))~~ to the board between
17 July 1, 2018, and July 1, 2019.

18 (b) The office of the family and children's ombuds shall
19 establish the ~~((oversight))~~ board ~~((for children, youth, and
20 families))~~. The board is authorized for the purpose of monitoring and
21 ensuring that the department ~~((of children, youth, and families))~~
22 achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp.
23 sess., and complies with administrative acts, relevant statutes,
24 rules, and policies pertaining to early learning, juvenile
25 rehabilitation, juvenile justice, and children and family services.

26 ~~((10))~~ (9) (a) The ~~((oversight))~~ board ~~((for children, youth,
27 and families))~~ shall consist of the following members:

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

30 (ii) One nonvoting representative from the governor's
31 office ~~((τ))~~ ;

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

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

34 (v) One subject matter expert in juvenile rehabilitation and
35 justice ~~((τ))~~ ;

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

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

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

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

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

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

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

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

9 (xiv) One early childhood learning program implementation
10 practitioner~~((τ))~~;

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

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

14 (xvii) One physician with experience working with children or
15 youth; and

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

18 (b) The senate members of the board shall be appointed by the
19 leaders of the two major caucuses of the senate. The house of
20 representatives members of the board shall be appointed by the
21 leaders of the two major caucuses of the house of representatives.
22 Members shall be appointed before the close of each regular session
23 of the legislature during an odd-numbered year.

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

30 ~~((11))~~ (10) The ~~((oversight))~~ board ~~((for children, youth, and~~
31 ~~families))~~ has the following powers, which may be exercised by
32 majority vote of the board:

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

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

38 (c) To select its officers and adoption of rules for orderly
39 procedure;

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

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

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

9 (g) If final review is requested by a licensee, to review whether
10 department (~~(of children, youth, and families)~~) licensors
11 appropriately and consistently applied agency rules in child care
12 facility licensing compliance agreements as defined in RCW 43.216.395
13 that do not involve a violation of health and safety standards as
14 defined in RCW 43.216.395 in cases that have already been reviewed by
15 the internal review process described in RCW 43.216.395 with the
16 authority to overturn, change, or uphold such decisions;

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

22 (i) Upon receipt of records or data from the office of the family
23 and children's ombuds or the department (~~(of children, youth, and~~
24 ~~families)~~), the (~~(oversight)~~) board (~~(for children, youth, and~~
25 ~~families)~~) is subject to the same confidentiality restrictions as the
26 office of the family and children's ombuds is under RCW 43.06A.050.
27 The provisions of RCW 43.06A.060 also apply to the (~~(oversight)~~)
28 board (~~(for children, youth, and families)~~).

29 (~~(12)~~) (11) The (~~(oversight)~~) board (~~(for children, youth, and~~
30 ~~families)~~) has general oversight over the performance and policies of
31 the department and shall provide advice and input to the department
32 and the governor.

33 (~~(13)~~) (12) The (~~(oversight)~~) board (~~(for children, youth, and~~
34 ~~families)~~) must no less than twice per year convene stakeholder
35 meetings to allow feedback to the board regarding contracting with
36 the department (~~(of children, youth, and families)~~), departmental use
37 of local, state, private, and federal funds, and other matters as
38 relating to carrying out the duties of the department.

39 (~~(14)~~) (13) The (~~(oversight)~~) board (~~(for children, youth, and~~
40 ~~families)~~) shall review existing surveys of providers, customers,

1 parent groups, and external services to assess whether the department
2 (~~of children, youth, and families~~) is effectively delivering
3 services, and shall conduct additional surveys as needed to assess
4 whether the department is effectively delivering services.

5 (~~(15)~~) (14) The (~~oversight~~) board (~~for children, youth, and~~
6 ~~families~~) is subject to the open public meetings act, chapter 42.30
7 RCW, except to the extent disclosure of records or information is
8 otherwise confidential under state or federal law.

9 (~~(16)~~) (15) Records or information received by the
10 (~~oversight~~) board (~~for children, youth, and families~~) is
11 confidential to the extent permitted by state or federal law. This
12 subsection does not create an exception for records covered by RCW
13 13.50.100.

14 (~~(17)~~) (16) The (~~oversight~~) board (~~for children, youth, and~~
15 ~~families~~) members shall receive no compensation for their service on
16 the board, but shall be reimbursed for travel expenses incurred while
17 (~~attending meetings~~) conducting business of the board when
18 authorized by the board and within resources allocated for this
19 purpose, except appointed legislators who shall be reimbursed for
20 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

21 (~~(18)~~) (17) The (~~oversight~~) board (~~for children, youth, and~~
22 ~~families~~) shall select, by majority vote, an executive director who
23 shall be the chief administrative officer of the board and shall be
24 responsible for carrying out the policies adopted by the board. The
25 executive director is exempt from the provisions of the state civil
26 service law, chapter 41.06 RCW, and shall serve at the pleasure of
27 the board established in this section.

28 (~~(19)~~) (18) The (~~oversight~~) board (~~for children, youth, and~~
29 ~~families~~) shall maintain a staff not to exceed one full-time
30 equivalent employee. The board-selected executive director of the
31 board is responsible for coordinating staff appointments.

32 (~~(20)~~) (19) The (~~oversight~~) board (~~for children, youth, and~~
33 ~~families~~) shall issue an annual report to the governor and
34 legislature by December 1st of each year with an initial report
35 delivered by December 1, 2019. The report must review the
36 (~~department of children, youth, and families'~~) department's
37 progress towards meeting stated performance measures and desired
38 performance outcomes, and must also include a review of the
39 department's strategic plan, policies, and rules.

1 (~~(21) As used in this section, "department" means the department~~
2 ~~of children, youth, and families,~~) (20) The definitions in this
3 subsection apply throughout this section unless the context clearly
4 requires otherwise.

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

7 (b) "Director" means the director of the office of innovation,
8 alignment, and accountability(~~(, and "secretary" means the secretary~~
9 ~~of the department)~~).

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

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

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