

# FINAL BILL REPORT

## SHB 1955

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Synopsis as Enacted

**Brief Description:** Creating uniformity in education requirements for students who are the subject of a dependency proceeding.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Rule, Ramel, Ormsby and Taylor).

**House Committee on Education**

**Senate Committee on Early Learning & K-12 Education**

### **Background:**

#### Dependency Proceedings/Dependent Child.

Anyone, including the Department of Children, Youth, and Families (DCYF), may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. The petitions must be verified and contain a statement of facts that constitute a dependency and the names and residence of the parents, if known.

When a child is taken into custody, the court must hold a shelter care hearing within 72 hours. The primary purpose of the hearing is to determine whether the child can be immediately and safely returned home while the dependency case is being resolved. If the court finds the need to maintain a child out of the home, the shelter care status remains until a dependency fact-finding hearing is held or the parties enter an agreed order of dependency.

If the court determines that a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by the DCYF, compliance of the parents, and whether progress has been made by the parents.

A child that is determined to be dependent may be under the supervision of the DCYF, a tribe, or the Department of Social and Health Services (DSHS) if the child is within the

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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 part of the legislation nor does it constitute a statement of legislative intent.*

## Unaccompanied Refugee Minors Program.

### Unaccompanied Refugee Minors Program.

The Unaccompanied Refugee Minors Program (URM Program) is a federal program of the United States Department of Health and Human Services. The URM Program ensures that eligible unaccompanied minors who arrive in the country without a parent or guardian receive the full range of assistance, care, and services available to foster children in the state by establishing a legal authority to act in place of the child's unavailable parents. The DSHS administers the URM Program in Washington and provides participants with benefits and services, including foster care maintenance payments and medical assistance.

### Education Related Requirements for Dependent Children.

Numerous education related requirements are prescribed in statute for children who are determined by the court to be dependent. Examples are delineated below.

*Education Records.* Education records of students who are dependent must be transmitted to the DCYF within two days after receiving the request, provided the DCYF certifies that it will not disclose the education records without prior written consent of the parent or student or unless authorized by state law. Education records requirements also direct the K-12 Data Governance Group established in statute to, among other requirements, create a comprehensive needs requirement document pertaining to the education records of students who are dependent.

*Absence Reviews.* School staff must review unexpected or excessive absences with a dependent youth and adults involved with that youth, including the youth's caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents. The purpose of the review is to determine the cause of the absences, taking into account specific factors designated in statute. School staff must also proactively support the youth's schoolwork so that the student does not fall behind, and to avoid suspension or expulsion based on truancy.

*Student Information for Enrollment.* A school that is enrolling a student who has attended school in a different school district may request that the parent and student briefly indicate in writing whether or not the student has any: history of placement in special education programs; past or ongoing disciplinary actions; history of violent or other specific behaviors; unpaid school fines or fees; and health conditions affecting educational needs.

An enrolling school may not prevent a student who is dependent from enrolling if there is incomplete information for the enumerated questions during a 10-day period that the DSHS has to obtain the information.

Upon enrollment of a student who is dependent, the school district must make reasonable efforts to obtain and assess the child's education history within two business days in order to meet the child's unique needs.

*Educational Continuity.* In accordance with statutory requirements, the DCYF, in collaboration with school districts, has developed protocols for maximizing the educational continuity and achievement for children in out-of-home care, a defined term. The continuity and achievement protocols include additional protocols for making "best interest determinations" for students in out-of-home care that require consideration of numerous factors when determining whether a student should remain enrolled in the student's school of origin or transferred to a new school.

A separate statutory enunciation in child welfare laws specifies that it is the policy of the state that, whenever practical and in the best interest of the child, children placed into foster care must remain enrolled in the schools they were attending at the time they entered foster care. Additionally, unless safety concerns or specified considerations prevail, the DCYF must provide youth residing in out-of-home care with the opportunity to remain enrolled in the school the youth was attending prior to out-of-home placement. If the parties in the dependency case disagree regarding which school the youth should be enrolled in, the youth, unless DCYF determines that the youth is in immediate danger by remaining enrolled in the school of origin, may remain enrolled in the school of origin until the disagreement is resolved in court.

*Foster Care Liaison.* Each school district must designate a foster care liaison to facilitate district compliance with state and federal laws related to students who are dependent, and to collaborate with the DCYF and families to address educational barriers for those students.

*On-time Grade Level Progression.* School districts must eliminate academic barriers and facilitate on-time grade level progression and graduation for qualifying students, including students who are dependent.

### **Summary:**

Numerous changes are made to education and other requirements pertaining to students who are the subject of a dependency proceeding. A summary of the principal changes is provided below.

*Education Records.* Education records of students who are the subject of a dependency proceeding must be transmitted to the Department of Children, Youth, and Families (DCYF), the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the Unaccompanied Refugee Minors Program (URM Program) within two days after receiving the request, provided that the DCYF or applicable entity certifies that it will not disclose the education records without prior written consent of the parent or student or unless authorized by state law.

"Students who are the subject of a dependency proceeding" is defined to mean a child or youth who is located in Washington and:

- the subject of a shelter care or dependency order issued under statutory requirements governing dependency proceedings or an equivalent order of a tribal court of a federally recognized Indian tribe; or
- eligible for benefits under the federal URM Program.

Provisions directing the K-12 Data Governance Group to, among other requirements, create a comprehensive needs requirement document pertaining to the education records of students who are dependent, are repealed.

*Absence Reviews.* Provisions mandating unexpected absence reviews by school staff are modified and extended to "students who are the subject of a dependency proceeding" as the term is defined in the education records provisions.

*Student Information for Enrollment.* Provisions barring schools from enrolling transferring students if certain student information is not provided in timely manner are extended to "students who are the subject of a dependency proceeding" as the term is defined in the education records provisions.

Upon enrollment of a student who is the subject of a dependency proceeding, the school district must make reasonable efforts to obtain and assess the child's education history within two business days in order to meet the child's unique needs.

If the student who is the subject of a dependency proceeding is subject to an order in a federally recognized tribal court that is the equivalent of a shelter care or dependency order, or the student is eligible for benefits under the URM Program, the school may not prevent the student from enrolling if there is incomplete information during the 10 business days beginning with the date the equivalent order is entered or from a date determined by the Department of Social and Health Services.

*Educational Continuity.* Provisions mandating best interest determinations for qualifying students are modified and extended to "students who are the subject of a dependency proceeding" as the term is defined in the education records provisions.

The requirements for best interest determinations for students who are the subject of a dependency proceeding may also be applied to students who are the subject of a federally recognized tribal court shelter care or dependency order that is the equivalent of a shelter care or dependency order, and students who are eligible for benefits under the URM Program

*Student Transportation.* If the student's care placement changes to an area served by another school district, and it is determined to be in the best interest of the student to remain in the school of origin, the school district of origin and the school district in which the student is living must agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the school

districts are unable to agree upon an apportionment method, the responsibility and costs for transportation must be shared equally between the districts.

"School of origin" is defined in provisions governing best interest determinations for student transportation to mean the school in which a child is enrolled at the time of placement in foster care. The definition further specifies that if a child's foster care placement changes, the school of origin must be considered the school in which the child is enrolled at the time of the placement change.

Additionally, the DCYF must reimburse school districts for half of all excess transportation costs for students under its placement and care authority.

*Foster Care Liaison.* Provisions mandating the designation of foster care liaisons by school districts to facilitate school district compliance with pertinent state and federal laws for qualifying students are modified and extended to "students who are the subject of a dependency proceeding" as the term is defined in the education records provisions.

*On-time Grade Level Progression.* Provisions that require school districts to incorporate procedures for the purpose of eliminating barriers and facilitating on-time grade level progression and graduation for qualifying students are modified and extended to "students who are the subject of a dependency proceeding" as the term is defined in the education records provisions.

*Agency Requirements: Department of Children, Youth and Families.* Provisions requiring the DCYF to develop protocols for educational continuity and achievement for children placed in out-of-home care are modified and extended to children who are the subject of a dependency proceeding. "Children who are the subject of a dependency proceeding" is defined to mean a child or youth who is located in Washington and the subject of a shelter care or dependency order pursuant to statutory requirements governing dependency proceedings. This definition, which is narrower than similar definitions in the act, limits the applicable continuity and achievement requirements of the DCYF to qualifying children who are under its supervision.

Requirements directing the DCYF to generally provide youth residing in out-of-home care with the opportunity to remain enrolled in the school the youth was attending prior to out-of-home placement, are modified, including with new "school of origin" terminology, and extended to students who are the subject of a dependency proceeding. "Students who are the subject of a dependency proceeding" is defined using the narrower "children who are the subject of a dependency proceeding" definition.

**Votes on Final Passage:**

House	95	1
Senate	48	0

**Effective:** June 9, 2022