
SUBSTITUTE HOUSE BILL 1936

State of Washington

67th Legislature

2022 Regular Session

By House Children, Youth & Families (originally sponsored by Representatives Dent, Eslick, Sutherland, Wicks, Robertson, and Chase)

READ FIRST TIME 01/28/22.

1 AN ACT Relating to the membership and subcommittees of the
2 oversight board for children, youth, and families; and amending RCW
3 43.216.015.

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

5 **Sec. 1.** RCW 43.216.015 and 2021 c 304 s 4 are each amended to
6 read as follows:

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

14 (b) The department, in partnership with state and local agencies,
15 tribes, and communities, shall protect children and youth from harm
16 and promote healthy development with effective, high quality
17 prevention, intervention, and early education services delivered in
18 an equitable manner. An important role for the department shall be to
19 provide preventative services to help secure and preserve families in
20 crisis. The department shall partner with the federally recognized
21 Indian tribes to develop effective services for youth and families

1 while respecting the sovereignty of those tribes and the government-
2 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
3 sp. sess. alters the duties, requirements, and policies of the
4 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
5 as amended, or the Indian child welfare act, chapter 13.38 RCW.

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

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

16 (b) In addition to transparent, frequent reporting of the outcome
17 measures in (c)(i) through (viii) of this subsection, the department
18 must report to the legislature an examination of engagement, resource
19 utilization, and outcomes for clients receiving department services
20 and youth participating in juvenile court alternative programs funded
21 by the department, no less than annually and beginning September 1,
22 2020. The data in this report must be disaggregated by race,
23 ethnicity, and geography. This report must identify areas of focus to
24 advance equity that will inform department strategies so that all
25 children, youth, and families are thriving. Metrics detailing
26 progress towards eliminating disparities and disproportionality over
27 time must also be included. The report must also include information
28 on department outcome measures, actions taken, progress toward these
29 goals, and plans for the future year.

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

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

33 (A) Increasing the number and proportion of children kindergarten-
34 ready as measured by the Washington kindergarten inventory of
35 developing skills (WAKids) assessment including mathematics; (B)
36 increasing the proportion of children in early learning programs that
37 have achieved the level 3 or higher early achievers quality standard;
38 and (C) increasing the available supply of licensed child care in
39 child care centers, outdoor nature-based child care, and family
40 homes, including providers not receiving state subsidy;

1 (ii) Preventing child abuse and neglect;
2 (iii) Improving child and youth safety, permanency, and well-
3 being as measured by: (A) Reducing the number of children entering
4 out-of-home care; (B) reducing a child's length of stay in out-of-
5 home care; (C) reducing maltreatment of youth while in out-of-home
6 care; (D) licensing more foster homes than there are children in
7 foster care; (E) reducing the number of children that reenter out-of-
8 home care within twelve months; (F) increasing the stability of
9 placements for children in out-of-home care; and (G) developing
10 strategies to demonstrate to foster families that their service and
11 involvement is highly valued by the department, as demonstrated by
12 the development of strategies to consult with foster families
13 regarding future placement of a foster child currently placed with a
14 foster family;

15 (iv) Improving reconciliation of children and youth with their
16 families as measured by: (A) Increasing family reunification; and (B)
17 increasing the number of youth who are reunified with their family of
18 origin;

19 (v) In collaboration with county juvenile justice programs,
20 improving adolescent outcomes including reducing multisystem
21 involvement and homelessness; and increasing school graduation rates
22 and successful transitions to adulthood for youth involved in the
23 child welfare and juvenile justice systems;

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

27 (vii) In collaboration with county juvenile justice programs,
28 reducing criminal justice involvement and recidivism as measured by:
29 (A) An increase in the number of youth who successfully complete the
30 terms of diversion or alternative sentencing options; (B) a decrease
31 in the number of youth who commit subsequent crimes; and (C)
32 eliminating the discharge of youth from institutional settings into
33 homelessness; and

34 (viii) Eliminating racial and ethnic disproportionality and
35 disparities in system involvement and across child and youth outcomes
36 in collaboration with other state agencies.

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

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

1 (b) Identify necessary improvements and updates to statutes
2 relevant to their responsibilities and proposing legislative changes
3 to the governor no less than biennially;

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

9 (d) Lead the provision of state services to adolescents, focusing
10 on key transition points for youth, including exiting foster care and
11 institutions, and coordinating with the office of homeless youth
12 prevention and protection programs to address the unique needs of
13 homeless youth; and

14 (e) Create and annually update a list of the rights and
15 responsibilities of foster parents in partnership with foster parent
16 representatives. The list of foster parent rights and
17 responsibilities must be posted on the department's website, provided
18 to individuals participating in a foster parent orientation before
19 licensure, provided to foster parents in writing at the time of
20 licensure, and provided to foster parents applying for license
21 renewal.

22 (5) The department is accountable to the public. To ensure
23 transparency, beginning December 30, 2018, agency performance data
24 for the services provided by the department, including outcome data
25 for contracted services, must be available to the public, consistent
26 with confidentiality laws, federal protections, and individual rights
27 to privacy. Publicly available data must include budget and funding
28 decisions, performance-based contracting data, including data for
29 contracted services, and performance data on metrics identified in
30 this section. The board must work with the secretary and director to
31 develop the most effective and cost-efficient ways to make department
32 data available to the public, including making this data readily
33 available on the department's website.

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

36 (7) The department must execute all new and renewed contracts for
37 services in accordance with this section and consistent with RCW
38 74.13B.020. When contracted services are managed through a network
39 administrator or other third party, the department must execute data-
40 sharing agreements with the entities managing the contracts to track

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

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

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

25 (9) (a) The board shall consist of the following members:

26 (i) Two senators and two representatives from the legislature
27 with one member from each major caucus;

28 (ii) One nonvoting representative from the governor's office;

29 (iii) One subject matter expert in early learning;

30 (iv) One subject matter expert in child welfare;

31 (v) One subject matter expert in juvenile rehabilitation and
32 justice;

33 (vi) One subject matter expert in eliminating disparities in
34 child outcomes by family income and race and ethnicity;

35 (vii) One tribal representative from west of the crest of the
36 Cascade mountains;

37 (viii) One tribal representative from east of the crest of the
38 Cascade mountains;

39 (ix) One current or former foster parent representative;

- 1 (x) One current or recent representative of an organization that
2 advocates for the best interest of the child;
- 3 (xi) One parent stakeholder group representative;
- 4 (xii) One law enforcement representative;
- 5 (xiii) One child welfare caseworker representative;
- 6 (xiv) One early childhood learning program implementation
7 practitioner;
- 8 (xv) One current or (~~former~~) recent foster youth (~~under age~~
9 ~~twenty-five~~));
- 10 (xvi) One individual (~~under age twenty-five~~) with current or
11 (~~previous~~) recent experience (~~with~~) in the juvenile justice
12 system;
- 13 (xvii) One physician with experience working with children or
14 youth; (~~and~~)
- 15 (xviii) One judicial representative presiding over child welfare
16 court proceedings or other children's matters; and
- 17 (xix) One subject matter expert on education for youth who are
18 placed in an institution as defined in RCW 13.40.020 or dependent
19 under chapter 13.34 RCW.

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

26 (c) The remaining board members shall be nominated by the
27 governor, subject to the approval of the appointed legislators by
28 majority vote, and serve four-year terms. When nominating and
29 approving members after July 28, 2019, the governor and appointed
30 legislators must ensure that at least five of the board members
31 reside east of the crest of the Cascade mountains.

32 (10) The board has the following powers, which may be exercised
33 by majority vote of the board:

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

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

39 (c) To select its officers and adoption of rules for orderly
40 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 relating to children and
5 family welfare, juvenile rehabilitation, juvenile justice, and early
6 learning;

7 (f) To determine whether the department is achieving the
8 performance measures;

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

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

20 (i) Upon receipt of records or data from the office of the family
21 and children's ombuds or the department, the board is subject to the
22 same confidentiality restrictions as the office of the family and
23 children's ombuds is under RCW 43.06A.050. The provisions of RCW
24 43.06A.060 also apply to the board.

25 (11)(a) The board shall convene a subcommittee to focus on
26 hearing from individuals with lived experiences in foster care,
27 focusing primarily on children and youth.

28 (b) The subcommittee shall convene meetings at least once per
29 year and provide feedback to the board at the board's stakeholder
30 meetings.

31 (12)(a) The board shall convene a subcommittee in partnership
32 with the youth and young adult committees of the Washington state
33 partnership council on juvenile justice to focus on hearing from
34 individuals with current or recent experience in the juvenile justice
35 system.

36 (b) The subcommittee shall convene meetings at least once per
37 year and provide feedback to the board at the board's stakeholder
38 meetings.

1 (13) The board has general oversight over the performance and
2 policies of the department and shall provide advice and input to the
3 department and the governor.

4 ~~((12))~~ (14) The board must no less than twice per year convene
5 stakeholder meetings to allow feedback to the board regarding
6 contracting with the department, departmental use of local, state,
7 private, and federal funds, and other matters as relating to carrying
8 out the duties of the department.

9 ~~((13))~~ (15) The board shall review existing surveys of
10 providers, customers, parent groups, and external services to assess
11 whether the department is effectively delivering services, and shall
12 conduct additional surveys as needed to assess whether the department
13 is effectively delivering services.

14 ~~((14))~~ (16) The board is subject to the open public meetings
15 act, chapter 42.30 RCW, except to the extent disclosure of records or
16 information is otherwise confidential under state or federal law.

17 ~~((15))~~ (17) Records or information received by the board is
18 confidential to the extent permitted by state or federal law. This
19 subsection does not create an exception for records covered by RCW
20 13.50.100.

21 ~~((16))~~ (18) The board members shall receive no compensation for
22 their service on the board, but shall be reimbursed for travel
23 expenses incurred while conducting business of the board when
24 authorized by the board and within resources allocated for this
25 purpose, except appointed legislators who shall be reimbursed for
26 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

27 ~~((17))~~ (19) The board shall select, by majority vote, an
28 executive director who shall be the chief administrative officer of
29 the board and shall be responsible for carrying out the policies
30 adopted by the board. The executive director is exempt from the
31 provisions of the state civil service law, chapter 41.06 RCW, and
32 shall serve at the pleasure of the board established in this section.

33 ~~((18))~~ (20) The board shall maintain a staff not to exceed one
34 full-time equivalent employee. The board-selected executive director
35 of the board is responsible for coordinating staff appointments.

36 ~~((19))~~ (21) The board shall issue an annual report to the
37 governor and legislature by December 1st of each year with an initial
38 report delivered by December 1, 2019. The report must review the
39 department's progress towards meeting stated performance measures and

1 desired performance outcomes, and must also include a review of the
2 department's strategic plan, policies, and rules.

3 ((~~20~~)) (22) The definitions in this subsection apply throughout
4 this section unless the context clearly 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.

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

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