

SENATE BILL REPORT

2SHB 1716

As Reported By Senate Committee On:
Early Learning & K-12 Education, March 29, 2007

Title: An act relating to supporting educational achievement for children in foster care.

Brief Description: Supporting educational achievement for children in foster care.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Roberts, Kagi, Hinkle, Haler, Walsh, Appleton, Pettigrew, Dickerson, Darneille, Anderson, Moeller, O'Brien, McDonald, Santos, Wood, Kenney, Simpson and Lantz).

Brief History: Passed House: 3/06/07, 95-1.

Committee Activity: Early Learning & K-12 Education: 3/21/07, 3/29/07 [DPA-WM, DNP].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli.

Minority Report: Do not pass.

Signed by Senator Holmquist, Ranking Minority Member.

Staff: Eric Bratton (786-7438)

Background: The stability and continuity of school placement for children in foster care has been a topic of legislation in Washington for the past several years. In 2002, the Legislature enacted SB 6709 directing the Department of Social and Health Services (DSHS), in cooperation with the Office of the Superintendent of Public Instruction (OSPI), to convene a working group and prepare a plan to address educational stability and continuity for school-age children entering short-term foster care, and assure that the best interest of the child is a primary consideration in the school placement of a child in short-term foster care.

In 2003, the Legislature enacted HB 1058 and established in statute a state policy 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. Administrative regions of the DSHS were directed to develop protocols with school districts specifying strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational

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continuity and achievement for foster children. The protocols were to include methods to assure effective sharing of information consistent with state law and federal law.

To accomplish these tasks, the DSHS was directed to establish an oversight committee composed of staff from the Children's Administration (CA), the OSPI, and advocacy agencies to develop strategies for maintaining foster children in the schools they were attending at the time they entered foster care.

In 2005, the Legislature enacted HB 1079 and expanded the membership of the Oversight Committee to include the Higher Education Coordinating Board (HECB), foster youth, former foster youth, and foster parents. The scope of responsibilities of the committee was also expanded to include promotion of opportunities for foster youth to participate in post-secondary education or training.

Summary of Second Substitute Bill: By August 1, 2007, the Oversight Committee must: (1) select stakeholders to assist the committee with facilitating strategies for recruitment and retention of foster parents; (2) identify promising and effective strategies for school enrollment stabilization; (3) select strategies to be implemented and evaluated in the ten school districts with the highest removal rates of school-age children; and (4) develop a request for qualification for grant funding to implement the strategies identified.

By October 31, 2007, the DSHS will select grant recipients and begin disbursing funds to implement the strategies designed to stabilize school enrollment. To the extent possible, the Oversight Committee will provide technical assistance with implementation and data collection. By July 31, 2009, the DSHS will report back to the Legislature with additional policy recommendations based on evaluation of the strategies implemented.

The DSHS must request funding or resources to expedite the interface between the State Automated Child Welfare Information System (SACWIS) and the databases maintained by the OSPI. Pending completion of the interface, the OSPI must facilitate and execute a data sharing agreement with and between local school districts and the DSHS in order to: (1) promote school enrollment continuity for children in care; and (2) evaluate and analyze the impact of strategies implemented under the grant funding on the educational achievement of children in foster care.

Data sharing agreements must be consistent with protocols currently in place, and school districts receiving requests from the CA for the educational records of children who enter foster care must provide the records to the CA within two school days.

EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Early Learning & K-12 Education): Language was added to ensure that the data sharing agreements developed between local school districts, OSPI, and the Children's Administration stay within the boundaries of information sharing outlined in the federal Family Educational Rights and Privacy Act. In working with local school districts, DSHS, OSPI, and the Children's Administration will prioritize those districts that have high numbers of children in foster care and/or high numbers of children removed and placed in foster care.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill seeks continuity for foster children by finding innovative ways to recruit foster parents and creating better ways of sharing information. Lack of stability in education leads to real difficulty for people leaving foster care. Educational tracking is key to the success of students in foster care. Most foster youth do not have family connections and have to rely on their own independence and abilities to create their own success, which makes basic education so important. Parents of children in intact families are resources to schools, providing the schools with a history for that child. Foster parents do not have the same information when they try to enroll students in schools. This bill allows records to be kept in one place so each foster parent will have access to it and know the child's educational history.

Only 25 percent of the students in foster care remain in the same school district when placed in foster care. Social workers need access to foster youth's educational records to best address the needs of the children in foster care. In three years of foster care, I was enrolled in four different schools. When children change school so many times, they not only lose their learning, but they also lose stability. The lack of stability makes it hard for students to concentrate in school.

This bill reflects the next step in foster youth enrollment stabilization. There is concern that some of the data sharing between OSPI and the Children's Administration might violate the federal Family Educational Rights and Privacy Act. OSPI asks for an amendment to clarify the issue.

Persons Testifying: PRO: Representative Roberts, prime sponsor; Lisa Osborn, former foster care youth; Rob Credle, Janis Avery, Treehouse; Jemila Lee-Booker, Passion to Action; Laurie Lippold, Children's Home Society; Isabel Muoz-Coln, OSPI.