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**FOURTH SUBSTITUTE HOUSE BILL 1999**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Carlyle, Kagi, Lytton, Walsh, Sawyer, Pettigrew, Ortiz-Self, Dent, Parker, Caldier, Goodman, and Jinkins)

AN ACT Relating to coordinating services and programs for foster youth in order to improve educational outcomes; amending RCW 28B.117.060; reenacting and amending RCW 13.50.010; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; recodifying RCW 28B.117.060; and repealing RCW 74.13.105.

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

NEW SECTION. **Sec.**  The Washington state legislature has long acknowledged that youth impacted by the foster care system experience among the worst high school graduation and postsecondary completion outcomes compared to any other population of youth. Over the last decade, legislative leadership has sparked innovation and development of an array of services to improve educational outcomes. The legislature intends to powerfully leverage that past experience to establish a set of comprehensive strategies that are evidence-based, more coordinated, intensive, and intentional in order to proactively support youth to complete high school and successfully implement their own plans for their future.

The goals of this effort are threefold:

(1) To make Washington number one in the nation for foster care graduation rates;

(2) To make Washington number one in the nation for foster care enrollment in postsecondary education; and

(3) To make Washington number one in the nation for foster care postsecondary completion.

**Sec.**  RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1 are each reenacted and amended to read as follows:

(1) For purposes of this chapter:

(a) "Good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;

(b) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(c) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(e) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the Washington state center for court research. The Washington state center for court research shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

(15) For purposes of providing for the educational success of youth in foster care, the department of social and health services may disclose only those confidential child welfare records that pertain to or may assist with meeting the educational needs of foster youth to another state agency or state agency's contracted provider responsible under state law or contract for assisting foster youth to attain educational success. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) As used in this section, "outcome" or "outcomes" means measuring the differences in high school graduation rates and postsecondary enrollment between youth served by the education coordination program described in this section and those who would have otherwise been eligible for the program, but were not served by the program.

(2) To the extent funds are appropriated for this purpose, the department of social and health services must contract with the office of the superintendent of public instruction, which in turn must contract with at least one nongovernmental entity to administer a program of education coordination for youth, kindergarten through twelfth grade, who are dependent pursuant to chapter 13.34 RCW. The office of the superintendent of public instruction shall, in consultation with the department of social and health services, comply with all requirements necessary to maximize federal reimbursement for the program of education coordination for youth. The contract between the office of the superintendent of public instruction and the nongovernmental entity must be outcome driven with a stated goal of reducing educational barriers to youth success. The selected nongovernmental entity or entities must engage in a public-private partnership with the office of the superintendent of public instruction and are responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(3) The nongovernmental entity or entities selected by the office of the superintendent of public instruction must have demonstrated success in working with foster care youth and assisting foster care youth in receiving appropriate educational services, including enrollment, accessing school-based services, reducing out-of-school discipline interventions, and attaining high school graduation.

(4) The selected nongovernmental entity or entities must provide services to support individual youth upon a referral by a social worker with the department of social and health services, school staff, or a nongovernmental agency. The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation and in-service training. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(5) The selected nongovernmental entity or entities must report outcomes semiannually to the office of the superintendent of public instruction and the department of social and health services beginning December 1, 2016.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) As used in this section, "outcome" or "outcomes" means measuring the differences in high school graduation rates and postsecondary enrollment and completion between youth served by the programs described in this section, and those who would have otherwise been eligible for the programs, but were not served by the programs.

(2) To the extent funds are appropriated for this purpose, the office of the superintendent of public instruction must contract with at least one nongovernmental entity to improve the educational outcomes of students at two sites by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs. The selected nongovernmental entity must engage in a public-private partnership with the office of the superintendent of public instruction and is responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(3) One of the sites described in subsection (2) of this section shall be the site previously selected by the department of social and health services pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013 2nd sp. sess. to the extent private funds are available. The previously selected site will expand to include the entire county in which it is currently located, subject to the availability of private funds. The second site established under this section must be implemented after July 1, 2016. The office of the superintendent of public instruction and the nongovernmental entity or entities at the original site shall consult with the department of social and health services and then collaboratively select the second site. This site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(4) The purpose of the programs at both sites is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(5) The entity or entities at these sites must facilitate the educational progress, high school completion, and postsecondary plan initiation of eligible youth. The contract with the entity or entities must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of foster youth by two percent per year over five school year periods. The baseline for measurement for the existing site was established in the 2013-14 school year, and this baseline remains applicable through the 2018-19 school year. Any new site must establish its baseline at the end of the first year of service provision, and this baseline must remain applicable for the next five school year periods.

(6) Services provided by the nongovernmental entity or entities must include:

(a) Advocacy for foster youth to eliminate barriers to educational access and success;

(b) Consultation with schools and the department of social and health services' case workers to develop educational plans for and with participating youth;

(c) Monitoring education progress and providing interventions to improve attendance, behavior, and course performance of participating youth;

(d) Facilitating age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(e) Facilitating the participation of youth with school and local resources that may assist in educational access and success; and

(f) Coordinating youth, caregivers, schools, and social workers to advocate to support youth progress in the educational system.

(7) The contracted nongovernmental entity or entities must report site outcomes to the office of the superintendent of public instruction and the department of social and health services semiannually.

(8) The department of social and health services children's administration must proactively refer all eligible students thirteen years of age or older, within the site areas, to the contractor for educational services. Youth eligible for referral are dependent pursuant to chapter 13.34 RCW, are age thirteen through twenty-one years of age, are not currently served by services under RCW 28B.117.060 (as recodified by this act), and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to college promise program.

(9) The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation. These entities must be provided access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

**Sec.**  RCW 28B.117.060 and 2011 1st sp.s. c 11 s 224 are each amended to read as follows:

(1) To the extent funds are appropriated for this purpose, the ((~~department of social and health services~~)) council, with input from the ((~~state board for community and technical colleges, the office, and institutions of higher education~~)) office of the superintendent of public instruction and the department of social and health services, shall contract with at least one nongovernmental entity ((~~through a request for proposals process~~)) to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care in Washington state.

(2) The nongovernmental entity or entities chosen by the ((~~department~~)) council shall have demonstrated success in working with foster care youth and assisting foster care youth in successfully making the transition from ((~~foster care to independent adulthood~~)) high school to a postsecondary plan, including postsecondary enrollment, career, or service.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care youth in Washington state ((~~beginning at age fourteen and then at least every six months thereafter~~)). Youth eligible for referral are not currently served by programs under section 4 of this act, dependent pursuant to chapter 13.34 RCW, age thirteen through twenty-one, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to college promise program. The nongovernmental entity or entities must facilitate the educational progress, graduation, and postsecondary plan initiation of eligible youth. The contract must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of eligible youth by two percent per year over five school year periods starting with the 2016-17 school year and ending with the 2021-22 school year. With each new contract, a baseline must be established at the end of the first year of service provision.

(4) The supplemental transition planning shall include:

(a) ((~~Comprehensive information regarding postsecondary educational opportunities including, but not limited to, sources of financial aid, institutional characteristics and record of support for former foster care youth, transportation, housing, and other logistical considerations;~~

~~(b) How and when to apply to postsecondary educational programs;~~

~~(c) What precollege tests, if any, the particular foster care youth should take based on his or her postsecondary plans and when to take the tests;~~

~~(d) What courses to take to prepare the particular foster care youth to succeed at his or her postsecondary plans;~~

~~(e) Social, community, educational, logistical, and other issues that frequently impact college students and their success rates; and~~

~~(f) Which web sites, nongovernmental entities, public agencies, and other foster care youth support providers specialize in which services~~)) Consultation with schools and the department of social and health services' case workers to develop educational plans for and with participating youth;

(b) Age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(c) Facilitating youth participation with appropriate school and local resources that may assist in educational access and success; and

(d) Coordinating youth, caregivers, schools, and social workers to support youth progress in the educational system.

((~~(4)~~)) (5) The selected nongovernmental entity or entities ((~~shall work directly with the school counselors at the foster care youths' high schools to ensure that a consistent and complete transition plan has been prepared for each foster care youth who emancipates out of the foster care system in Washington state~~)) may be colocated in the offices of the department of social and health services to provide timely consultation. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(6) The contracted nongovernmental entity or entities must report outcomes to the council and the department of social and health services semiannually beginning on December 1, 2016.

NEW SECTION. **Sec.**  A new section is added to chapter 74.13 RCW to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department of social and health services to the office of the superintendent of public instruction with respect to the programs in section 4 of this act, and from the department of social and health services to the student achievement council with respect to the program in RCW 28B.117.060 (as recodified by this act) in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in sections 3 and 4 of this act to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in sections 3 and 4 of this act. A list of these indicators must be included in the report provided in subsection (3) of this section.

(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as well as the collective progress the state has made toward the following goals:

(a) To make Washington number one in the nation for foster care graduation rates;

(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and

(c) To make Washington number one in the nation for foster care postsecondary completion.

(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department of social and health services to the office of the superintendent of public instruction with respect to the programs in section 4 of this act, and from the department of social and health services to the student achievement council with respect to the program in RCW 28B.117.060 (as recodified by this act) and whether these transfers have resulted in better coordinated services for youth.

NEW SECTION. **Sec.**  RCW 74.13.105 (Program of education coordination for dependent youth—Public-private partnership—Selection—Report) and 2012 c 163 s 6 are each repealed.

NEW SECTION. **Sec.**  RCW 28B.117.060 is recodified as a section in chapter 28B.77 RCW.

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