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**SUBSTITUTE HOUSE BILL 1955**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** House Education (originally sponsored by Representatives Rule, Ramel, Ormsby, and Taylor)

AN ACT Relating to creating uniformity in education requirements for students who are the subject of a dependency proceeding; amending RCW 28A.150.510, 28A.225.023, 28A.225.330, 28A.225.350, 28A.320.148, 28A.320.192, 28B.117.020, 74.13.550, and 74.13.631; and reenacting and amending RCW 74.13.560.

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

**Sec.**  RCW 28A.150.510 and 2017 3rd sp.s. c 6 s 336 are each amended to read as follows:

(1) In order to effectively serve students who are ((~~dependent pursuant to chapter 13.34 RCW~~)) the subject of a dependency proceeding, education records shall be transmitted to the department of children, youth, and families, the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the unaccompanied refugee minors program within two school days after receiving the request from the department, federally recognized Indian tribe, or state agency provided that the department, the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the unaccompanied refugee minors program certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of children, youth, and families is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department to provide residential care to the student. The department is also authorized to disclose educational records it obtains pursuant to this section to those entities with which it has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes of students who are ((~~dependent~~)) the subject of a dependency proceeding pursuant to chapter 13.34 RCW. The department is encouraged to put in place data-sharing agreements to assure accountability.

(2)((~~(a) The K-12 data governance group established under RCW 28A.300.507 shall create a comprehensive needs requirement document detailing the specific information, technical capacity, and any federal and state statutory and regulatory changes needed by school districts, the office of the superintendent of public instruction, the department of children, youth, and families, or the higher education coordinating board or its successor, to enable the provision, on at least a quarterly basis, of:~~

~~(i) Current education records of students who are dependent pursuant to chapter 13.34 RCW to the department of children, youth, and families and, from the department, to those entities with which the department has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes; and~~

~~(ii) The names and contact information of students who are dependent pursuant to chapter 13.34 RCW and are thirteen years or older to the higher education coordinating board or its successor and the private agency with which it has contracted to perform outreach for the passport to college promise program under chapter 28B.117 RCW or the college bound scholarship program under chapter 28B.118 RCW.~~

~~(b) In complying with (a) of this subsection, the K-12 data governance group shall consult with: Educational support service organizations, with which the department of children, youth, and families contracts or collaborates, having responsibility for educational support services and educational outcomes of dependent students; the passport to college advisory committee; the education support service organizations under contract to perform outreach for the passport to college promise program under chapter 28B.117 RCW; the department of children, youth, and families; the office of the attorney general; the higher education coordinating board or its successor; and the office of the administrator for the courts~~)) For the purposes of this section, "students who are the subject of a dependency proceeding" means a child or youth who is located in Washington state, and who is:

(a) The subject of a shelter care or dependency order issued pursuant to chapter 13.34 RCW or an equivalent order of a tribal court of a federally recognized Indian tribe; or

(b) Eligible for benefits under the federal foster care system as defined in RCW 28B.117.020.

**Sec.**  RCW 28A.225.023 and 2013 c 182 s 9 are each amended to read as follows:

(1) A school district representative or school employee shall review unexpected or excessive absences with ((~~a youth~~)) students who ((~~is dependent pursuant to chapter 13.34 RCW~~)) are the subject of a dependency proceeding and adults involved with ((~~that youth~~)) the students, to include the ((~~youth's caseworker~~)) students' caseworkers, educational ((~~liaison, attorney~~)) liaisons, attorneys if ((~~one is~~)) appointed, ((~~parent~~)) parents or legal guardians, and foster parents or the ((~~person~~)) persons providing placement for the ((~~youth~~)) students. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, inpatient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the ((~~youth's~~)) students' school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

(2) For the purposes of this section, "students who are the subject of a dependency proceeding" has the same meaning as in RCW 28A.150.510.

**Sec.**  RCW 28A.225.330 and 2021 c 120 s 2 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ((~~ten~~)) 10 days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(6)(a) A school may not prevent ((~~a student~~)) students who ((~~is dependent~~)) are the subject of a dependency proceeding pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ((~~ten~~)) 10 business days that the department of ((~~social and health services~~)) children, youth, and families has to obtain that information under RCW 74.13.631. ((~~In addition, upon~~))

(b) 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 pursuant to chapter 13.34 RCW, or the student is eligible for benefits under the federal foster care system as defined in RCW 28B.117.020, the school may not prevent the student from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the 10 business days from the date the equivalent order is entered or from a date determined by the state agency responsible for implementing the unaccompanied refugee minors program.

(c) Upon enrollment of a student who is ((~~dependent pursuant to chapter 13.34 RCW~~)) the subject of a dependency proceeding, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days.

(7) For the purposes of this section, "students who are the subject of a dependency proceeding" has the same meaning as in RCW 28A.150.510.

**Sec.**  RCW 28A.225.350 and 2018 c 139 s 2 are each amended to read as follows:

(1)(a) The protocols required by RCW 74.13.560 for making best interest determinations for students ((~~in out-of-home care~~)) who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW must comply with the provisions of this section.

(b) The requirements of this section, and the development protocols described in RCW 74.13.560 for making best interest determinations for students who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW, 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 issued pursuant to chapter 13.34 RCW, and students who are eligible for benefits under the federal foster care system as defined in RCW 28B.117.020.

(2)(a) Best interest determinations should be made as quickly as possible in order to prevent educational discontinuity for the student.

(b) When making best interest determinations, every effort should be made to gather meaningful input from relevant and appropriate persons on their perspectives regarding which school the student should attend ((~~during his or her time in out-of-home care~~)) while the subject of a dependency proceeding, consistent with the student's case plan. Relevant and appropriate persons include:

(i) Representatives of the department of children, youth, and families for students who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW, or representatives of other applicable child welfare agencies;

(ii) Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;

(iii) Biological parents;

(iv) Foster parents;

(v) Educational liaisons identified under RCW 13.34.045;

(vi) The student's relatives; and

(vii) Depending on ((~~his or her~~)) the student's age, the student.

(3) In accordance with RCW 74.13.550, whenever practical and in their best interest, students ((~~placed into out-of-home care~~)) who are the subject of a dependency proceeding must remain enrolled in ((~~the school that they were attending at the time they entered out-of-home care~~)) their school of origin.

(4) Student-centered factors must be used to determine what is in a student's best interest. In order to make a well-informed best interest determination, a variety of student-centered factors should be considered, including:

(a) How long is the student's current ((~~out-of-home~~)) care placement expected to last?

(b) What is the student's permanency plan and how does it relate to school stability?

(c) How many schools has the student attended in the current year?

(d) How many schools has the student attended over the past few years?

(e) Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?

(f) What are the immediate and long-term educational plans of, and for, the student?

(g) How strong is the student academically?

(h) If the student has special needs, what impact will transferring to a new school have on the student's progress and services?

(i) To what extent are the programs and activities at the potential new school comparable to, or more appropriate than, those at the school of origin?

(j) Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?

(k) Which school does the student prefer?

(l) How deep are the ((~~child's~~)) student's ties to ((~~his or her~~)) the student's school of origin?

(m) Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event that is significant to the student, or at the end of the school year?

(n) How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extracurricular activities, proceed to the next grade, or graduate on time?

(o) How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?

(p) How anxious is the student about having been removed from the home or about any upcoming moves?

(q) What school does the student's sibling attend?

(r) Are there safety issues to consider?

(5) The student must remain in ((~~his or her~~)) the student's school of origin while a best interest determination is made and while disputes are resolved in order to minimize disruption and reduce the number of school transfers.

(6) School districts are encouraged to use any:

(a) Best interest determination guide developed by the office of the superintendent of public instruction during the discussion about the advantages and disadvantages of keeping the student in the school of origin or transferring the student to a new school; and

(b) Dispute resolution process developed by the office of the superintendent of public instruction when there is a disagreement about school placement, ((~~the provision of educational services~~)) a best interest determination, or a dispute between agencies.

(7) The special education services of a student must not be interrupted by a transfer to a new school.

(8)(a) 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 shall 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 shall be shared equally between the districts.

(b) In accordance with this subsection, the department of children, youth, and families will reimburse school districts for half of all excess transportation costs for students under the placement and care authority of the department of children, youth, and families.

(9) For the purposes of this section, "((~~out-of-home care~~)) students who are the subject of a dependency proceeding" has the same meaning as in RCW ((~~13.34.030~~)) 28A.150.510, and "school of origin" means the school in which a child is enrolled at the time of placement in foster care. 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.

**Sec.**  RCW 28A.320.148 and 2021 c 95 s 2 are each amended to read as follows:

(1) ((~~Each~~)) For the purpose of addressing education barriers for students who are the subject of a dependency proceeding, each school district must ((~~designate~~)): (a) Designate a foster care liaison to facilitate district compliance with state and federal laws related to students who are ((~~dependent pursuant to chapter 13.34 RCW~~)) the subject of a dependency proceeding; and ((~~to~~)) (b) collaborate with the department of children, youth, and families ((~~to address educational barriers for these students~~)), the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the unaccompanied refugee minors program. The role and responsibilities of a foster care liaison may include:

(a) Coordinating ((~~with the department of children, youth, and families on~~)) the implementation of state and federal laws related to students who are ((~~dependent pursuant to chapter 13.34 RCW~~)) the subject of a dependency proceeding;

(b) Coordinating with foster care education program staff at the office of the superintendent of public instruction;

(c) Attending training and professional development opportunities to improve school district implementation efforts;

(d) Serving as the primary contact person for representatives of the department of children, youth, and families;

(e) Leading and documenting the development of a process for making best interest determinations in accordance with RCW 28A.225.350;

(f) Facilitating immediate enrollment in accordance with RCW 28A.225.330;

(g) Facilitating the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;

(h) Facilitating data sharing with child welfare agencies consistent with state and federal privacy laws and rules;

(i) Developing and coordinating local transportation procedures;

(j) Managing best interest determination and transportation cost disputes according to the best practices developed by the office of the superintendent of public instruction;

(k) Ensuring that students who are ((~~dependent pursuant to chapter 13.34 RCW~~)) the subject of a dependency proceeding are enrolled in and regularly attending school, consistent with RCW 28A.225.023; and

(l) Providing professional development and training to school staff on state and federal laws related to students who are ((~~dependent pursuant to chapter 13.34 RCW~~)) the subject of a dependency proceeding and their educational needs, as needed.

(2) Each K-12 public school in the state must establish a building point of contact in each elementary school, middle school, and high school. These points of contact must be appointed by the principal of the designated school, in consultation with the district foster care liaison, and are responsible for coordinating services and resources for students in foster care as outlined in subsection (1) of this section.

(3) The district foster care liaison is responsible for training building points of contact.

(4) The office of the superintendent of public instruction shall make available best practices for choosing and training building points of contact to each school district.

(5) For the purposes of this section, "students who are the subject of a dependency proceeding" has the same meaning as in RCW 28A.150.510.

**Sec.**  RCW 28A.320.192 and 2021 c 164 s 4 are each amended to read as follows:

(1) ((~~In order to eliminate barriers and facilitate~~)) School districts must incorporate the procedures in this section for the purpose of eliminating barriers and facilitating the on-time grade level progression and graduation of students who are homeless as described in RCW 28A.300.542, ((~~dependent pursuant to chapter 13.34 RCW~~)) students who are the subject of a dependency proceeding, at-risk youth or children in need of services pursuant to chapter 13.32A RCW, ((~~or~~)) and students who are in or have been released from an institutional education facility((~~, school districts must incorporate the procedures in this section~~)).

(2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative means of acquiring required coursework so that graduation may occur on time.

(3) School districts must consolidate partial credit, unresolved, or incomplete coursework and provide opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.

(4) For students in or released from an institutional education facility, school districts must provide students with access to world language proficiency tests, American sign language proficiency tests, and general education development tests. Access to the tests may not be conditioned or otherwise dependent upon a student's request. School districts must award at least one high school credit to students upon meeting the standard established by the state board of education under subsection (9) of this section on a world language or American sign language proficiency test or a general education development test. Additional credits may be awarded by the district if a student has completed a course or courses of study to prepare for the test. If the school district has a local policy for awarding mastery-based credit on state or local assessments, the school district must apply this policy for students in or released from an institutional education facility.

(5) For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer and the receiving school must accept those credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the receiving school.

(6) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

(7) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural obligations of school districts to implement these provisions.

(8) Should a student have enrolled in three or more school districts as a high school student and have met state requirements but be ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local requirements and ensure the receipt of a diploma.

(9) The state board of education, in consultation with the office of the superintendent of public instruction, shall identify the scores students must achieve in order to meet the standard on world language or American sign language proficiency tests and general education development tests in accordance with subsection (4) of this section.

(10) For the purposes of this section, "institutional education facility" and "school district" have the same meaning as in RCW 28A.190.005.

(11) For the purposes of this section, "students who are the subject of a dependency proceeding" has the same meaning as in RCW 28A.150.510.

**Sec.**  RCW 28B.117.020 and 2019 c 406 s 43 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Apprentice" means a person enrolled in a state-approved, federally registered, or reciprocally recognized apprenticeship program.

(2) "Apprenticeship" means an apprenticeship training program approved or recognized by the state apprenticeship council or similar federal entity.

(3) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(4) "Federal foster care system" means the foster care program under the federal unaccompanied refugee minors program, Title 8 U.S.C. Sec. 1522 of the immigration and nationality act of 1965, as amended.

(5) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

(6) "Homeless" or "homelessness" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(7) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the student achievement council as meeting equivalent standards as those institutions accredited under this section.

(8) "Institution of higher education" means any institution eligible to and participating in the Washington college grant program.

(9) "Occupational-specific costs" means the costs associated with entering an apprenticeship or preapprenticeship, including but not limited to fees, tuition for classes, work clothes, rain gear, boots, occupation-specific tools.

(10) "Office" means the office of student financial assistance.

(11) "Preapprenticeship" means an apprenticeship preparation program recognized by the state apprenticeship council and as defined in RCW 28C.18.162.

(12) "Program" means the passport to careers program created in this chapter.

(13) "State foster care system" means out-of-home care pursuant to a dependency and includes the placement of dependents from other states who are placed in Washington pursuant to orders issued under the interstate compact on the placement of children, chapter 26.34 RCW.

(14) "Tribal court" has the same meaning as defined in RCW 13.38.040.

(15) "Tribal foster care system" means an out-of-home placement under a dependency order from a tribal court.

(16) "Unaccompanied" means a youth or young adult experiencing homelessness while not in the physical custody of a parent or guardian.

**Sec.**  RCW 74.13.550 and 2003 c 112 s 2 are each amended to read as follows:

(1) It is the policy of the state of Washington that, whenever practical and in the best interest of the child, children ((~~placed into foster care~~)) who are the subject of a dependency proceeding shall remain enrolled in ((~~the schools they were attending at the time they entered foster care~~)) their schools of origin.

(2) For the purposes of this section, "children who are the subject of a dependency proceeding" means a child or youth who is located in Washington state and the subject of a shelter care or dependency order pursuant to chapter 13.34 RCW, and "school of origin" means the school in which a child is enrolled at the time of placement in foster care. 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.

**Sec.**  RCW 74.13.560 and 2018 c 284 s 59 and 2018 c 139 s 4 are each reenacted and amended to read as follows:

(1) The administrative regions of the department shall, in collaboration with school districts within their region as required by RCW 28A.225.360, develop protocols specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of children in out-of-home care placed in the region, and children in the region who are the subject of a dependency proceeding. The purpose of the protocols is to maximize the educational continuity and achievement for the children ((~~in out-of-home care~~)). The protocols must include methods to assure effective sharing of information, consistent with RCW 28A.225.330.

(2) The protocols required by this section must also include protocols for making best interest determinations for students in out-of-home care, and children who are the subject of a dependency proceeding that comply with RCW 28A.225.350. The protocols for making best interest determinations ((~~for students in out-of-home care~~)) must be implemented before changing the school placement of a student.

(3) For the purposes of this section, "children who are the subject of a dependency proceeding" means a child or youth who is located in Washington state and the subject of a shelter care or dependency order pursuant to chapter 13.34 RCW, and "out-of-home care" has the same meaning as in RCW 13.34.030.

**Sec.**  RCW 74.13.631 and 2018 c 139 s 5 are each amended to read as follows:

(1) Consistent with the provisions for making best interest determinations established in RCW 28A.225.350 and 74.13.560, the department shall provide ((~~youth residing in out-of-home care~~)) students who are the subject of a dependency proceeding with the opportunity to remain enrolled in ((~~the school he or she was attending prior to out-of-home placement~~)) their school of origin, unless the safety of the ((~~youth~~)) student is jeopardized, or a relative or other suitable person placement approved by the department is secured for the ((~~youth~~)) student, or it is determined not to be in the ((~~youth's~~)) student's best interest ((~~to remain enrolled in the school he or she was attending prior to out-of-home placement~~)). If the parties in the dependency case disagree regarding which school the ((~~youth~~)) student should be enrolled in, the ((~~youth~~)) student may remain enrolled in the school of origin until the disagreement is resolved in court, unless the department determines that the ((~~youth~~)) student is in immediate danger by remaining enrolled in the school of origin.

(2) Unless otherwise directed by the court, the educational responsibilities of the department for preschool and school-aged ((~~youth~~)) students residing in out-of-home care are the following:

(a) To collaboratively discuss and document school placement options and plan necessary school transfers during the family team decision-making meeting;

(b) To notify the receiving school and the school of origin that a youth residing in foster care is transferring schools;

(c) To request and secure missing academic records or medical records required for school enrollment within ten business days;

(d) To document the request and receipt of academic records in the individual service and safety plan;

(e) To pay any unpaid fees or fines due by the ((~~youth~~)) student to the school or school district;

(f) To notify all legal parties when a school disruption occurs; and

(g) To document factors that contributed to any school disruptions.

(3) The requirements of the department in subsections (1) and (2) of this section apply also for children who are the subject of a dependency proceeding.

(4) For the purposes of this section, "students who are the subject of a dependency proceeding" means a child or youth who is located in Washington state and the subject of a shelter care or dependency order pursuant to chapter 13.34 RCW.

**--- END ---**