

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2254

Chapter 163, Laws of 2012

62nd Legislature
2012 Regular Session

FOSTER CARE--EDUCATIONAL SUCCESS

EFFECTIVE DATE: 07/01/12

Passed by the House March 5, 2012
Yeas 94 Nays 4

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 28, 2012
Yeas 48 Nays 1

BRAD OWEN

President of the Senate

Approved March 29, 2012, 6:26 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2254** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 29, 2012

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2254

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Ways & Means (originally sponsored by Representatives Carlyle, Kagi, Reykdal, Darneille, Maxwell, Jinkins, Pedersen, Seaquist, Roberts, Dickerson, and Kenney)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to improving outcomes for youth in and alumni of
2 foster care; amending RCW 28B.117.010, 28B.117.020, 28B.117.040,
3 28B.117.070, 28B.118.010, 28A.150.510, 28A.300.525, and 28B.117.901;
4 adding a new section to chapter 74.13 RCW; adding a new section to
5 chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW;
6 creating new sections; providing an effective date; and providing an
7 expiration date.

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

9 NEW SECTION. **Sec. 1.** In 2007, with the passport to college
10 promise program, this state took a significant step toward providing
11 higher education opportunities to youth in and alumni of foster care.
12 The passport to college promise program not only provides financial aid
13 to former foster youth but, just as important, it also recognizes the
14 critical role of wraparound services and provides early outreach to
15 foster care youth regarding postsecondary educational opportunities.
16 The December 2011 report by the higher education coordinating board on
17 the first three years of the six-year program indicates that the
18 passport to college promise program has increased the number of former

1 foster youth enrolling in higher education and working toward college
2 degrees and certificates.

3 This state recognizes that educational success in the early grades
4 is key to increasing postsecondary opportunities for youth in and
5 alumni of foster care. Recent efforts in this state to pave the way
6 for educational success have included legislation: Providing for
7 wraparound educational advocacy services; mandating the timely
8 transmission of educational records; and recognizing the importance of
9 maintaining a foster child in the school program he or she was in
10 before entering the foster care system and minimizing the number of
11 times a child has to change schools.

12 The federal fostering connections to success and increasing
13 adoptions act of 2008, P.L. 110-351, similarly recognizes that schools
14 are often the most important source of focus and stability for children
15 in foster care and made several changes to improve educational outcomes
16 for these children. As part of this nationwide effort, the United
17 States departments of education and health and human services are
18 encouraging state and local education agencies and child welfare
19 agencies to collaborate on policies and procedures to provide
20 educational stability and improve outcomes for foster children.

21 The legislature reiterates its earlier recognition of the critical
22 role education plays in improving outcomes for youth in and alumni of
23 foster care, as well as the key role played by wraparound services in
24 providing continuity, seamless educational transitions, and higher
25 levels of educational attainment. With these changes to the passport
26 to college promise program, the college bound scholarship program, the
27 provision of more seamless wraparound services, and revisions to
28 various reporting requirements, the legislature strives to make
29 Washington the leader in the nation with respect to foster youth and
30 alumni graduating from high school, enrolling in postsecondary
31 education, and completing postsecondary education.

32 **Sec. 2.** RCW 28B.117.010 and 2007 c 314 s 3 are each amended to
33 read as follows:

34 The passport to college promise (~~((pilot))~~) program is created. The
35 purpose of the program is:

- 36 (1) To encourage current and former foster care youth to prepare
37 for, attend, and successfully complete higher education; (~~and~~)

1 (2) To improve the high school graduation outcomes of foster youth
2 through coordinated P-20 and child welfare outreach, intervention, and
3 planning; and

4 (3) To ~~((provide))~~ improve postsecondary outcomes by providing
5 current and former foster care youth with the educational planning,
6 information, institutional support, and direct financial resources
7 necessary for them to succeed in higher education.

8 **Sec. 3.** RCW 28B.117.020 and 2011 1st sp.s. c 11 s 220 are each
9 amended to read as follows:

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

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

18 (2) ~~(("Emancipated from foster care" means a person who was a~~
19 ~~dependent of the state in accordance with chapter 13.34 RCW and who was~~
20 ~~receiving foster care in the state of Washington when he or she reached~~
21 ~~his or her eighteenth birthday.~~

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

26 ~~((4))~~ (3) "Independent college or university" means a private,
27 nonprofit institution of higher education, open to residents of the
28 state, providing programs of education beyond the high school level
29 leading to at least the baccalaureate degree, and accredited by the
30 Northwest association of schools and colleges, and other institutions
31 as may be developed that are approved by the board as meeting
32 equivalent standards as those institutions accredited under this
33 section.

34 ~~((5))~~ (4) "Institution of higher education" means~~((÷~~
35 ~~(a) Any public university, college, community college, or technical~~
36 ~~college — operated — by — the — state — of — Washington — or — any — political~~
37 ~~subdivision thereof; or~~

1 ~~(b) Any independent college or university in Washington; or~~
2 ~~(c) Any other university, college, school, or institute in the~~
3 ~~state of Washington offering instruction beyond the high school level~~
4 ~~that is a member institution of an accrediting association recognized~~
5 ~~by rule of the higher education coordinating board for the purposes of~~
6 ~~this section: PROVIDED, That any institution, branch, extension, or~~
7 ~~facility operating within the state of Washington that is affiliated~~
8 ~~with an institution operating in another state must be a separately~~
9 ~~accredited member institution of any such accrediting association, or~~
10 ~~a branch of a member institution of an accrediting association~~
11 ~~recognized by rule of the board for purposes of this section, that is~~
12 ~~eligible for federal student financial aid assistance and has operated~~
13 ~~as a nonprofit college or university delivering on-site classroom~~
14 ~~instruction for a minimum of twenty consecutive years within the state~~
15 ~~of Washington, and has an annual enrollment of at least seven hundred~~
16 ~~full-time equivalent students)) any institution eligible to and~~
17 ~~participating in the state need grant program.~~

18 ((+6)) (5) "Office" means the office of student financial
19 assistance.

20 ((+7)) (6) "Program" means the passport to college promise
21 ((pilot)) program created in this chapter.

22 **Sec. 4.** RCW 28B.117.040 and 2011 1st sp.s. c 11 s 222 are each
23 amended to read as follows:

24 Effective operation of the passport to college promise ((pilot))
25 program requires early and accurate identification of former foster
26 care youth so that they can be linked to the financial and other
27 assistance that will help them succeed in college. To that end:

28 (1) All institutions of higher education that receive funding for
29 student support services under RCW 28B.117.030 shall include on their
30 applications for admission or on their registration materials a
31 question asking whether the applicant has been in foster care in
32 Washington state for at least one year since his or her sixteenth
33 birthday together with an explanation that financial and support
34 services may be available. All other institutions of higher education
35 are strongly encouraged to include such a question and explanation. No
36 institution may consider whether an applicant may be eligible for a

1 scholarship or student support services under this chapter when
2 deciding whether the applicant will be granted admission.

3 (2) The department of social and health services shall devise and
4 implement procedures for efficiently, promptly, and accurately
5 identifying students and applicants who are eligible for services under
6 RCW 28B.117.030, and for sharing that information with the office and
7 with institutions of higher education. The procedures shall include
8 appropriate safeguards for consent by the applicant or student before
9 disclosure.

10 **Sec. 5.** RCW 28B.117.070 and 2011 1st sp.s. c 11 s 225 are each
11 amended to read as follows:

12 ~~((1) The office of student financial assistance shall report to
13 appropriate committees of the legislature by January 15, 2008, on the
14 status of program design and implementation. The report shall include
15 a discussion of proposed scholarship and student support service
16 approaches; an estimate of the number of students who will receive such
17 services; baseline information on the extent to which former foster
18 care youth who meet the eligibility criteria in RCW 28B.117.030 have
19 enrolled and persisted in postsecondary education; and recommendations
20 for any statutory changes needed to promote achievement of program
21 objectives.~~

22 ~~(2) The state board for community and technical colleges and the
23 office of student financial assistance shall monitor and analyze the
24 extent to which eligible young people are increasing their
25 participation, persistence, and progress in postsecondary education,
26 and shall jointly submit a report on their findings to appropriate
27 committees of the legislature by December 1, 2009, and by December 1,
28 2011.~~

29 ~~(3))~~ The Washington state institute for public policy shall
30 complete an evaluation of the passport to college promise (~~pilot~~)
31 program and shall submit a report to appropriate committees of the
32 legislature by December 1, 2012. The report shall estimate the impact
33 of the program on eligible students' participation and success in
34 postsecondary education, and shall include recommendations for program
35 revision and improvement.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.13 RCW
2 to read as follows:

3 (1) To the extent funds are appropriated for this purpose, the
4 department must contract with at least one nongovernmental entity to
5 administer a program of education coordination for youth who are
6 dependent pursuant to chapter 13.34 RCW, birth through twelfth grade in
7 Washington state. The selected nongovernmental entity or entities must
8 engage in a public-private partnership with the department and are
9 responsible for raising a portion of the funds needed for service
10 delivery, administration, and evaluation.

11 (2) The nongovernmental entity or entities selected by the
12 department must have demonstrated success in working with foster care
13 youth and assisting foster care youth in receiving appropriate
14 educational services, including enrollment, accessing school-based
15 services, reducing out-of-school discipline interventions, and
16 attaining high school graduation.

17 (3) The selected nongovernmental entity or entities must provide
18 services to support individual youth upon a referral by a social worker
19 with the department or a nongovernmental agency with responsibility for
20 education support services. The selected nongovernmental entity or
21 entities must be colocated in the offices of the department to provide
22 timely consultation and in-service training. These entities must have
23 access to all paper and electronic case information pertinent to the
24 educational planning and services of youth referred and are subject to
25 RCW 13.50.010 and 13.50.100.

26 (4) The selected nongovernmental entity or entities must report
27 outcomes biannually to the department.

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.320
29 RCW to read as follows:

30 In order to facilitate the on-time grade level progression and
31 graduation of students who are dependent pursuant to chapter 13.34 RCW,
32 school districts must incorporate the following procedures:

33 (1) School districts must waive specific courses required for
34 graduation if similar coursework has been satisfactorily completed in
35 another school district or must provide reasonable justification for
36 denial. Should a waiver not be granted to a student who would qualify

1 to graduate from the sending school district, the receiving school
2 district must use best efforts to provide an alternative means of
3 acquiring required coursework so that graduation may occur on time.

4 (2) School districts are encouraged to consolidate unresolved or
5 incomplete coursework and provide opportunities for credit accrual
6 through local classroom hours, correspondence courses, or the portable
7 assisted study sequence units designed for migrant high school
8 students.

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

15 **Sec. 8.** RCW 28B.118.010 and 2011 1st sp.s. c 11 s 226 are each
16 amended to read as follows:

17 The office of student financial assistance shall design the
18 Washington college bound scholarship program in accordance with this
19 section.

20 (1) "Eligible students" are those students who:

21 (a) Qualify for free or reduced-price lunches. If a student
22 qualifies in the seventh grade, the student remains eligible even if
23 the student does not receive free or reduced-price lunches thereafter;
24 or

25 (b) Are dependent pursuant to chapter 13.34 RCW and:

26 (i) In grade seven through twelve; or

27 (ii) Are between the ages of eighteen and twenty-one and have not
28 graduated from high school.

29 (2) Eligible students shall be notified of their eligibility for
30 the Washington college bound scholarship program beginning in their
31 seventh grade year. Students shall also be notified of the
32 requirements for award of the scholarship.

33 (3)(a) To be eligible for a Washington college bound scholarship,
34 a student eligible under subsection (1)(a) of this section must sign a
35 pledge during seventh or eighth grade that includes a commitment to
36 graduate from high school with at least a C average and with no felony
37 convictions. ((Students who were in the eighth grade during the 2007-

1 ~~08 school year may sign the pledge during the 2008-09 school year.)~~
2 The pledge must be witnessed by a parent or guardian and forwarded to
3 the office of student financial assistance by mail or electronically,
4 as indicated on the pledge form.

5 (b) A student eligible under subsection (1)(b) of this section
6 shall be automatically enrolled, with no action necessary by the
7 student or the student's family, and the enrollment form must be
8 forwarded by the department of social and health services to the higher
9 education coordinating board or its successor by mail or
10 electronically, as indicated on the form.

11 (4)(a) Scholarships shall be awarded to eligible students
12 graduating from public high schools, approved private high schools
13 under chapter 28A.195 RCW, or who received home-based instruction under
14 chapter 28A.200 RCW.

15 (b) To receive the Washington college bound scholarship, a student
16 must graduate with at least a "C" average from a public high school or
17 an approved private high school under chapter 28A.195 RCW in Washington
18 or have received home-based instruction under chapter 28A.200 RCW, must
19 have no felony convictions, and must be a resident student as defined
20 in RCW 28B.15.012(2) (a) through (d).

21 (5) A student's family income will be assessed upon graduation
22 before awarding the scholarship.

23 (6) If at graduation from high school the student's family income
24 does not exceed sixty-five percent of the state median family income,
25 scholarship award amounts shall be as provided in this section.

26 (a) For students attending two or four-year institutions of higher
27 education as defined in RCW 28B.10.016, the value of the award shall be
28 (i) the difference between the student's tuition and required fees,
29 less the value of any state-funded grant, scholarship, or waiver
30 assistance the student receives; (ii) plus five hundred dollars for
31 books and materials.

32 (b) For students attending private four-year institutions of higher
33 education in Washington, the award amount shall be the representative
34 average of awards granted to students in public research universities
35 in Washington.

36 (c) For students attending private vocational schools in
37 Washington, the award amount shall be the representative average of

1 awards granted to students in public community and technical colleges
2 in Washington.

3 (7) Recipients may receive no more than four full-time years' worth
4 of scholarship awards.

5 (8) Institutions of higher education shall award the student all
6 need-based and merit-based financial aid for which the student would
7 otherwise qualify. The Washington college bound scholarship is
8 intended to replace unmet need, loans, and, at the student's option,
9 work-study award before any other grants or scholarships are reduced.

10 (9) The first scholarships shall be awarded to students graduating
11 in 2012.

12 (10) The state of Washington retains legal ownership of tuition
13 units awarded as scholarships under this chapter until the tuition
14 units are redeemed. These tuition units shall remain separately held
15 from any tuition units owned under chapter 28B.95 RCW by a Washington
16 college bound scholarship recipient.

17 (11) The scholarship award must be used within five years of
18 receipt. Any unused scholarship tuition units revert to the Washington
19 college bound scholarship account.

20 (12) Should the recipient terminate his or her enrollment for any
21 reason during the academic year, the unused portion of the scholarship
22 tuition units shall revert to the Washington college bound scholarship
23 account.

24 **Sec. 9.** RCW 28A.150.510 and 2008 c 297 s 5 are each amended to
25 read as follows:

26 (1) In order to effectively serve students who are dependent
27 pursuant to chapter 13.34 RCW, education records shall be transmitted
28 to the department of social and health services within two school days
29 after receiving the request from the department provided that the
30 department certifies that it will not disclose to any other party the
31 education records without prior written consent of the parent or
32 student unless authorized to disclose the records under state law. The
33 department of social and health services is authorized to disclose
34 education records it obtains pursuant to this section to a foster
35 parent, guardian, or other entity authorized by the department to
36 provide residential care to the student. The department is also
37 authorized to disclose educational records it obtains pursuant to this

1 section to those entities with which it has contracted, or with which
2 it is formally collaborating, having responsibility for educational
3 support services and educational outcomes of students who are dependent
4 pursuant to chapter 13.34 RCW. The department is encouraged to put in
5 place data-sharing agreements to assure accountability.

6 (2)(a) The K-12 data governance group established under RCW
7 28A.300.507 shall create a comprehensive needs requirement document
8 detailing the specific information, technical capacity, and any federal
9 and state statutory and regulatory changes needed by school districts,
10 the office of the superintendent of public instruction, the department
11 of social and health services, or the higher education coordinating
12 board or its successor, to enable the provision, on at least a
13 quarterly basis, of:

14 (i) Current education records of students who are dependent
15 pursuant to chapter 13.34 RCW to the department of social and health
16 services and, from the department, to those entities with which the
17 department has contracted, or with which it is formally collaborating,
18 having responsibility for educational support services and educational
19 outcomes; and

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

26 (b) In complying with (a) of this subsection, the K-12 data
27 governance group shall consult with: Educational support service
28 organizations, with which the department of social and health services
29 contracts or collaborates, having responsibility for educational
30 support services and educational outcomes of dependent students; the
31 passport to college advisory committee; the education support service
32 organizations under contract to perform outreach for the passport to
33 college promise program under chapter 28B.117 RCW; the department of
34 social and health services; the office of the attorney general; the
35 higher education coordinating board or its successor; and the office of
36 the administrator for the courts.

37 (c) By December 1, 2012, the superintendent of public instruction
38 shall submit a report to the governor and the appropriate committees of

1 the legislature regarding: The analysis of needs by the K-12 data
2 governance group; a timeline for addressing those needs for which no
3 statutory changes are necessary and that can be implemented within
4 existing resources; and recommended options for addressing identified
5 needs for which statutory changes, additional funding, or both, are
6 necessary.

7 **NEW SECTION. Sec. 10.** A new section is added to chapter 28A.300
8 RCW to read as follows:

9 By December 1, 2012, and on an annual basis through December 1,
10 2015, the superintendent of public instruction, in consultation with
11 the department of social and health services and the office of the
12 administrator for the courts, shall submit a report to the governor and
13 the appropriate committees of the legislature regarding the content and
14 implementation status of the state's plan for cross-system
15 collaboration to promote educational stability and improve educational
16 outcomes for foster children pursuant to the requirements of the
17 federal fostering connections to success and increasing adoptions act,
18 P.L. 110-351. The annual report must include, but is not limited to,
19 information regarding:

20 (1) A description of the process used to determine students' best
21 interest in continued enrollment at the school the student was in at
22 the time of initial placement or change of placement;

23 (2) The number of days, following initial placement or change of
24 placement, to resume school at the school the student was in at the
25 time of initial placement or change of placement or complete new school
26 enrollment and attend at a new school;

27 (3) The number of days from request to delivery of school records
28 from the sending school to the receiving school; and

29 (4) Documentation of a plan and use of federal title IV-E dollars
30 to support transportation for educational continuity as envisioned in
31 the federal fostering connections to success and increasing adoptions
32 act, P.L. 110-351.

33 **Sec. 11.** RCW 28A.300.525 and 2008 c 297 s 2 are each amended to
34 read as follows:

35 The ((~~superintendent of public instruction~~)) education data center
36 shall ((~~provide an annual aggregate report to the legislature on~~))

1 include in its reporting as part of the P-20 education data project the
2 educational experiences and progress of students in children's
3 administration out-of-home care. This data should be disaggregated in
4 the smallest units allowable by law that do not identify an individual
5 student, in order to learn which school districts are experiencing the
6 greatest success and challenges in achieving quality educational
7 outcomes with students in children's administration out-of-home care.

8 NEW SECTION. **Sec. 12.** The legislature strongly recommends that
9 the entities with which the department of social and health services
10 contracts or collaborates to provide educational support services and
11 educational outcomes for students who are dependent under chapter 13.34
12 RCW and the private agency under contract with the higher education
13 coordinating board or its successor to perform outreach for the
14 passport to college promise program under chapter 28B.117 RCW and the
15 college bound scholarship program under chapter 28B.118 RCW explore
16 models for harnessing technology to keep in constant touch with the
17 students they serve and keep these students engaged.

18 **Sec. 13.** RCW 28B.117.901 and 2007 c 314 s 10 are each amended to
19 read as follows:

20 This chapter expires June 30, (~~2013~~) 2022.

21 NEW SECTION. **Sec. 14.** This act may be known and cited as the
22 educational success for youth and alumni of foster care act.

23 NEW SECTION. **Sec. 15.** This act takes effect July 1, 2012.

Passed by the House March 5, 2012.

Passed by the Senate February 28, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.