# CERTIFICATION OF ENROLLMENT

### SECOND SUBSTITUTE HOUSE BILL 1566

Chapter 182, Laws of 2013

63rd Legislature 2013 Regular Session

FOSTER CARE--EDUCATIONAL OUTCOMES

EFFECTIVE DATE: 07/28/13

Passed by the House April 22, 2013 Yeas 83 Nays 12

### FRANK CHOPP

# Speaker of the House of Representatives

Passed by the Senate April 17, 2013 Yeas 47 Nays 1

### CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1566** as passed by the House of Representatives and the Senate on the dates hereon set forth.

# BARBARA BAKER

BRAD OWEN Chief Clerk

# President of the Senate

Approved May 8, 2013, 2:44 p.m.

FILED

May 8, 2013

JAY INSLEE

Governor of the State of Washington

Secretary of State State of Washington

### SECOND SUBSTITUTE HOUSE BILL 1566

### AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

# State of Washington 63rd Legislature

2013 Regular Session

By House Appropriations (originally sponsored by Representatives Carlyle, Kagi, Ryu, Roberts, Moscoso, and Pollet)

READ FIRST TIME 03/01/13.

AN ACT Relating to educational outcomes of youth in out-of-home care; amending RCW 13.34.069, 28B.117.030, and 28A.225.330; reenacting and amending RCW 13.34.030; adding new sections to chapter 13.34 RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 28A.225 RCW; and providing an expiration date.

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

7 NEW SECTION. Sec. 1. The legislature believes that youth residing 8 in foster care are capable of achieving success in school with 9 appropriate support. Youth residing in foster care in Washington state 10 lag behind their nonfoster youth peers in educational outcomes. Reasonable efforts by the department of social and health services to 11 12 monitor educational outcomes and encourage academic achievement for 13 youth in out-of-home care should be a responsibility of the child When a youth is removed from his or her school 14 welfare system. 15 district, it is the expectation of the legislature that the department 16 of social and health services recognizes the impact this move may have 17 on a youth's academic success and provide the youth with necessary supports to be successful in school. The legislature believes that 18

- 1 active oversight and advocacy by an educational liaison and
- 2 collaborations will encourage youth to reach their fullest academic
- 3 potential.

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Sec. 2. RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each reenacted and amended to read as follows:

For purposes of this chapter:

- (1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.
  - (2) "Child," "juvenile," and "youth" means:
  - (a) Any individual under the age of eighteen years; or
- (b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.
- (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.
- 30 (4) "Department" means the department of social and health 31 services.
- 32 (5) "Dependency guardian" means the person, nonprofit corporation, 33 or Indian tribe appointed by the court pursuant to this chapter for the 34 limited purpose of assisting the court in the supervision of the 35 dependency.
  - (6) "Dependent child" means any child who:
- 37 (a) Has been abandoned;

1 (b) Is abused or neglected as defined in chapter 26.44 RCW by a 2 person legally responsible for the care of the child;

- (c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or
- (d) Is receiving extended foster care services, as authorized by RCW 74.13.031.
- (7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.
- (8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in section 5 of this act.
- (9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031.
  - (((9))) (10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.
  - $((\frac{10}{10}))$  (11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

- ((\(\frac{(11)}{11}\))) (12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.
- $((\frac{12}{12}))$  (13) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).
- $((\frac{(13)}{(14)}))$  <u>(14)</u> "Indigent" means a person who, at any stage of a court proceeding, is:
  - (a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or
    - (b) Involuntarily committed to a public mental health facility; or
  - (c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or
  - (d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.
  - $((\frac{14}{1}))$  (15) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.
- ((<del>(15)</del>)) <u>(16)</u> "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for outof-home placement while protecting the child.

 $((\frac{16}{16}))$  (17) "Shelter care" means temporary physical care in a 2 facility licensed pursuant to RCW 74.15.030 or in a home not required 3 to be licensed pursuant to RCW 74.15.030.

- $((\frac{17}{17}))$  (18) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.
- $((\frac{18}{18}))$   $\underline{(19)}$  "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:
- (a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;
- (b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;
- (c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;
- (d) A statement of the likely harms the child will suffer as a result of removal;
  - (e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and
- (f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

1 ((<del>(19)</del>)) (<u>20)</u> "Supervising agency" means an agency licensed by the 2 state under RCW 74.15.090, or licensed by a federally recognized Indian 3 tribe located in this state under RCW 74.15.190, that has entered into 4 a performance-based contract with the department to provide case 5 management for the delivery and documentation of child welfare services 6 as defined in RCW 74.13.020.

NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW to read as follows:

- (1) The department must identify an educational liaison for youth in grades six through twelve who are subject to a proceeding under this chapter and who meet one of the following requirements:
  - (a) All parental rights have been terminated;
- 13 (b) Parents are unavailable because of incarceration or other 14 limitations;
- 15 (c) The court has restricted contact between the youth and parents; 16 or
  - (d) The youth is placed in a behavioral rehabilitative setting and the court has limited the educational rights of parents.
  - (2) If a child is placed in the custody of the department at the shelter care hearing, the department shall recommend the identified educational liaison at the shelter care hearing and all subsequent review hearings for the given case. The purpose of identifying the educational liaison at each hearing during the dependency case is to determine if the identified educational liaison remains appropriate for the case as youth change placements.
  - (3) It is presumed that the educational liaison is the youth's parent. If a youth's parent is not able to serve as the educational liaison, the department must identify another person to act as the educational liaison. It is preferred that the educational liaison be known to the youth and be a relative, other suitable person as described in RCW 13.34.130(1)(b), or the youth's foster parent. Birth parents with a primary plan of family reunification may serve as the educational liaison. The identified educational liaison should be a person committed to providing enduring educational support to the youth. If the department is not able to identify an adult with an existing relationship to the youth who is able to serve as the educational liaison, the court may appoint another adult as the

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- 1 educational liaison, such as the court-appointed special advocate if
- 2 applicable, but may not appoint the youth's caseworker. In the event
- 3 that any party disagrees with the department's recommendation, the
- 4 court shall determine who will serve as the educational liaison based
- 5 on who is most appropriate and available to act in the youth's
- 6 educational interest.

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- 7 **Sec. 4.** RCW 13.34.069 and 2007 c 409 s 2 are each amended to read 8 as follows:
  - If a child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, an order and authorization regarding health care and education records for the child shall be entered. The order shall:
  - (1) Provide the department or other supervising agency with the right to inspect and copy all health, medical, mental health, and education records of the child;
  - (2) Authorize and direct any agency, hospital, doctor, nurse, dentist, orthodontist, or other health care provider, therapist, drug or alcohol treatment provider, psychologist, psychiatrist, or mental health clinic, or health or medical records custodian or document management company, or school or school organization to permit the department or other supervising agency to inspect and to obtain copies of any records relating to the child involved in the case, without the further consent of the parent or guardian of the child; and
- 24 (3) <u>Identify the person who will serve as the educational liaison;</u> 25 and
- 26 <u>(4)</u> Grant the department or other supervising agency or its 27 designee the authority and responsibility, where applicable, to:
- 28 (a) Notify the child's school that the child is in out-of-home 29 placement;
  - (b) Enroll the child in school;
    - (c) Request the school transfer records;
- 32 (d) Request and authorize evaluation of special needs;
- 33 (e) Attend parent or teacher conferences;
- 34 (f) Excuse absences;
- 35 (q) Grant permission for extracurricular activities;
- 36 (h) Authorize medications which need to be administered during

- school hours and sign for medical needs that arise during school hours; and
- 3 (i) Complete or update school emergency records.
- Access to records under this section is subject to the child's consent where required by other state and federal laws.
- 6 <u>NEW SECTION.</u> **Sec. 5.** A new section is added to chapter 13.34 RCW 7 to read as follows:
- 8 (1) Unless otherwise directed by the court, the responsibilities of 9 the educational liaison for a youth subject to a proceeding under this 10 chapter include, but are not limited to, the following:
  - (a) To attend educational meetings and dependency hearings;
- 12 (b) To meet with local school personnel at regular intervals 13 regarding the youth's educational performance and academic needs;
- 14 (c) To seek to understand the youth's academic strengths, areas of concern, and future life goals;
  - (d) To advocate for necessary educational services;
- 17 (e) To join in decision-making processes regarding appropriate 18 school placements, school coursework, personal future, and educational 19 planning;
- 20 (f) To explore opportunities and barriers for youth to participate 21 in extracurricular activities;
- 22 (g) To involve youth in educational decisions as developmentally 23 appropriate;
  - (h) To keep all information regarding the youth confidential except as required pursuant to lawful order of a court; and
  - (i) To provide a written or verbal report to the court during each dependency hearing. The report must include information about the youth's educational progress, experience in school, and the educational liaison's and youth's recommendations regarding needed services in school or the community.
  - (2) The educational liaison may serve as the surrogate parent or educational representative under federal law.
- 33 (3) The educational liaison may have access to all educational 34 records pertaining to the youth involved in the case, without the 35 consent of a parent or guardian of the child, or if the child is under 36 thirteen years of age.

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- 1 (4) The educational liaison is a volunteer and not compensated for services.
- 3 (5) The educational liaison must complete background checks as 4 required by the department.

5 <u>NEW SECTION.</u> **Sec. 6.** A new section is added to chapter 74.13 RCW 6 to read as follows:

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- (1) The department shall provide youth residing in out-of-home care the opportunity to remain enrolled in the school he or she was attending prior to out-of-home placement, unless the safety of the youth is jeopardized, or a relative or other suitable person placement approved by the department is secured for the youth, or it is determined not to be in the youth'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 should be enrolled in, the youth may remain enrolled in the school of origin until the disagreement is resolved in court, unless the department determines that the youth 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 school-aged youth 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;
- 31 (e) To pay any unpaid fees or fines due by the youth to the school 32 or school district;
- 33 (f) To notify all legal parties when a school disruption occurs; 34 and
- 35 (g) To document factors that contributed to any school disruptions.

- NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW to read as follows:
  - (1) A university-based child welfare research entity shall include in its reporting the educational experiences and progress of students in children's administration out-of-home care. This data must be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which children's administration offices and school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.
  - (2) By January 1, 2015 and annually thereafter, the university-based child welfare research entity must submit a report to the legislature. To the extent possible, the report should include, but is not limited to, information on the following measures for a youth who is a dependent pursuant to chapter 13.34 RCW:
- 16 (a) Aggregate scores from the Washington state kindergarten 17 readiness assessment;
  - (b) Aggregate scores from the third grade statewide student assessment in reading;
  - (c) Number of youth graduating from high school with a documented plan for postsecondary education, employment, or military service;
  - (d) Number of youth completing one year of postsecondary education, the equivalent of first-year student credits, or achieving a postsecondary certificate; and
    - (e) Number of youth who complete an associate or bachelor's degree.
- 26 (3) The report must identify strengths and weaknesses in practice 27 and recommend to the legislature strategy and needed resources for 28 improvement.
- 29 **Sec. 8.** RCW 28B.117.030 and 2011 1st sp.s. c 11 s 221 are each 30 amended to read as follows:
- 31 (1) The office shall design and, to the extent funds are 32 appropriated for this purpose, implement, a program of supplemental 33 scholarship and student assistance for students who have emancipated 34 from the state foster care system after having spent at least one year 35 in care.
- 36 (2) The office shall convene and consult with an advisory committee 37 to assist with program design and implementation. The committee shall

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- include but not be limited to former foster care youth and their advocates; representatives from the state board for community and technical colleges, and from public and private agencies that assist current and former foster care recipients in their transition to adulthood; and student support specialists from public and private colleges and universities.
  - (3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:
- (a) ((Emancipated from foster care on or after January 1, 2007, after having)) Spent at least one year in foster care subsequent to his or her sixteenth birthday;
  - (b) Meets one of the following three requirements:
  - (i) Emancipated from foster care on or after January 1, 2007;
- (ii) Enrolls in extended foster care; or

- 16 <u>(iii) Achieves a permanent plan after age seventeen and one-half</u> 17 <u>years:</u>
  - (c) Is a resident student, as defined in RCW 28B.15.012(2);
  - $((\frac{c}{c}))$  (d) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education in Washington state by the age of twenty-one;
  - ((<del>(d)</del>)) <u>(e)</u> Is making satisfactory academic progress toward the completion of a degree or certificate program, if receiving supplemental scholarship assistance;
    - $((\frac{(+)}{(+)}))$  (f) Has not earned a bachelor's or professional degree; and  $((\frac{(+)}{(+)}))$  (g) Is not pursuing a degree in theology.
    - (4) A passport to college scholarship under this section:
    - (a) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and
    - (b) Shall not exceed the student's financial need, less a reasonable self-help amount defined by the ((board)) office, when combined with all other public and private grant, scholarship, and waiver assistance the student receives.
    - (5) An eligible student may receive a passport to college scholarship under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be

eligible for a scholarship under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year.

- (6) The office, in consultation with and with assistance from the state board for community and technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.
- (7) In designing and implementing the passport to college student support program under this section, the office, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:
- (a) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;
- 19 (b) Receives financial and other incentives for achieving 20 measurable progress in the recruitment, retention, and graduation of 21 eligible students.

# NEW SECTION. Sec. 9. A new section is added to chapter 28A.225 RCW to read as follows:

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

- 1 **Sec. 10.** RCW 28A.225.330 and 2009 c 380 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;

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- 9 (c) Any history of violent behavior, or behavior listed in RCW 10 13.04.155;
  - (d) Any unpaid fines or fees imposed by other schools; and
- 12 (e) Any health conditions affecting the student's educational needs.
  - (2) The school enrolling the student shall request the school the student previously attended to send 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. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.
  - (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

- The records of a student who meets the definition of a child 1 2 of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school 3 district employee who releases the information 4 district or compliance with this section is immune from civil liability for damages 5 unless it is shown that the school district employee acted with gross 6 7 negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of 8 a school principal or other chief administrator of a public school 9 10 building who fails to make a good faith effort to assure compliance with this subsection. 11
  - (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) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.
  - (7) A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under section 6 of this act. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, 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.
- 31 <u>NEW SECTION.</u> **Sec. 11.** Section 8 of this act expires June 30, 32 2022.

Passed by the House April 22, 2013. Passed by the Senate April 17, 2013. Approved by the Governor May 8, 2013. Filed in Office of Secretary of State May 8, 2013.

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