

HOUSE BILL REPORT

SSB 5241

As Passed House:
April 5, 2017

Title: An act relating to the educational success of youth who are homeless or in foster care.

Brief Description: Concerning the educational success of youth who are homeless or in foster care.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Carlyle, O'Ban, Darneille, Hasegawa and Wellman).

Brief History:

Committee Activity:

Education: 3/13/17, 3/23/17 [DP].

Floor Activity:

Passed House: 4/5/17, 97-0.

Brief Summary of Substitute Bill

- Modifies provisions governing school district requirements for the on-time progression and graduation of qualifying dependent students and extends the provisions to homeless students.
- Directs the Superintendent of Public Instruction to adopt and distribute rules related to the school district requirements.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele, Stokesbary and Volz.

Staff: Ethan Moreno (786-7386).

Background:

Course Waivers for Students Dependent Pursuant to the Juvenile Court Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In order to facilitate the on-time grade level progression and graduation of students who are found dependent under the Juvenile Court Act (JCA), an act that governs dependency cases and certain provisions related to foster care services, school districts must either waive specific courses if similar coursework has been completed in another school district or provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school district, the receiving school district must use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

As specified in the course waiver provisions, school districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, and other options. If a student who is transferring at the beginning or during the student's junior or senior year is 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.

Homeless Students.

Legislation adopted in 2016 (ch. 157, Laws of 2016, enacted as 3SHB 1682) established a grant program administered by the Office of the Superintendent of Public Instruction (OSPI) to increase the identification of homeless students and the capacity of the school districts to provide related support. Provisions governing the grant program define "homeless students" as students without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento Homeless Education Assistance Act (McKinney-Vento Act).

The McKinney-Vento Act defines homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence." The McKinney-Vento Act provides examples of children who would fall under this definition, including:

- children and youth sharing housing due to loss of housing, economic hardship, or a similar reason;
- children and youth living in motels, hotels, trailer parks, or campgrounds due to lack of alternative accommodations;
- children and youth living in emergency or transitional shelters;
- children and youth awaiting foster care placement; and
- children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, or bus or train stations.

The Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matters pertaining to public schools, the Superintendent of Public Instruction (SPI) and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants; and

- satisfying numerous reporting and other duties assigned by the Legislature.

Summary of Bill:

Provisions governing school district requirements for the on-time progression and graduation of dependent students under the JCA are modified and extended to homeless students. In order to eliminate barriers and facilitate the on-time progression and graduation of students who are homeless or are dependent under the JCA, school districts must, in addition to waiving specific courses or providing an alternative means of acquiring required coursework, 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. The term "homeless" is defined using provisions governing the OSPI's grant program for identifying homeless students and the capacity of districts to provide support.

If a student has been unable to complete an academic course and receive full credit because of a withdrawal or transfer, school districts must grant partial credit for coursework completed before the withdrawal or transfer, and the receiving school must accept those credits. The receiving school must also apply the credits 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.

The SPI is directed to adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural obligations of school districts to implement the provisions governing the on-time progression and graduation of students who are homeless or are dependents under the JCA.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Recent legislation has helped to increase the graduation rate for foster youths from 28 to 49 percent. We have a moral obligation to the foster community and we know what works: high-touch wrap-around services that give youths the type of support services they need, including an engaged school and district, and an understanding of cultural and economic issues. The House of Representatives version of the bill (Substitute House Bill (SHB) 1444) is supported. The vision for this bill came from stakeholders, and its partial credit provisions will help to create partial credit opportunities for foster students that are similar to provisions for students in military families.

The key part of this bill is the provision requiring school districts to consolidate and transfer student credits. Current law encourages this, but this bill will make it a requirement, and it also directs the OSPI to create a standardized system for doing so. Foster students who have transferred are sometimes told that they have to restart a class from the beginning or that

different graduation requirements apply at the new school. Foster students do not necessarily have the resources or support to manage numerous school changes.

The Washington State Parent Teacher Association strongly supports this bill. This bill supports smoother transitions between schools and districts and will help to improve educational outcomes for foster students. The bill allows for coursework to be consolidated and authorizes waivers for classes taken in other districts. This bill lifts up the children and gives them a chance to graduate instead of knocking them down and forcing them to retake classes.

The biggest difference between this bill and SHB 1444 is that this bill aligns well with the federal Every Student Succeeds Act. This bill has substantially stronger protections for students who are transitioning than SHB 1444. Moving from school to school has a detrimental impact on students, as these students fall behind academically and are more likely to drop out. Most homeless and foster youths do not have advocates for their educational needs, but this bill will provide support for them.

The key difference between SHB 1444 and this bill is that this bill requires school districts to knit together credits for students who have nonnormative transitions. This bill requires the OSPI to provide a set of standards that schools must follow, resulting in fewer inconsistencies between districts and less confusion in counseling offices. The SHB 1444 includes protections for at-risk children, and the pool of children eligible for assistance should be expanded. This bill provides support for students who are penalized for circumstances that are always out of their control.

(Opposed) None.

Persons Testifying: Senator Carlyle, prime sponsor; Liz Trautman, The Mockingbird Society; Corina Pfeil, Washington State Parent Teacher Association; Katara Jordan, Building Changes; and Janis Avery, Treehouse.

Persons Signed In To Testify But Not Testifying: None.