

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2684**

Chapter 139, Laws of 2018

65th Legislature  
2018 Regular Session

STUDENTS IN OUT-OF-HOME CARE--BEST INTEREST DETERMINATIONS

EFFECTIVE DATE: September 1, 2018

Passed by the House February 8, 2018  
Yeas 97 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate February 28, 2018  
Yeas 49 Nays 0

KAREN KEISER

**President of the Senate**

Approved March 21, 2018 11:42 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2684** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 23, 2018

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 2684

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Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By House Education (originally sponsored by Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self, Johnson, Muri, and McBride)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to defining best practices for the process and  
2 people involved in best interest determination of students in out-of-  
3 home care; amending RCW 74.13.560 and 74.13.631; adding new sections  
4 to chapter 28A.225 RCW; adding a new section to chapter 28A.320 RCW;  
5 repealing RCW 28A.300.800; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.225  
8 RCW to read as follows:

9 School districts must collaborate with the department of  
10 children, youth, and families as provided in RCW 74.13.560.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.225  
12 RCW to read as follows:

13 (1) The protocols required by RCW 74.13.560 for making best  
14 interest determinations for students in out-of-home care must comply  
15 with the provisions of this section.

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

19 (b) When making best interest determinations, every effort should  
20 be made to gather meaningful input from relevant and appropriate

1 persons on their perspectives regarding which school the student  
2 should attend during his or her time in out-of-home care, consistent  
3 with the student's case plan. Relevant and appropriate persons  
4 include:

5 (i) Representatives of the department of children, youth, and  
6 families;

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

9 (iii) Biological parents;

10 (iv) Foster parents;

11 (v) Educational liaisons identified under RCW 13.34.045;

12 (vi) The student's relatives; and

13 (vii) Depending on his or her age, the student.

14 (3) In accordance with RCW 74.13.550, whenever practical and in  
15 their best interest, students placed into out-of-home care must  
16 remain enrolled in the school that they were attending at the time  
17 they entered out-of-home care.

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

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

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

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

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

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

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

35 (g) How strong is the student academically?

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

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

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

7 (k) Which school does the student prefer?

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

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

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

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

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

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

22 (r) Are there safety issues to consider?

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

27 (6) School districts are encouraged to use any:

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

32 (b) Dispute resolution process developed by the office of the  
33 superintendent of public instruction when there is a disagreement  
34 about school placement, the provision of educational services, or a  
35 dispute between agencies.

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

38 (8) For the purposes of this section, "out-of-home care" has the  
39 same meaning as in RCW 13.34.030.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28A.320  
2    RCW to read as follows:

3        (1) Each school district must designate a foster care liaison to  
4    facilitate district compliance with state and federal laws related to  
5    students in out-of-home care and to collaborate with the department  
6    of children, youth, and families to address educational barriers for  
7    these students. The role and responsibilities of a foster care  
8    liaison may include:

9        (a) Coordinating with the department of children, youth, and  
10   families on the implementation of state and federal laws related to  
11   students in out-of-home care;

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

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

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

18        (e) Leading and documenting the development of a process for  
19   making best interest determinations in accordance with section 2 of  
20   this act;

21        (f) Facilitating immediate enrollment in accordance with RCW  
22   28A.225.330;

23        (g) Facilitating the transfer of records in accordance with RCW  
24   28A.150.510 and 28A.225.330;

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

27        (i) Developing and coordinating local transportation procedures;

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

31        (k) Ensuring that students in out-of-home care are enrolled in  
32   and regularly attending school, consistent with RCW 28A.225.023; and

33        (l) Providing professional development and training to school  
34   staff on state and federal laws related to students in out-of-home  
35   care and their educational needs, as needed.

36        (2) For the purposes of this section, "out-of-home care" has the  
37   same meaning as in RCW 13.34.030.

38        **Sec. 4.**    RCW 74.13.560 and 2009 c 520 s 88 are each amended to  
39   read as follows:

1       (1) The administrative regions of the department and the  
2 supervising agencies shall, in collaboration with school districts  
3 within their region as required by section 1 of this act, develop  
4 protocols ((with the respective school districts in their regions))  
5 specifying specific strategies for communication, coordination, and  
6 collaboration regarding the status and progress of ((foster))  
7 children in out-of-home care placed in the region((, in order)). The  
8 purpose of the protocols is to maximize the educational continuity  
9 and achievement for ((foster)) children in out-of-home care. The  
10 protocols ((shall)) must include methods to assure effective sharing  
11 of information, consistent with RCW 28A.225.330.

12       (2) The protocols required by this section must also include  
13 protocols for making best interest determinations for students in  
14 out-of-home care that comply with section 2 of this act. The  
15 protocols for making best interest determinations for students in  
16 out-of-home care must be implemented before changing the school  
17 placement of a student.

18       (3) For the purposes of this section, "out-of-home care" has the  
19 same meaning as in RCW 13.34.030.

20       **Sec. 5.** RCW 74.13.631 and 2013 c 182 s 6 are each amended to  
21 read as follows:

22       (1) Consistent with the provisions for making best interest  
23 determinations established in section 2 of this act and RCW  
24 74.13.560, the department shall provide youth residing in out-of-home  
25 care the opportunity to remain enrolled in the school he or she was  
26 attending prior to out-of-home placement, unless the safety of the  
27 youth is jeopardized, or a relative or other suitable person  
28 placement approved by the department is secured for the youth, or it  
29 is determined not to be in the youth's best interest to remain  
30 enrolled in the school he or she was attending prior to out-of-home  
31 placement. If the parties in the dependency case disagree regarding  
32 which school the youth should be enrolled in, the youth may remain  
33 enrolled in the school of origin until the disagreement is resolved  
34 in court, unless the department determines that the youth is in  
35 immediate danger by remaining enrolled in the school of origin.

36       (2) Unless otherwise directed by the court, the educational  
37 responsibilities of the department for school-aged youth residing in  
38 out-of-home care are the following:

- 1 (a) To collaboratively discuss and document school placement  
2 options and plan necessary school transfers during the family team  
3 decision-making meeting;
- 4 (b) To notify the receiving school and the school of origin that  
5 a youth residing in foster care is transferring schools;
- 6 (c) To request and secure missing academic records or medical  
7 records required for school enrollment within ten business days;
- 8 (d) To document the request and receipt of academic records in  
9 the individual service and safety plan;
- 10 (e) To pay any unpaid fees or fines due by the youth to the  
11 school or school district;
- 12 (f) To notify all legal parties when a school disruption occurs;  
13 and
- 14 (g) To document factors that contributed to any school  
15 disruptions.

16 NEW SECTION. **Sec. 6.** RCW 28A.300.800 (Education of school-age  
17 children in short-term foster care—Working group—Recommendations to  
18 legislature) and 2002 c 326 s 1 are each repealed.

19 NEW SECTION. **Sec. 7.** This act takes effect September 1, 2018.

Passed by the House February 8, 2018.  
Passed by the Senate February 28, 2018.  
Approved by the Governor March 21, 2018.  
Filed in Office of Secretary of State March 23, 2018.

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