

SENATE BILL REPORT

SHB 1955

As of February 16, 2022

Title: An act relating to creating uniformity in education requirements for students who are the subject of a dependency proceeding.

Brief Description: Creating uniformity in education requirements for students who are the subject of a dependency proceeding.

Sponsors: House Committee on Education (originally sponsored by Representatives Rule, Ramel, Ormsby and Taylor).

Brief History: Passed House: 2/8/22, 95-1.

Committee Activity: Early Learning & K-12 Education: 2/16/22.

Brief Summary of Bill

- Makes numerous changes to education and other requirements related to students who are the subject of a dependency proceeding including changes related to definitions, transmittal of education records, educational continuity, transportation, and foster care liaisons.
- Defines students who are the subject of a dependency proceeding to mean a child or youth who is located in Washington State and who is the subject of a shelter care or dependency order or an equivalent order of a tribal court of a federally recognized Indian tribe; or eligible for benefits under the federal Unaccompanied Refugee Minors Program.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Dependency Proceedings. Any person, including the Department of Children, Youth, and Families (DCYF), may file a petition in court alleging a child should

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be a dependent of the state due to abuse or neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child.

When a child is taken into custody, the court must hold a shelter care hearing within 72 hours. The primary purpose of the shelter care hearing is determine whether the child can be immediately and safely returned home while the dependency case is being resolved.

If a court determines that a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services, compliance of the parents, and whether progress has been made by the parents.

Indian Child Welfare Act. Federal and state law provides that an Indian tribe has exclusive jurisdiction over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, the tribe has expressly declined to exercise its exclusive jurisdiction, or the state is exercising emergency jurisdiction.

Unaccompanied Refugee Minors Program. This federal program is administered by the Washington State Department of Social and Health Services (DSHS) for refugee children who arrive in the United States with no parent or guardian. The program places minors in foster care with specially trained local families and provides culturally appropriate social service support. Unaccompanied refugee minors are served by local providers in 15 states including in Tacoma, Seattle, and Spokane, Washington.

Definitions. Current state law refers to students involved with the foster care system in various ways, including students dependent pursuant to chapter 13.34 RCW, students placed in out-of-home care, and students placed into foster care.

Transmittal of Records. To effectively serve students who are dependent, state law requires that education records must be transmitted to DCYF within two school days after receiving the request from DCYF.

Comprehensive Needs Requirement Document. The K-12 Data Governance Group must create a comprehensive needs requirement document detailing information, technical capacity, and any federal and state changes needed to enable the provision, on at least a quarterly basis, of current education records of student who are dependent, and the names and contact information of students who are 13 years or order to higher education agencies.

Educational Continuity. It is the policy of the state that, whenever practical and in the best interest of the child, children placed into foster care must remain enrolled in the schools they were attending at the time they entered foster care.

For school-aged students, DCYF has certain educational responsibilities such as collaboratively discussing and documenting school placement option and plan and help

facilitate necessary school transfers.

Best Interest Determinations. The protocols for making best interest determinations for students in out-of-home care must comply with certain provisions and must be implemented before changing the school placement of a student.

Enrolling Students from Other Districts. A school may not prevent a student who is dependent from enrolling if certain information is not provided to the school district during the 10 business days that DCYF has to obtain the information requested by the school district.

Foster Care Liaison. Each school district must designate a foster care liaison to facilitate district compliance with state and federal laws and to collaborate with DCYF to address educational barriers for these students.

Summary of Bill: Definitions. Various statutory references to students involved with the foster care system are standardized by using the term "students who are the subject of a dependency proceeding," which means a child or youth who is located in Washington State and who is:

- the subject of a shelter care or dependency order or an equivalent order of a tribal court of a federally recognized Indian tribe; or
- eligible for benefits under the federal foster care system, meaning the federal Unaccompanied Refugee Minors Program.

Transmittal of Records. In addition to DCYF, federally recognized tribes and the state agency responsible for implementing the federal Unaccompanied Refugee Minors Program may request request the transmittal of education records.

Comprehensive Needs Requirement Document. This document created by by the K-12 Data Governance Group is eliminated.

Educational Continuity. The policy of the state is updated so children who are subject of a dependency proceeding must remain in their schools of origin. "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.

Preschool-aged students are included within DCYF's educational responsibilities.

Best Interest Determinations and Transportation. The protocol requirements for making best interest determinations for school placement of students who are the subject of a dependency proceeding may also be applied to students who are the subject of a federally recognized tribal court shelter care or dependency order, and students who are eligible for benefits under the federal Unaccompanied Refugee Minors Program.

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 must agree upon a method to apportion the responsibility and costs for providing the student 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 must be shared equally between the districts. DCYF will reimburse school districts for half of all excess transportation costs for students under the placement and care authority of DCYF.

Enrolling Students from Other Districts. If the student who is the subject of a dependency proceeding is subject to an order in an federally recognized tribal court or the student is eligible for benefits under the federal Unaccompanied Refugee Minors Program, the school may not prevent the student from enrolling if certain information is not provided to the school during the specified time period.

Foster Care Liaison. In addition to collaborating with DCYF, foster care liaisons must also collaborate with the appropriate federally recognized Indian tribe or the state agency responsible for the implementation of the federal Unaccompanied Refugee Minors Program.

Appropriation: None.

Fiscal Note: Partial fiscal note available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill comes from the Project Education Impact work group. Students in foster care are one of the most vulnerable student groups and have the lowest on-time graduation rates for any population group. Keeping students in their school of origin helps reduce transitions and keep students' lives stable and supportive during difficult times. Education and foster care communities both want the best outcomes for these students but have a difficult time speaking to and coordinating with one another. This bill harmonizes statutory language and allows for supports at various times including trial return home periods, students under tribal jurisdiction, and unaccompanied refugee minors. This bill will help reduce confusion regarding the various terms used to reference these students, help strengthen school stability, and improve student outcomes.

Persons Testifying: PRO: Representative Alicia Rule, Prime Sponsor; Dawn Rains, Treehouse; Emily Stochel, College Success Foundation; Mikhail Cherniske, OSPI; Peggy Carlson, Former Foster Parent.

Persons Signed In To Testify But Not Testifying: No one.