
FOURTH SUBSTITUTE HOUSE BILL 1999

State of Washington

64th Legislature

2016 Regular Session

By House Appropriations (originally sponsored by Representatives Carlyle, Kagi, Lytton, Walsh, Sawyer, Pettigrew, Ortiz-Self, Dent, Parker, Caldier, Goodman, and Jinkins)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to coordinating services and programs for foster
2 youth in order to improve educational outcomes; amending RCW
3 28B.117.060; reenacting and amending RCW 13.50.010; adding new
4 sections to chapter 28A.300 RCW; adding a new section to chapter
5 74.13 RCW; adding a new section to chapter 28B.77 RCW; creating a new
6 section; recodifying RCW 28B.117.060; and repealing RCW 74.13.105.

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

8 NEW SECTION. **Sec. 1.** The Washington state legislature has long
9 acknowledged that youth impacted by the foster care system experience
10 among the worst high school graduation and postsecondary completion
11 outcomes compared to any other population of youth. Over the last
12 decade, legislative leadership has sparked innovation and development
13 of an array of services to improve educational outcomes. The
14 legislature intends to powerfully leverage that past experience to
15 establish a set of comprehensive strategies that are evidence-based,
16 more coordinated, intensive, and intentional in order to proactively
17 support youth to complete high school and successfully implement
18 their own plans for their future.

19 The goals of this effort are threefold:

20 (1) To make Washington number one in the nation for foster care
21 graduation rates;

1 (2) To make Washington number one in the nation for foster care
2 enrollment in postsecondary education; and

3 (3) To make Washington number one in the nation for foster care
4 postsecondary completion.

5 **Sec. 2.** RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1 are
6 each reenacted and amended to read as follows:

7 (1) For purposes of this chapter:

8 (a) "Good faith effort to pay" means a juvenile offender has
9 either (i) paid the principal amount in full; (ii) made at least
10 eighty percent of the value of full monthly payments within the
11 period from disposition or deferred disposition until the time the
12 amount of restitution owed is under review; or (iii) can show good
13 cause why he or she paid an amount less than eighty percent of the
14 value of full monthly payments;

15 (b) "Juvenile justice or care agency" means any of the following:
16 Police, diversion units, court, prosecuting attorney, defense
17 attorney, detention center, attorney general, the legislative
18 children's oversight committee, the office of the family and
19 children's ombuds, the department of social and health services and
20 its contracting agencies, schools; persons or public or private
21 agencies having children committed to their custody; and any
22 placement oversight committee created under RCW 72.05.415;

23 (c) "Official juvenile court file" means the legal file of the
24 juvenile court containing the petition or information, motions,
25 memorandums, briefs, findings of the court, and court orders;

26 (d) "Records" means the official juvenile court file, the social
27 file, and records of any other juvenile justice or care agency in the
28 case;

29 (e) "Social file" means the juvenile court file containing the
30 records and reports of the probation counselor.

31 (2) Each petition or information filed with the court may include
32 only one juvenile and each petition or information shall be filed
33 under a separate docket number. The social file shall be filed
34 separately from the official juvenile court file.

35 (3) It is the duty of any juvenile justice or care agency to
36 maintain accurate records. To this end:

37 (a) The agency may never knowingly record inaccurate information.
38 Any information in records maintained by the department of social and
39 health services relating to a petition filed pursuant to chapter

1 13.34 RCW that is found by the court to be false or inaccurate shall
2 be corrected or expunged from such records by the agency;

3 (b) An agency shall take reasonable steps to assure the security
4 of its records and prevent tampering with them; and

5 (c) An agency shall make reasonable efforts to insure the
6 completeness of its records, including action taken by other agencies
7 with respect to matters in its files.

8 (4) Each juvenile justice or care agency shall implement
9 procedures consistent with the provisions of this chapter to
10 facilitate inquiries concerning records.

11 (5) Any person who has reasonable cause to believe information
12 concerning that person is included in the records of a juvenile
13 justice or care agency and who has been denied access to those
14 records by the agency may make a motion to the court for an order
15 authorizing that person to inspect the juvenile justice or care
16 agency record concerning that person. The court shall grant the
17 motion to examine records unless it finds that in the interests of
18 justice or in the best interests of the juvenile the records or parts
19 of them should remain confidential.

20 (6) A juvenile, or his or her parents, or any person who has
21 reasonable cause to believe information concerning that person is
22 included in the records of a juvenile justice or care agency may make
23 a motion to the court challenging the accuracy of any information
24 concerning the moving party in the record or challenging the
25 continued possession of the record by the agency. If the court grants
26 the motion, it shall order the record or information to be corrected
27 or destroyed.

28 (7) The person making a motion under subsection (5) or (6) of
29 this section shall give reasonable notice of the motion to all
30 parties to the original action and to any agency whose records will
31 be affected by the motion.

32 (8) The court may permit inspection of records by, or release of
33 information to, any clinic, hospital, or agency which has the subject
34 person under care or treatment. The court may also permit inspection
35 by or release to individuals or agencies, including juvenile justice
36 advisory committees of county law and justice councils, engaged in
37 legitimate research for educational, scientific, or public purposes.
38 Each person granted permission to inspect juvenile justice or care
39 agency records for research purposes shall present a notarized

1 statement to the court stating that the names of juveniles and
2 parents will remain confidential.

3 (9) The court shall release to the caseload forecast council the
4 records needed for its research and data-gathering functions. Access
5 to caseload forecast data may be permitted by the council for
6 research purposes only if the anonymity of all persons mentioned in
7 the records or information will be preserved.

8 (10) Juvenile detention facilities shall release records to the
9 caseload forecast council upon request. The commission shall not
10 disclose the names of any juveniles or parents mentioned in the
11 records without the named individual's written permission.

12 (11) Requirements in this chapter relating to the court's
13 authority to compel disclosure shall not apply to the legislative
14 children's oversight committee or the office of the family and
15 children's ombuds.

16 (12) For the purpose of research only, the administrative office
17 of the courts shall maintain an electronic research copy of all
18 records in the judicial information system related to juveniles.
19 Access to the research copy is restricted to the Washington state
20 center for court research. The Washington state center for court
21 research shall maintain the confidentiality of all confidential
22 records and shall preserve the anonymity of all persons identified in
23 the research copy. The research copy may not be subject to any
24 records retention schedule and must include records destroyed or
25 removed from the judicial information system pursuant to RCW
26 13.50.270 and 13.50.100(3).

27 (13) The court shall release to the Washington state office of
28 public defense records needed to implement the agency's oversight,
29 technical assistance, and other functions as required by RCW
30 2.70.020. Access to the records used as a basis for oversight,
31 technical assistance, or other agency functions is restricted to the
32 Washington state office of public defense. The Washington state
33 office of public defense shall maintain the confidentiality of all
34 confidential information included in the records.

35 (14) The court shall release to the Washington state office of
36 civil legal aid records needed to implement the agency's oversight,
37 technical assistance, and other functions as required by RCW
38 2.53.045. Access to the records used as a basis for oversight,
39 technical assistance, or other agency functions is restricted to the
40 Washington state office of civil legal aid. The Washington state

1 office of civil legal aid shall maintain the confidentiality of all
2 confidential information included in the records, and shall, as soon
3 as possible, destroy any retained notes or records obtained under
4 this section that are not necessary for its functions related to RCW
5 2.53.045.

6 (15) For purposes of providing for the educational success of
7 youth in foster care, the department of social and health services
8 may disclose only those confidential child welfare records that
9 pertain to or may assist with meeting the educational needs of foster
10 youth to another state agency or state agency's contracted provider
11 responsible under state law or contract for assisting foster youth to
12 attain educational success. The records retain their confidentiality
13 pursuant to this chapter and federal law and cannot be further
14 disclosed except as allowed under this chapter and federal law.

15 NEW SECTION. Sec. 3. A new section is added to chapter 28A.300
16 RCW to read as follows:

17 (1) As used in this section, "outcome" or "outcomes" means
18 measuring the differences in high school graduation rates and
19 postsecondary enrollment between youth served by the education
20 coordination program described in this section and those who would
21 have otherwise been eligible for the program, but were not served by
22 the program.

23 (2) To the extent funds are appropriated for this purpose, the
24 department of social and health services must contract with the
25 office of the superintendent of public instruction, which in turn
26 must contract with at least one nongovernmental entity to administer
27 a program of education coordination for youth, kindergarten through
28 twelfth grade, who are dependent pursuant to chapter 13.34 RCW. The
29 office of the superintendent of public instruction shall, in
30 consultation with the department of social and health services,
31 comply with all requirements necessary to maximize federal
32 reimbursement for the program of education coordination for youth.
33 The contract between the office of the superintendent of public
34 instruction and the nongovernmental entity must be outcome driven
35 with a stated goal of reducing educational barriers to youth success.
36 The selected nongovernmental entity or entities must engage in a
37 public-private partnership with the office of the superintendent of
38 public instruction and are responsible for raising a portion of the
39 funds needed for service delivery, administration, and evaluation.

1 (3) The nongovernmental entity or entities selected by the office
2 of the superintendent of public instruction must have demonstrated
3 success in working with foster care youth and assisting foster care
4 youth in receiving appropriate educational services, including
5 enrollment, accessing school-based services, reducing out-of-school
6 discipline interventions, and attaining high school graduation.

7 (4) The selected nongovernmental entity or entities must provide
8 services to support individual youth upon a referral by a social
9 worker with the department of social and health services, school
10 staff, or a nongovernmental agency. The selected nongovernmental
11 entity or entities may be colocated in the offices of the department
12 of social and health services to provide timely consultation and in-
13 service training. These entities must have access to all paper and
14 electronic education records and case information pertinent to the
15 educational planning and services of youth referred and are subject
16 to RCW 13.50.010 and 13.50.100.

17 (5) The selected nongovernmental entity or entities must report
18 outcomes semiannually to the office of the superintendent of public
19 instruction and the department of social and health services
20 beginning December 1, 2016.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300
22 RCW to read as follows:

23 (1) As used in this section, "outcome" or "outcomes" means
24 measuring the differences in high school graduation rates and
25 postsecondary enrollment and completion between youth served by the
26 programs described in this section, and those who would have
27 otherwise been eligible for the programs, but were not served by the
28 programs.

29 (2) To the extent funds are appropriated for this purpose, the
30 office of the superintendent of public instruction must contract with
31 at least one nongovernmental entity to improve the educational
32 outcomes of students at two sites by providing individualized
33 education services and monitoring and supporting dependent youths'
34 completion of educational milestones, remediation needs, and special
35 education needs. The selected nongovernmental entity must engage in a
36 public-private partnership with the office of the superintendent of
37 public instruction and is responsible for raising a portion of the
38 funds needed for service delivery, administration, and evaluation.

1 (3) One of the sites described in subsection (2) of this section
2 shall be the site previously selected by the department of social and
3 health services pursuant to the 2013-2015 omnibus appropriations act,
4 section 202(10), chapter 4, Laws of 2013 2nd sp. sess. to the extent
5 private funds are available. The previously selected site will expand
6 to include the entire county in which it is currently located,
7 subject to the availability of private funds. The second site
8 established under this section must be implemented after July 1,
9 2016. The office of the superintendent of public instruction and the
10 nongovernmental entity or entities at the original site shall consult
11 with the department of social and health services and then
12 collaboratively select the second site. This site should be a school
13 district or group of school districts with a significant number of
14 students who are dependent pursuant to chapter 13.34 RCW.

15 (4) The purpose of the programs at both sites is to improve the
16 educational outcomes of students who are dependent pursuant to
17 chapter 13.34 RCW by providing individualized education services and
18 supporting dependent youths' completion of educational milestones,
19 remediation needs, and special education needs.

20 (5) The entity or entities at these sites must facilitate the
21 educational progress, high school completion, and postsecondary plan
22 initiation of eligible youth. The contract with the entity or
23 entities must be outcome driven with a stated goal of improving the
24 graduation rates and postsecondary plan initiation of foster youth by
25 two percent per year over five school year periods. The baseline for
26 measurement for the existing site was established in the 2013-14
27 school year, and this baseline remains applicable through the 2018-19
28 school year. Any new site must establish its baseline at the end of
29 the first year of service provision, and this baseline must remain
30 applicable for the next five school year periods.

31 (6) Services provided by the nongovernmental entity or entities
32 must include:

33 (a) Advocacy for foster youth to eliminate barriers to
34 educational access and success;

35 (b) Consultation with schools and the department of social and
36 health services' case workers to develop educational plans for and
37 with participating youth;

38 (c) Monitoring education progress and providing interventions to
39 improve attendance, behavior, and course performance of participating
40 youth;

1 (d) Facilitating age-specific developmental and logistical tasks
2 to be accomplished for high school and postsecondary success;

3 (e) Facilitating the participation of youth with school and local
4 resources that may assist in educational access and success; and

5 (f) Coordinating youth, caregivers, schools, and social workers
6 to advocate to support youth progress in the educational system.

7 (7) The contracted nongovernmental entity or entities must report
8 site outcomes to the office of the superintendent of public
9 instruction and the department of social and health services
10 semiannually.

11 (8) The department of social and health services children's
12 administration must proactively refer all eligible students thirteen
13 years of age or older, within the site areas, to the contractor for
14 educational services. Youth eligible for referral are dependent
15 pursuant to chapter 13.34 RCW, are age thirteen through twenty-one
16 years of age, are not currently served by services under RCW
17 28B.117.060 (as recodified by this act), and remain eligible for
18 continuing service following fulfillment of the permanent plan and
19 through initiation of a postsecondary plan. After high school
20 completion, services are concluded within a time period specified in
21 the contract to pursue engagement of continuing postsecondary support
22 services provided by local education agencies, postsecondary
23 education, community-based programs, or the passport to college
24 promise program.

25 (9) The selected nongovernmental entity or entities may be
26 colocated in the offices of the department of social and health
27 services to provide timely consultation. These entities must be
28 provided access to all paper and electronic education records and
29 case information pertinent to the educational planning and services
30 of youth referred and are subject to RCW 13.50.010 and 13.50.100.

31 **Sec. 5.** RCW 28B.117.060 and 2011 1st sp.s. c 11 s 224 are each
32 amended to read as follows:

33 (1) To the extent funds are appropriated for this purpose, the
34 (~~department of social and health services~~) council, with input from
35 the (~~state board for community and technical colleges, the office,~~
36 ~~and institutions of higher education~~) office of the superintendent
37 of public instruction and the department of social and health
38 services, shall contract with at least one nongovernmental entity
39 (~~through a request for proposals process~~) to develop, implement,

1 and administer a program of supplemental educational transition
2 planning for youth in foster care in Washington state.

3 (2) The nongovernmental entity or entities chosen by the
4 (~~department~~) council shall have demonstrated success in working
5 with foster care youth and assisting foster care youth in
6 successfully making the transition from (~~foster care to independent~~
7 ~~adulthood~~) high school to a postsecondary plan, including
8 postsecondary enrollment, career, or service.

9 (3) The selected nongovernmental entity or entities shall provide
10 supplemental educational transition planning to foster care youth in
11 Washington state (~~beginning at age fourteen and then at least every~~
12 ~~six months thereafter~~). Youth eligible for referral are not
13 currently served by programs under section 4 of this act, dependent
14 pursuant to chapter 13.34 RCW, age thirteen through twenty-one, and
15 remain eligible for continuing service following fulfillment of the
16 permanent plan and through initiation of a postsecondary plan. After
17 high school completion, services are concluded within a time period
18 specified in the contract to pursue engagement of continuing
19 postsecondary support services provided by local education agencies,
20 postsecondary education, community-based programs, or the passport to
21 college promise program. The nongovernmental entity or entities must
22 facilitate the educational progress, graduation, and postsecondary
23 plan initiation of eligible youth. The contract must be outcome
24 driven with a stated goal of improving the graduation rates and
25 postsecondary plan initiation of eligible youth by two percent per
26 year over five school year periods starting with the 2016-17 school
27 year and ending with the 2021-22 school year. With each new contract,
28 a baseline must be established at the end of the first year of
29 service provision.

30 (4) The supplemental transition planning shall include:

31 (a) (~~Comprehensive information regarding postsecondary~~
32 ~~educational opportunities including, but not limited to, sources of~~
33 ~~financial aid, institutional characteristics and record of support~~
34 ~~for former foster care youth, transportation, housing, and other~~
35 ~~logistical considerations;~~

36 (b) ~~How and when to apply to postsecondary educational programs;~~

37 (c) ~~What precollege tests, if any, the particular foster care~~
38 ~~youth should take based on his or her postsecondary plans and when to~~
39 ~~take the tests;~~

1 ~~(d) What courses to take to prepare the particular foster care~~
2 ~~youth to succeed at his or her postsecondary plans;~~

3 ~~(e) Social, community, educational, logistical, and other issues~~
4 ~~that frequently impact college students and their success rates; and~~

5 ~~(f) Which web sites, nongovernmental entities, public agencies,~~
6 ~~and other foster care youth support providers specialize in which~~
7 ~~services)) Consultation with schools and the department of social and~~
8 ~~health services' case workers to develop educational plans for and~~
9 ~~with participating youth;~~

10 (b) Age-specific developmental and logistical tasks to be
11 accomplished for high school and postsecondary success;

12 (c) Facilitating youth participation with appropriate school and
13 local resources that may assist in educational access and success;
14 and

15 (d) Coordinating youth, caregivers, schools, and social workers
16 to support youth progress in the educational system.

17 ~~((4)) (5) The selected nongovernmental entity or entities~~
18 ~~((shall work directly with the school counselors at the foster care~~
19 ~~youths' high schools to ensure that a consistent and complete~~
20 ~~transition plan has been prepared for each foster care youth who~~
21 ~~emancipates out of the foster care system in Washington state)) may~~
22 ~~be colocated in the offices of the department of social and health~~
23 ~~services to provide timely consultation. These entities must have~~
24 ~~access to all paper and electronic education records and case~~
25 ~~information pertinent to the educational planning and services of~~
26 ~~youth referred and are subject to RCW 13.50.010 and 13.50.100.~~

27 (6) The contracted nongovernmental entity or entities must report
28 outcomes to the council and the department of social and health
29 services semiannually beginning on December 1, 2016.

30 NEW SECTION. Sec. 6. A new section is added to chapter 74.13
31 RCW to read as follows:

32 (1) In order to proactively support foster youth to complete high
33 school, enroll and complete postsecondary education, and successfully
34 implement their own plans for their futures, the department, the
35 student achievement council, and the office of the superintendent of
36 public instruction shall enter into, or revise existing, memoranda of
37 understanding that:

1 (a) Facilitate student referral, data and information exchange,
2 agency roles and responsibilities, and cooperation and collaboration
3 among state agencies and nongovernmental entities; and

4 (b) Effectuate the transfer of responsibilities from the
5 department of social and health services to the office of the
6 superintendent of public instruction with respect to the programs in
7 section 4 of this act, and from the department of social and health
8 services to the student achievement council with respect to the
9 program in RCW 28B.117.060 (as recodified by this act) in a smooth,
10 expedient, and coordinated fashion.

11 (2) The student achievement council and the office of the
12 superintendent of public instruction shall establish a set of
13 indicators relating to the outcomes provided in sections 3 and 4 of
14 this act to provide consistent services for youth, facilitate
15 transitions among contractors, and support outcome-driven contracts.
16 The student achievement council and the superintendent of public
17 instruction shall collaborate with nongovernmental contractors and
18 the department to develop a list of the most critical indicators,
19 establishing a common set of indicators to be used in the outcome-
20 driven contracts in sections 3 and 4 of this act. A list of these
21 indicators must be included in the report provided in subsection (3)
22 of this section.

23 (3) By November 1, 2017, and biannually thereafter, the
24 department, the student achievement council, and the office of the
25 superintendent of public instruction, in consultation with the
26 nongovernmental entities engaged in public-private partnerships shall
27 submit a joint report to the governor and the appropriate education
28 and human services committees of the legislature regarding each of
29 these programs, individually, as well as the collective progress the
30 state has made toward the following goals:

31 (a) To make Washington number one in the nation for foster care
32 graduation rates;

33 (b) To make Washington number one in the nation for foster care
34 enrollment in postsecondary education; and

35 (c) To make Washington number one in the nation for foster care
36 postsecondary completion.

37 (4) The department, the student achievement council, and the
38 office of the superintendent of public instruction, in consultation
39 with the nongovernmental entities engaged in public-private
40 partnerships, shall also submit one report by November 1, 2018, to

1 the governor and the appropriate education and human service
2 committees of the legislature regarding the transfer of
3 responsibilities from the department of social and health services to
4 the office of the superintendent of public instruction with respect
5 to the programs in section 4 of this act, and from the department of
6 social and health services to the student achievement council with
7 respect to the program in RCW 28B.117.060 (as recodified by this act)
8 and whether these transfers have resulted in better coordinated
9 services for youth.

10 NEW SECTION. **Sec. 7.** RCW 74.13.105 (Program of education
11 coordination for dependent youth—Public-private partnership—
12 Selection—Report) and 2012 c 163 s 6 are each repealed.

13 NEW SECTION. **Sec. 8.** RCW 28B.117.060 is recodified as a section
14 in chapter 28B.77 RCW.

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