AN ACT Relating to improving outcomes for youth in and alumni of foster care; amending RCW 28B.117.010, 28B.117.020, 28B.117.040, 28B.117.070, 28B.117.060, 28B.118.010, 28A.150.510, and 28A.300.525; adding a new section to chapter 28B.117 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; repealing RCW 28B.117.901; and providing an effective date.

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

NEW SECTION. Sec. 1. In 2007, with the passport to college promise program, this state took a significant step toward providing higher education opportunities to youth in and alumni of foster care. The passport to college promise program not only provides financial aid to former foster youth but, just as important, it also recognizes the critical role of wraparound services and provides early outreach to foster care youth regarding postsecondary educational opportunities. The December 2011 report by the higher education coordinating board on the first three years of the six-year program indicates that the passport to college promise program has increased the number of former
foster youth enrolling in higher education and working toward college degrees and certificates.

This state recognizes that educational success in the early grades is key to increasing postsecondary opportunities for youth in and alumni of foster care. Recent efforts in this state to pave the way for educational success have included legislation: Providing for wraparound educational advocacy services; mandating the timely transmission of educational records; and recognizing the importance of maintaining a foster child in the school program he or she was in before entering the foster care system and minimizing the number of times a child has to change schools.

The federal fostering connections to success and increasing adoptions act of 2008, P.L. 110-351, similarly recognizes that schools are often the most important source of focus and stability for children in foster care and made several changes to improve educational outcomes for these children. As part of this nationwide effort, the United States departments of education and health and human services are encouraging state and local education agencies and child welfare agencies to collaborate on policies and procedures to provide educational stability and improve outcomes for foster children.

The legislature reiterates its earlier recognition of the critical role education plays in improving outcomes for youth in and alumni of foster care, as well as the key role played by wraparound services in providing continuity, seamless educational transitions, and higher levels of educational attainment. With these changes to the passport to college promise program, the college bound scholarship program, the provision of more seamless wraparound services, and revisions to various reporting requirements, the legislature strives to make Washington the leader in the nation with respect to foster youth and alumni graduating from high school, enrolling in postsecondary education, and completing postsecondary education.

Sec. 2. RCW 28B.117.010 and 2007 c 314 s 3 are each amended to read as follows:

The passport to college promise ((pilot)) program is created. The purpose of the program is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; ((and))
(2) To improve the high school graduation outcomes of foster youth through coordinated P-20 and child welfare outreach, intervention, and planning; and

(3) To improve postsecondary outcomes by providing current and former foster care youth with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in higher education.

Sec. 3. RCW 28B.117.020 and 2011 1st sp.s. c 11 s 220 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(2) "Emancipated from foster care" means a person who was a dependent of the state in accordance with chapter 13.34 RCW and who was receiving foster care in the state of Washington when he or she reached his or her eighteenth birthday.

(3) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

(4) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the board as meeting equivalent standards as those institutions accredited under this section.

(5) "Institution of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

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(b) Any independent college or university in Washington; or

e) Any other university, college, school, or institute in the
state of Washington offering instruction beyond the high school level
that is a member institution of an accrediting association recognized
by rule of the higher education coordinating board for the purposes of
this section: PROVIDED, That any institution, branch, extension, or
facility operating within the state of Washington that is affiliated
with an institution operating in another state must be a separately
accredited member institution of any such accrediting association, or
a branch of a member institution of an accrediting association
recognized by rule of the board for purposes of this section, that is
eligible for federal student financial aid assistance and has operated
as a nonprofit college or university delivering on-site classroom
instruction for a minimum of twenty consecutive years within the state
of Washington, and has an annual enrollment of at least seven hundred
full-time equivalent students) any institution eligible to and
participating in the state need grant program.

"Office" means the office of student financial
assistance.

"Program" means the passport to college promise
program created in this chapter.

Sec. 4. RCW 28B.117.040 and 2011 1st sp.s. c 11 s 222 are each
amended to read as follows:

Effective operation of the passport to college promise (pilot) program requires early and accurate identification of former foster
care youth so that they can be linked to the financial and other
assistance that will help them succeed in college. To that end:

(1) All institutions of higher education that receive funding for
student support services under RCW 28B.117.030 shall include on their
applications for admission or on their registration materials a
question asking whether the applicant has been in foster care in
Washington state for at least one year since his or her sixteenth
birthday together with an explanation that financial and support
services may be available. All other institutions of higher education
are strongly encouraged to include such a question and explanation. No
institution may consider whether an applicant may be eligible for a
scholarship or student support services under this chapter when
deciding whether the applicant will be granted admission.

(2) The department of social and health services shall devise and
implement procedures for efficiently, promptly, and accurately
identifying students and applicants who are eligible for services under
RCW 28B.117.030, and for sharing that information with the office and
with institutions of higher education. The procedures shall include
appropriate safeguards for consent by the applicant or student before
disclosure.

Sec. 5. RCW 28B.117.070 and 2011 1st sp.s. c 11 s 225 are each
amended to read as follows:

((1) The office of student financial assistance shall report to
appropriate committees of the legislature by January 15, 2008, on the
status of program design and implementation. The report shall include
a discussion of proposed scholarship and student support service
approaches; an estimate of the number of students who will receive such
services; baseline information on the extent to which former foster
care youth who meet the eligibility criteria in RCW 28B.117.030 have
enrolled and persisted in postsecondary education; and recommendations
for any statutory changes needed to promote achievement of program
objectives.

(2) The state board for community and technical colleges and the
office of student financial assistance shall monitor and analyze the
extent to which eligible young people are increasing their
participation, persistence, and progress in postsecondary education,
and shall jointly submit a report on their findings to appropriate
committees of the legislature by December 1, 2009, and by December 1,
2011.

(3) The Washington state institute for public policy shall
complete an evaluation of the passport to college promise ((pilot))
program and shall submit a report to appropriate committees of the
legislature by December 1, 2012. The report shall estimate the impact
of the program on eligible students’ participation and success in
postsecondary education, and shall include recommendations for program
revision and improvement.
Sec. 6. RCW 28B.117.060 and 2011 1st sp.s. c 11 s 224 are each amended to read as follows:

(1) ((To the extent funds are appropriated for this purpose, the department of social and health services, with input from the state board for community and technical colleges, the office, and institutions of higher education, shall contract with at least one nongovernmental entity through a request for proposals process to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care in Washington state.)) To the extent funds are

(2) The nongovernmental entity or entities chosen by the department shall have demonstrated success in working with foster care youth and assisting foster care youth in successfully making the transition from foster care to independent adulthood.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care youth in Washington state beginning at age fourteen and then at least every six months thereafter. The supplemental transition planning shall include:

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

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

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

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

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

(f) Which web sites, nongovernmental entities, public agencies, and other foster care youth support providers specialize in which services.

(4) The selected nongovernmental entity or entities shall work directly with the school counselors at the foster care youths' high schools to ensure that a consistent and complete transition plan has been prepared for each foster care youth who emancipates out of the foster care system in Washington state.)) To the extent funds are
appropriated for this purpose, the department of social and health services must contract with at least one nongovernmental entity to administer a program of education coordination for youth who are dependent pursuant to chapter 13.34 RCW, birth through twelfth grade in Washington state. The selected nongovernmental entity or entities must engage in a public-private partnership with the department of social and health services, and shall be responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(2) The nongovernmental entity or entities selected by the department of social and health services shall have demonstrated success in working with foster care youth and assisting foster care youth in receiving appropriate educational services, including enrollment, access to school-based services, reduction out-of-school discipline interventions, and attaining high school graduation.

(3) The selected nongovernmental entity or entities must provide services to support individual youth upon a referral by a social worker with the department of social and health services or a nongovernmental agency with responsibility for education support services. The selected nongovernmental entity or entities will be collocated in the offices of the department of social and health services to provide timely consultation and in-service training. These entities must have access to all paper and electronic case information pertinent to the educational planning and services of youth referred.

(4) The selected nongovernmental entity or entities must report outcomes biannually to the department of social and health services.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.117 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the office of the superintendent of public instruction must identify six to ten school districts with the highest number of students who are dependent pursuant to chapter 13.34 RCW, in which to place certificated staff persons, to be known as navigators, to focus solely on improving the educational outcomes of these students, including increasing high school graduation rates, improving school continuity, and reducing out-of-school discipline interventions.

(2) Responsibilities of these navigators include:
(a) Navigators will serve as the linkage between the local child welfare offices and the school district and buildings, including ensuring timely transfer of school records and communication of any youth needs that might impact education to the school district or school building;

(b) When a youth is placed in foster care, navigators will facilitate school continuity by negotiating transportation with the department of social and health services and the receiving school district or will facilitate timely enrollment change;

(c) Navigators will work with the department of social and health services social worker to identify any suspected educational needs and then communicate those needs to the school or school district for educational staffing or evaluation or both, including but not limited to childfind outreach;

(d) Navigators will ensure that the department of social and health services social worker receives school transcripts, progress reports, and all school notices;

(e) Navigators will help the department of social and health services social workers identify appropriate school contacts so that the social workers can include school personnel in case planning and invite school personnel to shared planning meetings;

(f) Navigators will be made aware of any impediments to school success and will alert the department of social and health services social worker as well as facilitate needed meetings, specific to issues such as school-imposed discipline, attendance and truancy, risk of academic failure, and risk of not graduating on time;

(g) Navigators will track the graduation status of all high school-aged youth and, in conjunction with the department of social and health services social worker and school personnel, will identify credit retrieval options if a youth is not on track; and if a youth has earned credits or partial credits from previous schools, the navigator, in conjunction with the social worker and school personnel, will attempt to recoup those credits;

(h) Navigators will provide, or coordinate with providers, in-service training to educators and school staff on child welfare, mandated reporting, and other topics relevant to the education of youth in out-of-home care; and
Navigators will collaborate with other organizations providing educational services and postsecondary preparation to assure that each student has needed supports.

(3) The Washington state institute for public policy must complete an evaluation of the effectiveness of the navigator program and must submit a report to the appropriate committees of the legislature by December 1, 2014. The report must include an estimate of the impact of the program on improving the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW, including increasing high school graduation rates, improving school continuity and reducing out-of-school discipline interventions, and must include recommendations for program revision and improvement.

Sec. 8. RCW 28B.118.010 and 2011 1st sp.s. c 11 s 226 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter; or

(b) Are dependent pursuant to chapter 13.34 RCW, in grade seven or higher, and who are less than twenty-one years of age.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. (Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year.) The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.
(b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.
(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 9. RCW 28A.150.510 and 2008 c 297 s 5 are each amended to read as follows:

(1) In order to effectively serve students who are dependent pursuant to chapter 13.34 RCW, education records shall be transmitted to the department of social and health services within two school days after receiving the request from the department provided that the department certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department to provide residential care to the student. The department is also authorized to disclose educational records it obtains pursuant to this section to those entities with which it has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes of students who are dependent
pursuant to chapter 13.34 RCW. The department is encouraged to put in place data-sharing agreements to assure accountability.

(2)(a) The K-12 data governance group established under RCW 28A.300.507 shall create a comprehensive needs requirement document detailing the specific information, technical capacity, and any federal and state statutory and regulatory changes needed by school districts, the office of the superintendent of public instruction, the department of social and health services, or the higher education coordinating board or its successor, to enable the provision, on at least a quarterly basis, of:

(i) Current education records of students who are dependent pursuant to chapter 13.34 RCW to the department of social and health services and, from the department, to those entities with which the department has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes; and

(ii) The names and contact information of students who are dependent pursuant to chapter 13.34 RCW and are thirteen years or older to the higher education coordinating board or its successor and the private agency with which it has contracted to perform outreach for the passport to college promise program under chapter 28B.117 RCW or the college bound scholarship program under chapter 28B.118.RCW.

(b) In complying with (a) of this subsection, the K-12 data governance group shall consult with: Educational support service organizations, with which the department of social and health services contracts or collaborates, having responsibility for educational support services and educational outcomes of dependent students; the passport to college advisory committee; the education support service organizations under contract to perform outreach for the passport to college promise program under chapter 28B.117 RCW; the department of social and health services; the office of the attorney general; the higher education coordinating board or its successor; and the office of the administrator for the courts.

(c) By December 1, 2012, the superintendent of public instruction shall submit a report to the governor and the appropriate committees of the legislature regarding: The analysis of needs by the K-12 data governance group; a timeline for addressing those needs for which no statutory changes are necessary and that can be implemented within
existing resources; and recommended options for addressing identified
needs for which statutory changes, additional funding, or both, are
necessary.

NEW SECTION. Sec. 10. A new section is added to chapter 28A.300
RCW to read as follows:

By December 1, 2012, and on an annual basis through December 1,
2015, the superintendent of public instruction, in consultation with
the department of social and health services and the office of the
administrator for the courts, shall submit a report to the governor and
the appropriate committees of the legislature regarding the content and
implementation status of the state's plan for cross-system
 collaboration to promote educational stability and improve educational
outcomes for foster children pursuant to the requirements of the
federal fostering connections to success and increasing adoptions act,
P.L. 110-351. The annual report must include, but is not limited to,
information regarding:

(1) A description of the process used to determine students' best
interest in continued enrollment at the school the student was in at
the time of initial placement or change of placement;

(2) The number of days, following initial placement or change of
placement, to resume school at the school the student was in at the
time of initial placement or change of placement or complete new school
enrollment and attend at a new school;

(3) The number of days from request to delivery of school records
from the sending school to the receiving school; and

(4) Documentation of a plan and use of federal title IV-E dollars
to support transportation for educational continuity as envisioned in
the federal fostering connections to success and increasing adoptions
act, P.L. 110-351.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.320
RCW to read as follows:

In order to facilitate the on-time grade level progression and
graduation of students who are dependent pursuant to chapter 13.34 RCW,
school districts must incorporate the following procedures:

(1) School districts must waive specific courses required for
graduation if similar coursework has been satisfactorily completed in
another school district or must provide reasonable justification for denial. Should a waiver not be 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.

(2) School districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, or the portable assisted study sequence units designed for migrant high school students.

(3) Should a student who is transferring at the beginning or during the student's junior or senior year be 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.

Sec. 12. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

The (superintendent of public instruction) education data center shall (provide an annual aggregate report to the legislature on) include in its reporting as part of the P-20 education data project the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

NEW SECTION. Sec. 13. The legislature strongly recommends that the entities with which the department of social and health services contracts or collaborates to provide educational support services and educational outcomes for students who are dependent under chapter 13.34 RCW and the private agency under contract with the higher education coordinating board or its successor to perform outreach for the passport to college promise program under chapter 28B.117 RCW and the college bound scholarship program under chapter 28B.118 RCW explore

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models for harnessing technology to keep in constant touch with the students they serve and keep these students engaged.

NEW SECTION. Sec. 14. RCW 28B.117.901 (Expiration of chapter) and 2007 c 314 s 10 are each repealed.

NEW SECTION. Sec. 15. This act may be known and cited as the educational success for youth and alumni of foster care act.

NEW SECTION. Sec. 16. This act takes effect July 1, 2012.

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