

## HB 1969, to create and fund a school choice scholarship program for foster children

*Choice scholarships would serve the public interest by removing barriers and providing access to quality learning services for foster children*

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### Key Facts

1. **HB 1969 reflects a Washington Policy Center recommendation and would create a school choice scholarship program for foster students.**
2. **Currently, state lawmakers generally bar foster children from accessing services provided by private schools, even when that would be in the best interest of the child.**
3. **Washington has about 10,000 children in foster care. About 2,167 of these children have no home to return to and are awaiting adoption.**
4. **The education of foster children is often disrupted by changing residences, changing schools, lack of stable adult relationships, and being assigned to a low-performing school.**
5. **Spending public money in private schools is routine and common. A number of state programs already provide public funds to private schools for special needs children.**
6. **HB 1969 would allow foster children to access up to \$10,000 to use for education at a private school chosen by their caregivers.**
7. **HB 1969 would serve the public interest by ensuring that all children have access to a supportive learning environment and to personalized care that meets their educational needs.**

### Introduction

HB 1969, a bill introduced by Representative Chris Corry (R-Yakima), would improve access to quality educational services for foster children by creating a school choice scholarship program.<sup>1</sup> The bill would help the state fulfill the constitutional requirement that the state provide for the education of all children residing within its borders.

This Legislative Memo provides a description of the main provisions of the bill, briefly reviews the state foster care system and why children are placed in care, and analyzes how the bill would serve the public interest by removing bias and artificial barriers to learning opportunities.

### The text of HB 1969

HB 1969 would generate private funds through a tax credit to provide children and youth in foster care the option of attending a public or private school that is in the best interest of the child. Consistent with state and federal law, the decision to enroll a foster child in a participating school would be made by the child's primary caregiver.

The Department of Children, Youth and Families would administer this scholarship program. The department would create a list of participating certified public and private schools, and work with the State Board of Education and Superintendent of Public Instruction to establish administrative, financial and academic accountability standards for participating schools.

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1 Co-sponsors of HB 1969 are Representatives Dan Griffey, Michelle Caldier, Brandon Vick, Larry Hoff, Bob McCaslin and Andrew Barkis. The bill was introduced February 8, 2019

The foster child scholarship account created by HB 1969 would be under the management of the state treasurer.

Foster child scholarships would be funded by providing a Business and Occupation tax credit of equal value to those who make a voluntary contribution to the program. Scholarships would provide the lesser of \$10,000 or the annual cost per student of attending an approved, participating school.<sup>2</sup>

The value of a tax credit provided to a business in any given year could not exceed \$200,000, and the value of total tax credits for the program could not exceed \$20 million a year.<sup>3</sup>

Eighteen states now offer 22 different tax credit scholarship programs. These programs allow children who are low-income, special needs, and assigned to low-performing schools the opportunity to attend a private school.<sup>4</sup> One of Arizona's three tax credit scholarship programs, Lexi's Law, is limited to students identified as having a disability and to students placed in foster care.<sup>5</sup>

## Policy Analysis

Currently, state lawmakers generally bar foster children and foster youth from accessing educational services provided by private schools, even in cases when state case managers and care givers determine such services would be in the best educational interests of the child.

At the same time, research shows that foster youth experience barriers to education not faced by other children. The American

Academy of Pediatrics (AAP) classifies foster children as having especially severe health and education needs:

Overall, 30% to 80% of children come into foster care with at least 1 medical problem, and one-third have a chronic medical condition.

Children in foster care are more likely to change schools during the school year, be in special education, and have a history of grade retention. Adolescents in foster care have poor educational outcomes: high school dropout rates are nearly 3 times higher than those among other low-income children, and just over 50% graduate from high school, many with an equivalency diploma.

Overall, 6% of foster care alumni have at least some college education, but only 1% to 2% graduate with a 4-year degree.<sup>6</sup>

In 2017, Washington state had 10,068 children in foster care. Some 2,167 of these children have no home to return to and are awaiting adoption into a stable permanent family.<sup>7</sup>

## The reason children are placed in foster care

Children are placed in the care of the state because a judge has decided a particular home setting is dangerous and that separating the child from his or her parents is in the child's best interest. Such homes are characterized by parents involved in crime, drug or alcohol abuse, low rates of marriage, disruptive or chaotic daily routine, and abuse of children

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2 HB 1969, An Act relating to creating and funding a school choice scholarship program for foster students, Section 1, Subsection 2(d)(ii), at: <http://lawfilesex.leg.wa.gov/biennium/2019-20/Pdf/Bills/House%20Bills/1969.pdf>.

3 Ibid.

4 The eighteen states are Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Montana, Nevada, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Virginia.

5 "The ABCs of School Choice; The comprehensive guide to every private school choice program in America, 2018 Edition," by EdChoice, page 89, at <https://www.edchoice.org/research/the-abc-of-school-choice/>.

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6 "Health Care Issues for Children and Adolescents in Foster Care and Kinship Care," *Pediatrics*, October 15, 2015, Volume 136/Issue 4, American Academy of Pediatrics, Policy Statement, at <http://pediatrics.aappublications.org/content/136/4/e1131>.

7 "Washington foster care and adoption guidelines," AdoptUSKids, accessed October 16, 2018, at <https://www.adoptuskids.org/adoption-and-foster-care/how-to-adopt-and-foster/state-information/washington>.

through direct harm or neglect.<sup>8</sup> These homes are often frequented by adults who are not related to the child and do not have the child's best interests in mind.

About 4,500 of Washington foster children are of school age and, as required by state law, they have been placed by case workers in local public schools.<sup>9</sup>

Foster children are placed by the courts in the care of the Children's Administration (CA), within the Department of Children, Youth and Families.<sup>10</sup> A foster child's caseworker temporarily places the child in the home of state-approved foster parents, in hopes of providing the child a more caring, stable and healthy environment. It is common, however, for foster children to be moved from home to home, adding to the stress and instability under which these children live.

Washington's foster children have an average of 5.2 placements in their first year of care.<sup>11</sup> Some placements last only a few weeks. Changing home placements frequently means changing schools, often during the school year, adding to the social and learning disruption experienced by the child.

### Children in foster care often fail in public schools

Foster children face many problems in obtaining an education from the current system of public education. Common systematic failures experienced by foster children include:

- Changing schools during the school year;
- Late enrollment after a change of residence;

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8 "Guide to Supporting Students in Foster Care," by Washington State Department of Health and Human Services, Office of Superintendent of Public Instruction and Treehouse, 2018, page 12, at <https://www.treehouseforkids.org/wp-content/uploads/2018/01/treehouse2017final2ndedinteractive.pdf>.

9 Ibid.

10 Ibid.

11 "2017 Annual Progress and Services Report," Department of Social and Health Services, State of Washington, June 30, 2016, page 9, at <https://www.dshs.wa.gov/sites/default/files/CA/pub/documents/APSR-2017.pdf>.

- Lost, missing, or incomplete school records;
- Assigned to a low-performing school;
- Lack of stable adult advisors;
- Learning delays in reading, math, and writing;
- Increased social and emotional stress;
- High drop-out rate.<sup>12</sup>

As a result, less than half of students in foster care in Washington state graduate from high school on time, resulting in increased social disruption and reduced chances for success in life.<sup>13</sup>

### Barriers created by state law

Washington state recently created a new court-appointed position, the School District Foster Care Liaison, to assist foster care students in grades 6-12.<sup>14</sup>

These Liaisons are assigned to "advocate for necessary education services," work with caseworkers and foster families, meet with school personnel, and write reports to the court.<sup>15</sup>

However, state law does not allow foster families to choose the most appropriate public or private school for the child, even though it is these caregivers, along with the child's caseworker, who are the most knowledgeable about the child's needs.

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12 "Barriers to Improving Educational Outcomes for Foster Youth," Foster Children and Youth Educational Technical Assistance Mental Health Advocacy Services, Inc., 2003, funded by the Stuart Foundation, at <http://users.neo.registeredsite.com/3/8/9/12669983/assets/Barriers-FYEd2003.pdf>.

13 "Educational Outcomes for Foster Youth—Benchmarks," Washington State Institute for Public Policy, December 2012, at [http://www.wsipp.wa.gov/ReportFile/1115/Wsipp\\_Educational-Outcomes-of-Foster-Youth-Benchmarks\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1115/Wsipp_Educational-Outcomes-of-Foster-Youth-Benchmarks_Full-Report.pdf).

14 "Guide to Supporting Students in Foster Care," by Washington State Department of Health and Human Services, Office of Superintendent of Public Instruction and Treehouse, 2018, page 32, at <https://www.treehouseforkids.org/wp-content/uploads/2018/01/treehouse2017final2ndedinteractive.pdf>.

15 Ibid.

Federal law recently directed school officials to keep foster care students enrolled in their school of origin, unless local officials determine the best interest of the child is to move to a different school.<sup>16</sup>

These restrictive state and federal laws often do not work in the best interests of the child. For example, School District Foster Care Liaisons are only able to recommend slight adjustments within a rigid public school system. The potential of the Liaison program providing lasting benefits for children is severely limited by the many constraints of inflexible public school bureaucracies.

Washington state officials report that of Washington's 2,379 schools, 252 schools are failing, although administrators have assigned about 54,429 students to these schools.<sup>17</sup> Many of these schools are located in low-income communities, leaving families with fewer choices than families living in more privileged areas. Since foster children often live in low-income communities, they are disproportionately more likely to be assigned by school officials to a failing public school.

### **HB 1969 would give foster children access to high-quality education**

HB 1969 would provide children and youth in foster care with the option of attending a private school, if the child's caregiver determines that is in the best interest of the child.

The bill would also help caring adults keep foster children enrolled at one school, even if the child moves to live with a different foster family in the area. HB 1969 would increase the ability of caregivers and state caseworkers to bring greater stability to the fractured lives of young people, and to improve their chances of succeeding in school and later in life.

These scholarships would allow caregivers to place foster care children at high-quality

private schools that are responsive, trained and equipped to remediate deficits in learning and meet their unique social and emotional learning needs. The scholarships would enhance social equity by giving foster children educational opportunities more in line with the options available to families living in more privileged communities.

### **Public education funding already goes to private schools to serve children**

One objection to the scholarship policy proposed by HB 1969 is that public money should not be directed to a private school, even when the private school can provide a supportive learning environment and educational services that are in the best interest of the child.

The best response to this objection is that Washington state already has a number of programs that direct public money to private schools for the benefit of children.

For example, public schools provide a free appropriate public education (called FAPE) to special education children. If a child's needs are not being met by the local school district, administrators may provide for a nearby private school, including religious schools, to serve that student.

The state Office of Superintendent of Public Instruction has directed that approved private schools should receive public money in cases where the educational services provided are in the best interest of special needs children.

Our recent study, "Public funding of private schools in Washington state" provides further examples.<sup>18</sup> The tax-funded scholarships proposed by HB 1969 are no different than similar benefits provided to school children under current public education programs.

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<sup>16</sup> Ibid.

<sup>17</sup> "How the School Achievement Index became the School Spending Index," Liv Finne, Policy Note, Washington Policy Center, June 2018, at <https://www.washingtonpolicy.org/library/doclib/Finne-How-Washington-s-School-Achievement-Index-became-the-School-Spending-Index.pdf>.

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<sup>18</sup> "Public funding of private schools in Washington state; An assessment of programs that direct public funding to private schools to benefit children, by Liv Finne, Policy Brief, Washington Policy Center, November 2018, at <https://www.washingtonpolicy.org/publications/detail/public-funding-of-private-schools-in-washington-state>.

## Conclusion

Foster children are among the most needy and vulnerable students attending our state's public schools. They suffer from conditions created by instability, emotional uncertainty, a lack of reliable, loving parents and frequent changes in homes and schools.

This built-in instability disrupts the education of foster children in the public school system. As a result, half of Washington's foster care children fail to graduate from high school.

Simply adding more money to the school system is not a solution, because it does not solve the underlying cause of foster children's failure in public schools. The most direct and effective way to help foster care children is to provide a limited tax credit for the educational benefit of the child, as determined by caregivers.

HB 1969 would serve the public interest by providing stability, learning consistency and personalized care to meet each foster child's particular educational needs. Scholarships like these would also allow caseworkers to avoid having to place vulnerable foster children in one of Washington's 252 state-identified failing public schools.

Offering foster children and foster youth a \$10,000 public scholarship would remove artificial barriers and bias in state law against allowing foster children the option of attending a qualified private school, when doing so is determined to be in the child's best interest.

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