

## HB 3010, to allow foster children in need to access scholarships of up to \$10,000 to attend a private school

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### Key Findings

1. HB 3010 would create a state-funded educational scholarship program for needy foster children.
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. Foster children's education 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 common. A number of state programs already direct public funds for special education and for children needing a supportive learning environment.
6. HB 3010 would allow foster children to access up to \$10,000 to use for education at a private school, with the approval of a state social worker.
7. HB 3010 would serve the public interest by ensuring that all children have access to stability, learning consistency and personalized care that meets their educational needs.

***Choice scholarships would serve the public interest by reducing costs and securing a better future for foster children***

### Introduction

HB 3010, introduced in 2018 by Rep. Paul Graves and seven co-sponsors, would create a state-funded educational scholarship program for needy foster children.<sup>1</sup> This bill would provide needy children and youth in foster care the choice of attending a private school, if a state caseworker finds the scholarship would serve the best interests of the child.

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

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%

<sup>1</sup> HB 3010 was not enacted in the 2018 legislative session, and is likely to be re-introduced in 2019.

to 2% graduate with a 4-year degree.”<sup>2</sup>

This Legislative Memo summarizes the provisions and policy goals of HB 3010, assesses its public benefits, and examines how this proposed policy change would benefit foster children and serve the public interest by increasing educational opportunities and protecting some of the most vulnerable members of the community.

## Overview - foster children in Washington state

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 home.<sup>3</sup>

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, drugs or alcohol abuse, low rates of marriage, disruptive or chaotic daily routine, and abuse of children through direct harm or neglect.<sup>4</sup>

About 4,500 of Washington foster children are of school age and, as required by state law, have been placed by case workers in local public schools.<sup>5</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>6</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>7</sup> Some placements only last 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 care 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;
- 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>8</sup>

2 “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>.

3 “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>.

4 “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>.

5 Ibid.

6 Ibid.

7 “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>.

8 “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>.

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>9</sup>

### Barriers created by current 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>10</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>11</sup>

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>12</sup>

These restrictive state and federal laws, however, 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>13</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 3010 would give foster children the choice of accessing a high-quality education

HB 3010, introduced by Rep. Paul Graves and seven other state representatives during the 2018 legislative session, would create a foster student scholarship program.<sup>14</sup> This bill would provide children and youth in foster care with the option of attending a private school, if state officials determine that is in the best interest of the child.

HB 3010 would allow a foster child’s caseworker to determine what education plan is best, beyond the limitations of the public system, and to apply for a state-funded scholarship so the child could attend a private school.

The scholarship program would be funded by providing a Business and Occupation tax credit for contributions made by taxpayers to the foster student scholarship program. These scholarships would provide the lesser of \$10,000 or the annual cost per student of attending an approved, participating school.<sup>15</sup> Taxpayers would receive a dollar for dollar tax credit for every contribution made to the scholarship program for the benefit of foster

9 “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).

10 “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>.

11 Ibid.

12 Ibid.

13 “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>.

14 Co-sponsors of HB 3010 are Representatives Drew Stokesbary, J.T. Wilcox, Michelle Caldier, Jacquelin Maycomber, Tom Dent, Bob McCaslin and Jesse Young.

15 HB 3010, 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/2017-18/Pdf/Bills/House%20Bills/3010.pdf>.

children. Total tax credits for the program could not exceed \$20 million a year.<sup>16</sup>

## **The public benefits of HB 3010**

HB 3010 would give caseworkers and foster families more flexibility to choose what school a foster child attends. 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 3010 would increase the ability of 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 caseworkers 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 is already directed to private schools to serve children**

One objection to the scholarship policy proposed by HB 3010 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 the best interest of the child.

The best response to this objection is that Washington state already has a number of public 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 the needs of 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>17</sup> The tax-funded scholarships proposed by HB 3010 are no different than similar benefits provided to school children under current public education programs.

## **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 direct public resources to the educational benefit of the child, as determined by their caseworkers.

Proposals such as HB 3010 would serve the public interest by allowing state caseworkers to provide scholarships of up to \$10,000 each to help foster children access services at a state-approved private school.

These public scholarships would provide stability, learning consistency and

16 HB 3010, An Act relating to creating and funding a school choice scholarship program for foster students, Section 4, Subsection 6, at <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/House%20Bills/3010.pdf>.

17 "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>.

personalized care, to meet each foster child's particular education 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 to attend an approved private school would promote the public's interest by ensuring the state provides a quality education for all children.

It would also provide the additional benefit of removing 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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