
SENATE BILL 5435

State of Washington

66th Legislature

2019 Regular Session

By Senator Wilson, C.

1 AN ACT Relating to expanding membership of the department of
2 children, youth, and families oversight board to include two youth
3 under the age of twenty-five; and reenacting and amending RCW
4 43.216.015.

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

6 **Sec. 1.** RCW 43.216.015 and 2018 c 58 s 76 and 2018 c 51 s 1 are
7 each reenacted and amended to read as follows:

8 (1)(a) The department of children, youth, and families is created
9 as an executive branch agency. The department is vested with all
10 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
11 sp. sess. and such other powers and duties as may be authorized by
12 law. The vision for the department is that Washington state's
13 children and youth grow up safe and healthy—thriving physically,
14 emotionally, and academically, nurtured by family and community.

15 (b) The department, in partnership with state and local agencies,
16 tribes, and communities, shall protect children and youth from harm
17 and promote healthy development with effective, high quality
18 prevention, intervention, and early education services delivered in
19 an equitable manner. An important role for the department shall be to
20 provide preventative services to help secure and preserve families in
21 crisis. The department shall partner with the federally recognized

1 Indian tribes to develop effective services for youth and families
2 while respecting the sovereignty of those tribes and the government-
3 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
4 sp. sess. alters the duties, requirements, and policies of the
5 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
6 as amended, or the Indian child welfare act, chapter 13.38 RCW.

7 (2) Beginning July 1, 2018, the department must develop
8 definitions for, work plans to address, and metrics to measure the
9 outcomes for children, youth, and families served by the department
10 and must work with state agencies to ensure services for children,
11 youth, and families are science-based, outcome-driven, data-informed,
12 and collaborative.

13 (3)(a) Beginning July 1, 2018, the department must establish
14 short and long-term population level outcome measure goals, including
15 metrics regarding reducing disparities by family income, race, and
16 ethnicity in each outcome.

17 (b) The department must report to the legislature on outcome
18 measures, actions taken, progress toward these goals, and plans for
19 the future year, no less than annually, beginning December 1, 2018.

20 (c) The outcome measures must include, but are not limited to:

21 (i) Improving child development and school readiness through
22 voluntary, high quality early learning opportunities as measured by:

23 (A) Increasing the number and proportion of children kindergarten-
24 ready as measured by the Washington kindergarten inventory of
25 developing skills (WAKids) assessment including mathematics; (B)
26 increasing the proportion of children in early learning programs that
27 have achieved the level 3 or higher early achievers quality standard;
28 and (C) increasing the available supply of licensed child care in
29 both child care centers and family homes, including providers not
30 receiving state subsidy;

31 (ii) Preventing child abuse and neglect;

32 (iii) Improving child and youth safety, permanency, and well-
33 being as measured by: (A) Reducing the number of children entering
34 out-of-home care; (B) reducing a child's length of stay in out-of-
35 home care; (C) reducing maltreatment of youth while in out-of-home
36 care; (D) licensing more foster homes than there are children in
37 foster care; (E) reducing the number of children that reenter out-of-
38 home care within twelve months; (F) increasing the stability of
39 placements for children in out-of-home care; and (G) developing
40 strategies to demonstrate to foster families that their service and

1 involvement is highly valued by the department, as demonstrated by
2 the development of strategies to consult with foster families
3 regarding future placement of a foster child currently placed with a
4 foster family;

5 (iv) Improving reconciliation of children and youth with their
6 families as measured by: (A) Increasing family reunification; and (B)
7 increasing the number of youth who are reunified with their family of
8 origin;

9 (v) In collaboration with county juvenile justice programs,
10 improving adolescent outcomes including reducing multisystem
11 involvement and homelessness; and increasing school graduation rates
12 and successful transitions to adulthood for youth involved in the
13 child welfare and juvenile justice systems;

14 (vi) Reducing future demand for mental health and substance use
15 disorder treatment for youth involved in the child welfare and
16 juvenile justice systems;

17 (vii) In collaboration with county juvenile justice programs,
18 reducing criminal justice involvement and recidivism as measured by:
19 (A) An increase in the number of youth who successfully complete the
20 terms of diversion or alternative sentencing options; (B) a decrease
21 in the number of youth who commit subsequent crimes; and (C)
22 eliminating the discharge of youth from institutional settings into
23 homelessness; and

24 (viii) Reducing racial and ethnic disproportionality and
25 disparities in system involvement and across child and youth outcomes
26 in collaboration with other state agencies.

27 (4) Beginning July 1, 2018, the department must:

28 (a) Lead ongoing collaborative work to minimize or eliminate
29 systemic barriers to effective, integrated services in collaboration
30 with state agencies serving children, youth, and families;

31 (b) Identify necessary improvements and updates to statutes
32 relevant to their responsibilities and proposing legislative changes
33 to the governor no less than biennially;

34 (c) Help create a data-focused environment in which there are
35 aligned outcomes and shared accountability for achieving those
36 outcomes, with shared, real-time data that is accessible to
37 authorized persons interacting with the family, child, or youth to
38 identify what is needed and which services would be effective;

39 (d) Lead the provision of state services to adolescents, focusing
40 on key transition points for youth, including exiting foster care and

1 institutions, and coordinating with the office of homeless youth
2 prevention and protection programs to address the unique needs of
3 homeless youth; and

4 (e) Create and annually update a list of the rights and
5 responsibilities of foster parents in partnership with foster parent
6 representatives. The list of foster parent rights and
7 responsibilities must be posted on the department's web site,
8 provided to individuals participating in a foster parent orientation
9 before licensure, provided to foster parents in writing at the time
10 of licensure, and provided to foster parents applying for license
11 renewal.

12 (5) The department is accountable to the public. To ensure
13 transparency, beginning December 30, 2018, agency performance data
14 for the services provided by the department, including outcome data
15 for contracted services, must be available to the public, consistent
16 with confidentiality laws, federal protections, and individual rights
17 to privacy. Publicly available data must include budget and funding
18 decisions, performance-based contracting data, including data for
19 contracted services, and performance data on metrics identified in
20 this section. The oversight board for children, youth, and families
21 must work with the secretary and director to develop the most
22 effective and cost-efficient ways to make department data available
23 to the public, including making this data readily available on the
24 department's web site.

25 (6) The department shall ensure that all new and renewed
26 contracts for services are performance-based.

27 (7) As used in this section, "performance-based contract" means
28 results-oriented contracting that focuses on the quality or outcomes
29 that tie at least a portion of the contractor's payment, contract
30 extensions, or contract renewals to the achievement of specific
31 measurable performance standards and requirements.

32 (8) The department must execute all new and renewed contracts for
33 services in accordance with this section and consistent with RCW
34 74.13B.020. When contracted services are managed through a network
35 administrator or other third party, the department must execute data-
36 sharing agreements with the entities managing the contracts to track
37 provider performance measures. Contracts with network administrators
38 or other third parties must provide the contract administrator the
39 ability to shift resources from one provider to another, to evaluate
40 individual provider performance, to add or delete services in

1 consultation with the department, and to reinvest savings from
2 increased efficiencies into new or improved services in their
3 catchment area. Whenever possible, contractor performance data must
4 be made available to the public, consistent with confidentiality laws
5 and individual rights to privacy.

6 (9)(a) The oversight board for children, youth, and families
7 shall begin its work and call the first meeting of the board on or
8 after July 1, 2018. The oversight board shall immediately assume the
9 duties of the legislative children's oversight committee, as provided
10 for in RCW 74.13.570 and assume the full functions of the board as
11 provided for in this section by July 1, 2019. The office of
12 innovation, alignment, and accountability shall provide quarterly
13 updates regarding the implementation of the department of children,
14 youth, and families to the board between July 1, 2018, and July 1,
15 2019.

16 (b) The ombuds shall establish the oversight board for children,
17 youth, and families. The board is authorized for the purpose of
18 monitoring and ensuring that the department of children, youth, and
19 families achieves the stated outcomes of chapter 6, Laws of 2017 3rd
20 sp. sess., and complies with administrative acts, relevant statutes,
21 rules, and policies pertaining to early learning, juvenile
22 rehabilitation, juvenile justice, and children and family services.

23 (10)(a) The oversight board for children, youth, and families
24 shall consist of two senators and two representatives from the
25 legislature with one member from each major caucus, one nonvoting
26 representative from the governor's office, one subject matter expert
27 in early learning, one subject matter expert in child welfare, one
28 subject matter expert in juvenile rehabilitation and justice, one
29 subject matter expert in reducing disparities in child outcomes by
30 family income and race and ethnicity, one tribal representative from
31 the west of the crest of the Cascade mountains, one tribal
32 representative from the east of the crest of the Cascade mountains,
33 one current or former foster parent representative, one
34 representative of an organization that advocates for the best
35 interest of the child, one parent stakeholder group representative,
36 one law enforcement representative, one child welfare caseworker
37 representative, one early childhood learning program implementation
38 practitioner, ~~((and))~~ one judicial representative presiding over
39 child welfare court proceedings or other children's matters, one
40 current or former foster youth representative under twenty-five years

1 of age, and one person under twenty-five years of age with current or
2 former involvement in the juvenile rehabilitation administration
3 system.

4 (b) The senate members of the board shall be appointed by the
5 leaders of the two major caucuses of the senate. The house of
6 representatives members of the board shall be appointed by the
7 leaders of the two major caucuses of the house of representatives.
8 Members shall be appointed before the close of each regular session
9 of the legislature during an odd-numbered year.

10 (c) The remaining board members shall be nominated by the
11 governor, subject to the approval of the appointed legislators by
12 majority vote, and serve four-year terms.

13 (11) The oversight board for children, youth, and families has
14 the following powers, which may be exercised by majority vote of the
15 board:

16 (a) To receive reports of the family and children's ombuds;

17 (b) To obtain access to all relevant records in the possession of
18 the family and children's ombuds, except as prohibited by law;

19 (c) To select its officers and adoption of rules for orderly
20 procedure;

21 (d) To request investigations by the family and children's ombuds
22 of administrative acts;

23 (e) To request and receive information, outcome data, documents,
24 materials, and records from the department of children, youth, and
25 families relating to children and family welfare, juvenile
26 rehabilitation, juvenile justice, and early learning;

27 (f) To determine whether the department of children, youth, and
28 families is achieving the performance measures;

29 (g) If final review is requested by a licensee, to review whether
30 department of children, youth, and families' licensors appropriately
31 and consistently applied agency rules in child care facility
32 licensing compliance agreements as defined in RCW 43.216.395 that do
33 not involve a violation of health and safety standards as defined in
34 RCW 43.216.395 in cases that have already been reviewed by the
35 internal review process described in RCW 43.216.395 with the
36 authority to overturn, change, or uphold such decisions;

37 (h) To conduct annual reviews of a sample of department of
38 children, youth, and families contracts for services from a variety
39 of program and service areas to ensure that those contracts are

1 performance-based and to assess the measures included in each
2 contract; and

3 (i) Upon receipt of records or data from the family and
4 children's ombuds or the department of children, youth, and families,
5 the oversight board for children, youth, and families is subject to
6 the same confidentiality restrictions as the family and children's
7 ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also
8 apply to the oversight board for children, youth, and families.

9 (12) The oversight board for children, youth, and families has
10 general oversight over the performance and policies of the department
11 and shall provide advice and input to the department and the
12 governor.

13 (13) The oversight board for children, youth, and families must
14 no less than twice per year convene stakeholder meetings to allow
15 feedback to the board regarding contracting with the department of
16 children, youth, and families, departmental use of local, state,
17 private, and federal funds, and other matters as relating to carrying
18 out the duties of the department.

19 (14) The oversight board for children, youth, and families shall
20 review existing surveys of providers, customers, parent groups, and
21 external services to assess whether the department of children,
22 youth, and families is effectively delivering services, and shall
23 conduct additional surveys as needed to assess whether the department
24 is effectively delivering services.

25 (15) The oversight board for children, youth, and families is
26 subject to the open public meetings act, chapter 42.30 RCW, except to
27 the extent disclosure of records or information is otherwise
28 confidential under state or federal law.

29 (16) Records or information received by the oversight board for
30 children, youth, and families is confidential to the extent permitted
31 by state or federal law. This subsection does not create an exception
32 for records covered by RCW 13.50.100.

33 (17) The oversight board for children, youth, and families
34 members shall receive no compensation for their service on the board,
35 but shall be reimbursed for travel expenses incurred while attending
36 meetings of the board when authorized by the board in accordance with
37 RCW 43.03.050 and 43.03.060.

38 (18) The oversight board for children, youth, and families shall
39 select, by majority vote, an executive director who shall be the
40 chief administrative officer of the board and shall be responsible

1 for carrying out the policies adopted by the board. The executive
2 director is exempt from the provisions of the state civil service
3 law, chapter 41.06 RCW, and shall serve at the pleasure of the board
4 established in this section.

5 (19) The oversight board for children, youth, and families shall
6 maintain a staff not to exceed one full-time equivalent employee. The
7 board-selected executive director of the board is responsible for
8 coordinating staff appointments.

9 (20) The oversight board for children, youth, and families shall
10 issue an annual report to the governor and legislature by December
11 1st of each year with an initial report delivered by December 1,
12 2019. The report must review the department of children, youth, and
13 families' progress towards meeting stated performance measures and
14 desired performance outcomes, and must also include a review of the
15 department's strategic plan, policies, and rules.

16 (21) As used in this section, "department" means the department
17 of children, youth, and families, "director" means the director of
18 the office of innovation, alignment, and accountability, and
19 "secretary" means the secretary of the department.

20 (22) The governor must appoint the secretary of the department
21 within thirty days of July 6, 2017.

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