

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1030.01 Jerry Barry x4341

HOUSE BILL 22-1374

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HOUSE SPONSORSHIP

Michaelson Jenet,

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Moreno,

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House Committees

Public & Behavioral Health & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO IMPROVE THE EDUCATIONAL ATTAINMENT  
102 OF STUDENTS IN OUT-OF-HOME PLACEMENT.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires the department of education to identify specific goals for its foster care education initiative to improve the educational attainment of youth in foster care. The bill also requires the department of education to report specified data on annual improvement of the educational attainment of youth in foster care to specified committees of the general assembly.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

The bill creates the fostering educational opportunities for youth in foster care program (program) in the department of human services (department), modeled after an existing program in Jefferson county. Under the program, the department shall contract with up to 5 additional school districts to monitor youth in foster care enrolled in the districts. The bill also requires the department to annually report to specified committees of the general assembly on the program.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Short title.** The short title of this act is the "Foster  
3 Care Success Act".

4           **SECTION 2.** In Colorado Revised Statutes, 22-32-138, **amend**  
5 (1.5)(a), (1.5)(c), and (9) as follows:

6           **22-32-138. Out-of-home placement students - school stability,**  
7 **transfer, and enrollment procedures - absences - exemptions -**  
8 **provision of academic supports - report - definitions.**  
9 (1.5) **Department of education foster care education coordinator -**  
10 **creation and duties.** Subject to available appropriations, the department  
11 of education shall hire a full-time foster care education coordinator who  
12 has the following duties beginning in the 2019-20 fiscal year:

13           (a) (I) Providing training and professional development to address  
14 needs associated with implementation of state and federal mandates  
15 relating to foster care education.

16           (II) AT A MINIMUM, ON AN ANNUAL BASIS, THE DEPARTMENT OF  
17 EDUCATION SHALL PROVIDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES  
18 FOR:

19           (A) LOCAL EDUCATION AGENCY PERSONNEL, INCLUDING LOCAL  
20 CHILD WELFARE EDUCATION LIAISONS, TO ASSIST IN IDENTIFYING AND  
21 ENSURING THE EDUCATIONAL RIGHTS AND LEGAL REQUIREMENTS OF  
22 CHILDREN AND YOUTH IN FOSTER CARE, AS SPECIFIED IN THE FEDERAL

1 "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT  
2 OF 2008", PUB.L. 110-351, AS AMENDED; THE FEDERAL "ELEMENTARY  
3 AND SECONDARY EDUCATION ACT OF 1965" (ESEA), 20 U.S.C. SEC. 6301  
4 ET SEQ., AS AMENDED; AND THIS SECTION. PARTICIPATION IN THIS  
5 TRAINING IS MANDATORY FOR NEW CHILD WELFARE EDUCATION LIAISONS  
6 AND MUST BE TAKEN AT LEAST ONCE EVERY TWO YEARS AFTER THE  
7 INITIAL TRAINING.

8 (B) RELEVANT COUNTY PERSONNEL, INCLUDING COUNTY  
9 CASEWORKERS, TO ASSIST IN IDENTIFYING AND ENSURING THE  
10 EDUCATIONAL RIGHTS AND LEGAL REQUIREMENTS OF CHILDREN AND  
11 YOUTH IN FOSTER CARE, AS SPECIFIED IN THE FEDERAL "FOSTERING  
12 CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008",  
13 PUB.L. 110-351, AS AMENDED; THE FEDERAL "ELEMENTARY AND  
14 SECONDARY EDUCATION ACT OF 1965" (ESEA), 20 U.S.C. SEC. 6301 ET  
15 SEQ., AS AMENDED; AND THIS SECTION. PARTICIPATION IN THIS TRAINING  
16 IS MANDATORY FOR NEW COUNTY CASEWORKERS AND MUST BE TAKEN AT  
17 LEAST ONCE EVERY TWO YEARS.

18 (c) Coordinating with the department of human services and other  
19 agencies, as necessary, INCLUDING TO ENSURE THAT DATA IS SHARED IN  
20 ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION;

21 (9) (a) The department of education and the department of human  
22 services shall enter into a data-sharing agreement that ensures that  
23 individual data relevant to students in out-of-home placement is shared  
24 at the state level for ~~purposes of accountability, program improvement,~~  
25 ~~and research~~ IDENTIFICATION OF STUDENTS IN OUT-OF HOME PLACEMENT  
26 ENROLLED IN COLORADO SCHOOLS, TRACKING OUTCOMES RELATED TO  
27 STUDENT SUCCESS AND EDUCATIONAL ATTAINMENT, AND STRENGTHENING

1 LOCAL SERVICE DELIVERY TO SUPPORT EDUCATIONAL ATTAINMENT.

2 (b) THE DEPARTMENT OF EDUCATION SHALL IDENTIFY SPECIFIC,  
3 MEASURABLE GOALS FOR ITS FOSTER CARE EDUCATION INITIATIVE,  
4 INCLUDING ANNUAL IMPROVEMENT IN:

5 (I) THE NUMBER AND PERCENTAGE OF CORE CONTENT AREA  
6 CLASSES THAT STUDENTS IN GRADES SIX THROUGH TWELVE IN  
7 OUT-OF-HOME PLACEMENT COMPLETE DURING EACH SCHOOL YEAR;

8 (II) THE PERCENTAGE OF STUDENTS IN OUT-OF-HOME PLACEMENT  
9 WHO ADVANCE TO THE NEXT GRADE LEVEL AFTER EACH SCHOOL YEAR;

10 (III) THE PERCENTAGE OF STUDENTS IN OUT-OF-HOME PLACEMENT  
11 WHO GRADUATE OR COMPLETE HIGH SCHOOL; AND

12 (IV) THE PERCENTAGE OF STUDENTS IN OUT-OF-HOME PLACEMENT  
13 WHO ENGAGE IN POSTSECONDARY AND WORKFORCE READINESS  
14 PATHWAYS, AS DESCRIBED IN SECTION 22-11-204 (4).

15 (c) (I) ON OR BEFORE FEBRUARY 1, 2023, AND ON OR BEFORE EACH  
16 FEBRUARY 1 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL  
17 PUBLISH A REPORT ON ITS WEBSITE AND SUBMIT THE REPORT TO THE  
18 LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY, THE HEALTH  
19 AND HUMAN SERVICES AND EDUCATION COMMITTEES OF THE SENATE, THE  
20 PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES AND EDUCATION  
21 COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR  
22 COMMITTEES. AT A MINIMUM, THE REPORT MUST CONTAIN THE FOLLOWING  
23 DATA FOR EACH OF THE PRECEDING THREE SCHOOL YEARS FOR STUDENTS  
24 IN OUT-OF-HOME PLACEMENT AND ENROLLED IN A PUBLIC SCHOOL:

25 (A) THE NUMBER OF STUDENTS IN OUT-OF-HOME PLACEMENT AND  
26 NUMBER OF STUDENTS IN THE GENERAL STUDENT POPULATION;

27 (B) QUANTIFIED RESULTS RELATED TO EACH FOSTER CARE

1 EDUCATION INITIATIVE GOAL IDENTIFIED IN SUBSECTION (9)(b) OF THIS  
2 SECTION;

3 (C) THE TOTAL NUMBER AND PROPORTION OF STUDENTS IN  
4 OUT-OF-HOME PLACEMENT COMPARED TO THE GENERAL STUDENT  
5 POPULATION WHO WERE ENROLLED IN ONE SCHOOL, TWO SCHOOLS, THREE  
6 SCHOOLS, OR MORE THAN THREE SCHOOLS DURING EACH SCHOOL YEAR;

7 (D) THE RATES OF ATTENDANCE AND BEING HABITUALLY TRUANT,  
8 AS DEFINED IN SECTION 22-33-102 (3.5), FOR STUDENTS IN OUT-OF-HOME  
9 PLACEMENT COMPARED TO THE GENERAL STUDENT POPULATION;

10 (E) THE DROPOUT RATES OF STUDENTS IN OUT-OF-HOME  
11 PLACEMENT COMPARED TO THE GENERAL STUDENT POPULATION BY  
12 INDIVIDUAL GRADE LEVEL FOR GRADES SEVEN THROUGH TWELVE;

13 (F) THE NUMBER AND PERCENTAGE OF STUDENTS IN OUT-OF-HOME  
14 PLACEMENT WHO RE-ENROLLED IN SCHOOL AFTER DROPPING OUT  
15 COMPARED TO THE GENERAL STUDENT POPULATION;

16 (G) THE NUMBER AND PERCENTAGE OF STUDENTS IN OUT-OF-HOME  
17 PLACEMENT WHO GRADUATED OR COMPLETED HIGH SCHOOL IN FOUR  
18 YEARS COMPARED TO THE GENERAL STUDENT POPULATION; AND

19 (H) THE NUMBER AND PERCENTAGE OF STUDENTS IN OUT-OF-HOME  
20 PLACEMENT WHO TOOK MORE THAN FOUR YEARS TO GRADUATE OR  
21 COMPLETE HIGH SCHOOL COMPARED TO THE GENERAL STUDENT  
22 POPULATION.

23 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
24 REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION  
25 (9)(c) CONTINUES INDEFINITELY.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 26-5-116 as  
27 follows:

1           **26-5-116. Fostering educational opportunities for youth in**

2           **foster care program - creation - report.** (1) THERE IS CREATED IN THE  
3 STATE DEPARTMENT THE FOSTERING EDUCATIONAL OPPORTUNITIES FOR  
4 YOUTH IN FOSTER CARE PROGRAM, REFERRED TO IN THIS SECTION AS THE  
5 "PROGRAM", TO IMPROVE EDUCATIONAL OPPORTUNITIES OF STUDENTS IN  
6 OUT-OF-HOME PLACEMENTS. THE PROGRAM MUST SERVE STUDENTS IN  
7 GRADES NINE THROUGH TWELVE WHO ARE OR PREVIOUSLY WERE IN  
8 OUT-OF-HOME CARE, WITH THE OPTION TO EXPAND TO GRADES SIX  
9 THROUGH EIGHT. THE PROGRAM MUST BE MODELED AFTER THE JEFFERSON  
10 COUNTY PILOT PROGRAM TO IMPROVE EDUCATIONAL OUTCOMES FOR  
11 FOSTER YOUTH DESCRIBED IN SECTION 24-37-404, AND, AS PART OF THE  
12 PROGRAM, THE STATE DEPARTMENT SHALL CONTINUE TO ADMINISTER THE  
13 PILOT PROGRAM AFTER FUNDING FOR THE PILOT PROGRAM IS NO LONGER  
14 AVAILABLE. SUBJECT TO AVAILABLE FUNDING, THE STATE DEPARTMENT  
15 SHALL CONTRACT WITH UP TO FIVE ADDITIONAL SCHOOL DISTRICTS TO  
16 IMPLEMENT THE PROGRAM. THE STATE DEPARTMENT SHALL SELECT THE  
17 SCHOOL DISTRICTS BASED ON DISTRICT NEED, LOCAL FOSTER CARE  
18 POPULATION, AND GEOGRAPHIC DIVERSITY.

19           (2) (a) ON JULY 1, 2023, AND EACH JULY 1 THEREAFTER, THE  
20 STATE DEPARTMENT SHALL PUBLISH A REPORT ON ITS WEBSITE AND  
21 SUBMIT THE REPORT TO THE LEGISLATIVE AUDIT COMMITTEE OF THE  
22 GENERAL ASSEMBLY, THE HEALTH AND HUMAN SERVICES AND EDUCATION  
23 COMMITTEES OF THE SENATE, THE PUBLIC AND BEHAVIORAL HEALTH AND  
24 HUMAN SERVICES AND EDUCATION COMMITTEES OF THE HOUSE OF  
25 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST  
26 INCLUDE INFORMATION ON PROGRAM IMPLEMENTATION AND  
27 PERFORMANCE METRICS OF STUDENTS IDENTIFIED IN THE FOSTER CARE

1 EDUCATION INITIATIVE AS DESCRIBED IN SECTION 22-32-138 (9).

2 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
3 REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (2)  
4 CONTINUES INDEFINITELY.

5 **SECTION 4.** In Colorado Revised Statutes, 22-33-107, **amend**  
6 (4) as follows:

7 **22-33-107. Enforcement of compulsory school attendance -**  
8 **definitions.** (4) On or before ~~September 15, 2010~~ SEPTEMBER 15, 2022,  
9 and on or before September 15 each year thereafter, the board of  
10 education of each school district shall report to the department of  
11 education the ~~number of children~~ STUDENTS' INDIVIDUAL ATTENDANCE  
12 INFORMATION, INCLUDING TOTAL DAYS ATTENDED, TOTAL DAYS EXCUSED,  
13 TOTAL DAYS UNEXCUSED, TOTAL POSSIBLE ATTENDANCE DAYS, AND  
14 THOSE who are habitually truant, as defined in section 22-33-102 (3.5),  
15 for the preceding academic year. The department shall post ~~this~~ THE  
16 AGGREGATED information for each school district on its website for the  
17 public to access and may post additional information reported by school  
18 districts related to truancy.

19 **SECTION 5. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, or safety.