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HOUSE BILL 22-1374

BY REPRESENTATIVE(S) Michaelson Jenet, Amabile, Bacon, Bernett, Bird, Carver, Cutter, Esgar, Exum, Froelich, Herod, Hooton, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, Ricks, Sirota, Snyder, Titone, Valdez A., Valdez D., Young;
also SENATOR(S) Moreno, Bridges, Buckner, Donovan, Ginal, Gonzales, Hansen, Lee, Pettersen, Rankin, Story, Winter, Zenzinger, Fenberg.

CONCERNING MEASURES TO IMPROVE THE EDUCATIONAL ATTAINMENT OF STUDENTS IN OUT-OF-HOME PLACEMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Short title. The short title of this act is the "Foster Youth Success Act".

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

22-32-138. Out-of-home placement students - school stability, transfer, and enrollment procedures - absences - exemptions - provision of academic supports - report - definitions. (1.5) Department of

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

education foster care education coordinator - creation and duties. Subject to available appropriations, the department of education shall hire a full-time foster care education coordinator who has the following duties beginning in the 2019-20 fiscal year:

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

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

(A) LOCAL EDUCATION AGENCY PERSONNEL, INCLUDING LOCAL CHILD WELFARE EDUCATION LIAISONS, TO ASSIST IN IDENTIFYING AND ENSURING THE EDUCATIONAL RIGHTS AND LEGAL REQUIREMENTS OF CHILDREN AND YOUTH IN FOSTER CARE, AS SPECIFIED IN THE FEDERAL "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351, AS AMENDED; THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965" (ESEA), 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED; AND THIS SECTION. PARTICIPATION IN THIS TRAINING IS MANDATORY FOR NEW CHILD WELFARE EDUCATION LIAISONS AND MUST BE TAKEN AT LEAST ONCE EVERY TWO YEARS AFTER THE INITIAL TRAINING.

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

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

(9) (a) The department of education and the department of human services shall enter into a data-sharing agreement that ensures that

individual data relevant to students in out-of-home placement is shared at the state level for ~~purposes of accountability, program improvement, and research~~ IDENTIFICATION OF STUDENTS IN OUT-OF HOME PLACEMENT ENROLLED IN COLORADO SCHOOLS, TRACKING OUTCOMES RELATED TO STUDENT SUCCESS AND EDUCATIONAL ATTAINMENT, AND STRENGTHENING LOCAL SERVICE DELIVERY TO SUPPORT EDUCATIONAL ATTAINMENT.

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

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

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

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

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

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

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

(B) QUANTIFIED RESULTS RELATED TO EACH FOSTER CARE

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

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

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

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

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

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

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

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

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

26-5-116. Fostering educational opportunities for youth in foster care program - creation - report. (1) THERE IS CREATED IN THE STATE DEPARTMENT THE FOSTERING EDUCATIONAL OPPORTUNITIES FOR YOUTH IN FOSTER CARE PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", TO IMPROVE EDUCATIONAL OPPORTUNITIES OF STUDENTS IN OUT-OF-HOME

PLACEMENTS. THE PROGRAM MUST SERVE STUDENTS IN GRADES NINE THROUGH TWELVE WHO ARE OR PREVIOUSLY WERE IN OUT-OF-HOME CARE, WITH THE OPTION TO EXPAND TO GRADES SIX THROUGH EIGHT. THE PROGRAM MUST BE MODELED AFTER THE JEFFERSON COUNTY PILOT PROGRAM TO IMPROVE EDUCATIONAL OUTCOMES FOR FOSTER YOUTH DESCRIBED IN SECTION 24-37-404, AND, AS PART OF THE PROGRAM, THE STATE DEPARTMENT SHALL CONTINUE TO ADMINISTER THE PILOT PROGRAM AFTER FUNDING FOR THE PILOT PROGRAM IS NO LONGER AVAILABLE. SUBJECT TO AVAILABLE FUNDING, THE STATE DEPARTMENT SHALL CONTRACT WITH AT LEAST TWO BUT NO MORE THAN FIVE ADDITIONAL SCHOOL DISTRICTS TO IMPLEMENT THE PROGRAM. THE STATE DEPARTMENT SHALL SELECT THE SCHOOL DISTRICTS BASED ON DISTRICT NEED, LOCAL FOSTER CARE POPULATION, AND GEOGRAPHIC DIVERSITY.

(2) (a) ON JULY 1, 2023, AND EACH JULY 1 THEREAFTER, THE STATE DEPARTMENT SHALL PUBLISH A REPORT ON ITS WEBSITE AND SUBMIT THE REPORT TO THE LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY, THE HEALTH AND HUMAN SERVICES AND EDUCATION COMMITTEES OF THE SENATE, THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES AND EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE INFORMATION ON PROGRAM IMPLEMENTATION AND PERFORMANCE METRICS OF STUDENTS IDENTIFIED IN THE FOSTER CARE EDUCATION INITIATIVE AS DESCRIBED IN SECTION 22-32-138 (9).

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

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

22-33-107. Enforcement of compulsory school attendance - definitions. (4) On or before ~~September 15, 2010~~ SEPTEMBER 15, 2022, and on or before September 15 each year thereafter, the board of education of each school district shall report to the department of education the ~~number of children~~ STUDENTS' INDIVIDUAL ATTENDANCE INFORMATION, INCLUDING TOTAL DAYS ATTENDED, TOTAL DAYS EXCUSED, TOTAL DAYS UNEXCUSED, TOTAL POSSIBLE ATTENDANCE DAYS, AND THOSE who are habitually truant, as defined in section 22-33-102 (3.5), for the preceding

academic year. The department shall post ~~this~~ THE AGGREGATED information for each school district on its website for the public to access and may post additional information reported by school districts related to truancy.

SECTION 5. Appropriation. (1) For the 2022-23 state fiscal year, \$563,568 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

(a) \$84,387 for administration, which amount is based on an assumption that the division will require an additional 0.9 FTE; and

(b) \$479,181 for fostering opportunities.

(2) For the 2022-23 state fiscal year, \$210,677 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$100,677 for the office of dropout prevention and student reengagement, which amount is based on an assumption that the department will require an additional 0.6 FTE; and

(b) \$110,000 for information technology services.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO