

# HOUSE BILL REPORT

## HB 1444

---

### As Reported by House Committee On: Education

**Title:** An act relating to facilitating on-time grade level progression and graduation for certain students.

**Brief Description:** Facilitating on-time grade level progression and graduation for certain students.

**Sponsors:** Representatives Caldier, Santos, Kilduff, Muri, Senn, Appleton, Fey, Pollet and Slatter.

#### **Brief History:**

##### **Committee Activity:**

Education: 1/31/17, 2/9/17 [DPS].

#### **Brief Summary of Substitute Bill**

- Requires school districts to help facilitate on-time grade level progression and graduation for homeless children, at-risk youth, and children in need of services in the same manner as children who are dependent according to specific court-determined findings.
- Requires school districts to waive their local graduation requirements and ensure the receipt of a diploma for qualifying dependent children, homeless children, at-risk youths, and children in need of services if the student has enrolled in three or more districts as a high school student and has met state graduation requirements.

---

### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele, Stokesbary and Volz.

**Staff:** Ethan Moreno (786-7386).

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### Local School District Requirements.

School district boards of directors may determine the amount of instructional hours necessary for a student to acquire a quality education in the district, as long as the number of hours is not less than state requirements. They may establish the final curriculum standards, consistent with state law and rules, relevant to the particular needs of district students or the unusual characteristics of the district. Districts may also adopt local graduation requirements that are in excess of state requirements. In limited circumstances, schools may waive requirements otherwise necessary for graduation.

### Course Waivers for Children Dependent Pursuant to the Juvenile Court Act.

In order to facilitate the on-time grade level progression and graduation of children who are found dependent under the Juvenile Court Act (JCA), an act that governs dependency cases and certain provisions related to foster care services, school districts must either waive specific courses if similar coursework has been completed in another school district or provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school district, the receiving school district must use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

In accordance with the course waiver provisions, school districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, and other options. If a student who is transferring at the beginning or during the student's junior or senior year is ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

### At-Risk Youth.

An at-risk youth (ARY) is defined as a child under the age of 18 who meets at least one of the following three requirements:

- is absent from home for at least 72 consecutive hours without parental consent;
- is beyond parental control such that his or her behavior endangers the health, safety, or welfare of the child or any other person; or
- has a substance abuse problem for which there are no pending criminal charges relating to the substance abuse.

Only the parent or guardian of the child may file an ARY petition. The purpose of filing an ARY petition is to obtain assistance and support from the juvenile court in maintaining the care, custody and control of the child, and to assist in the resolution of family conflict, after alternatives to court intervention have been attempted. The ARY proceeding is a voluntary process and a parent or guardian may request dismissal at any time.

### Child in Need of Services.

A child in need of services (CHINS) is defined as a child under the age of 18 who meets at least one of the following requirements:

- is beyond parental control such that the child's behavior endangers the health, safety, or welfare of the child or other person;
- has been reported to law enforcement as absent without consent for at least 24 consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions and has exhibited a serious substance abuse problem or behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;
- is in need of necessary services, including: food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family and lacks access to or has declined to utilize these services, and whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure; or
- is a sexually exploited child.

A child, parent or guardian, or the Department of Social and Health Services may file a CHINS petition. The purpose of filing a CHINS petition is to obtain a court order mandating temporary placement, for up to six months, of the child in a residence other than the home of his or her parent or guardian, because a serious conflict exists between the parent and child that cannot be resolved by delivery of services to the family during continued placement of the child in the parental home, and reasonable efforts have been made to prevent the need for removal of the child from the parental home.

#### Homeless Students.

Legislation adopted in 2016 (chapter 157, Laws of 2016, enacted as 3SHB 1682) established a grant program administered by the Office of the Superintendent of Public Instruction to increase the identification of homeless students and the capacity of the school districts to provide related support. Provisions governing the grant program define "homeless students" as students without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento Homeless Education Assistance Act (McKinney-Vento Act).

The McKinney-Vento Act defines homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence." The McKinney-Vento Act provides examples of children who would fall under this definition, including:

- children and youth sharing housing due to loss of housing, economic hardship, or a similar reason;
- children and youth living in motels, hotels, trailer parks, or campgrounds due to lack of alternative accommodations;
- children and youth living in emergency or transitional shelters;
- children and youth awaiting foster care placement; and
- children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, or bus or train stations.

---

#### **Summary of Substitute Bill:**

In addition to helping to facilitate on-time grade level progression and graduation for children who are found dependent under the JCA, school districts must provide the same

facilitation assistance for homeless children and children who qualify as an ARY or a CHINS.

If a child has enrolled in three or more school districts as a high school student and has met state graduation requirements but is ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local graduation requirements and ensure the receipt of a diploma. These provisions apply to a qualifying dependent child under the JCA, a child who is homeless, or a child who qualifies as an ARY or a CHINS.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the original bill:

- removes a provision that allows school districts, if specific conditions and requirements are met, to enroll qualifying dependent children, homeless children, at-risk youths, and children in need of services in online courses or online school programs as an alternative to providing the student with transportation to the student's school of origin for the remainder of the academic term; and
- conditions eligibility for a waiver of local graduation requirements for qualifying high school students on enrolling in three or more school districts as a high school student instead of attending three or more high schools.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) When a child is in foster care or homeless and moves from school to school, it is extremely difficult for the student to meet the graduation requirements. This bill would waive local graduation requirements for those students in a manner that is similar to waivers that exist for children in military families. This bill will also allow, with the parent or guardian's approval, foster children that move in the middle of the year to be enrolled in online courses until the end of the academic term.

(Opposed) None.

(Other) When students transition between schools, they can lose four to six months of education time. Over time, students who are homeless can fall years behind their peers. There are concerns about providing online classes in lieu of transportation services for children, as the provision may not be allowed under federal law. Also, classroom learning is important, it gives students access to caring adults, lunches, showers, and other benefits.

The federal McKinney-Vento Act and the Every Student Succeeds Act include requirements for the enrollment and attendance of homeless students and students in foster care. The opportunity to work with the sponsor to develop language that better aligns with federal requirements would be welcomed.

**Persons Testifying:** (In support) Representative Caldier, prime sponsor.

(Other) Cara Patrick, Office of the Superintendent of Public Instruction; and Hillary Madsen, Columbia Legal Services.

**Persons Signed In To Testify But Not Testifying:** None.