

HOUSE BILL REPORT

SHB 1855

As Passed House:
January 27, 2016

Title: An act relating to waiving local graduation requirements for certain students.

Brief Description: Waiving local graduation requirements for certain students.

Sponsors: House Committee on Education (originally sponsored by Representatives Caldier, Santos, Parker, Reykdal, Magendanz, Hayes, Young, Pollet and Tharinger).

Brief History:

Committee Activity:

Education: 2/10/15, 2/19/15 [DPS], 1/11/16, 1/14/16 [DP].

Floor Activity:

Passed House: 3/2/15, 97-0.

Second Special Session

Floor Activity:

Passed House: 6/11/15, 89-0.

Floor Activity:

Passed House: 1/27/16, 97-0.

Brief Summary of Substitute Bill

- Requires school districts to help facilitate graduation for homeless children, at-risk youth, and children in need of services in the same manner as for 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 provided the student has attended three or more high schools and has met state graduation requirements.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 21 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member;

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.

Bergquist, Caldier, Griffey, Hargrove, Harris, Hayes, S. Hunt, Kilduff, Klippert, Kuderer, McCaslin, Orwall, Pollet, Rossetti and Springer.

Staff: Ethan Moreno (786-7386).

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.

Military Students.

Under the Interstate Compact on Educational Opportunity for Military Children (Compact), of which Washington is a member, receiving school districts must waive specific courses required for graduation if similar coursework has been completed by a military student in another local education agency, or must provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the receiving school must use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

If a military student transfers at the beginning of or during his or her senior year and is ineligible to graduate from the receiving school after all alternatives have been considered, the sending and receiving schools must ensure the receipt of a diploma from the sending school if the student meets the graduation requirements of the sending school. In the event that one of the states in question is not a member of the Compact, the member state must use best efforts to facilitate the on-time graduation of the student.

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, an act that governs dependency cases and certain provisions related to foster care services, school districts are required to waive specific courses if similar coursework has been completed in another school district or provide reasonable justification for denial. Should a waiver not be 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.

School districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, or the portable assisted student sequence units designed for migrant high school students. Should a student who is transferring at the beginning or during the student's junior or senior year be 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 Children 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" Children.

Although the term "homeless" is found in the school code, it is not defined there. The federal McKinney-Vento Act (Act) defines homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence." The Act provides examples of children who would fall under this definition:

- 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 abandoned in hospitals;
- children and youth awaiting foster care placement. (Children in foster care are not considered homeless. "Awaiting" foster care is the period of time between the initial placement of the child into state care and the 30-day shelter care hearing.);
- children and youth whose primary nighttime residence is not ordinarily used as a regular sleeping accommodation;
- children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, or bus or train stations; and
- migratory children and youth living in any of the above situations.

Summary of Substitute Bill:

School districts must help facilitate graduation for homeless children, ARY, and CHINS in the same manner as for children who are found dependent under the Juvenile Court Act.

In the event that a qualifying dependent child or a child who is homeless, ARY, or CHINS has attended three or more high schools 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.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a simple bill that would waive local school requirements for ARY. The state has a similar process for military students, and this extends the same policy to ARY. This bill previously passed the House unanimously.

(Opposed) None.

Persons Testifying: Representative Caldier, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.