

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

February 8, 2019

Mr. Speaker:

Your **EDUCATION COMMITTEE**, to whom has been referred

HOUSE BILL 236

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 2, line 8, through page 3, line 18, strike Subsections B through F in their entirety and insert in lieu thereof:

"B. "attendance improvement plan" means a tiered data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions. Each of the tiers is defined as follows:

(1) "whole school prevention" means universal, whole-school prevention strategies for all students, including students who have missed less than five percent of classes or school days for any reason;

(2) "individualized prevention" means targeted prevention strategies for individual students who are missing five percent or more but less than ten percent of classes or school days for any reason;

(3) "early intervention" means interventions for students who are missing ten percent or more but less than twenty percent of classes or school days for any reason; and

(4) "intensive support" means interventions for students who are missing twenty percent or more of classes or school days for any reason;

C. "attendance team" means a group of school-based administrators, teachers, staff, other school personnel and community members who collaborate to implement an attendance improvement plan;

D. "chronic absence rate" means the percentage of students, in the aggregate and disaggregated by the subgroups required for reporting pursuant to the federal Every Student

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Succeeds Act, in a public school and a school district who have been enrolled for at least ten days and who have missed ten percent or more of school days since the beginning of the school year;

E. "chronically absent" or "chronic absenteeism" means that a student has been absent for ten percent or more of classes or school days for any reason, whether excused or not, when enrolled for more than ten days;

F. "excessively absent" or "excessive absenteeism" means a student who is identified as needing intensive support and has not responded to intervention efforts implemented by the public school;"

2. On page 8, line 20, strike "and".

3. On page 8, line 23, after the semicolon, insert "and" and between lines 23 and 24, insert the following new subparagraph:

"(d) providing additional educational opportunities to students who are struggling with attendance;"

4. On page 9, line 19, after "setting", insert ", including additional educational opportunities offered to the student".

5. On page 10, line 21, before the period, insert "and publish the policy on the public school's website".

6. On page 11, line 11, strike "subpopulations" and insert in lieu thereof "subgroups".

7. On page 11, line 21, strike "subpopulations" and insert in lieu thereof "subgroups".

8. On page 13, line 16, after the period, strike the remainder of the line and strike line 17 through the period.

9. On page 14, line 9, strike "subpopulations" and insert in lieu thereof "subgroups".

10. On page 14, line 11, after "plan", strike the remainder of the line, strike lines 12 and 13, strike line 14 through the second occurrence of "be" and insert in lieu thereof "to be

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submitted to the department as".

11. On page 17, line 15, after the period, strike the remainder of the line and strike all of lines 16 and 17.

12. On page 17, line 24, after "absence" strike the remainder of the line, strike line 25 and on page 18, strike line 1 up to the semicolon.

13. On page 18, line 7, after the period, strike the remainder of the line and strike all of lines 8 and 9.

14. On page 18, line 21, strike "and the student's academic class schedule".

15. On page 18, line 23, after the period, strike the remainder of the line, strike all of line 24 and strike line 25 through the period.

16. On page 19, line 9, after the period, strike the remainder of the line and strike all of lines 10 and 11.

17. On pages 20 through 27, strike Sections 11 through 13 in their entirety and insert in lieu thereof the following new sections:

"SECTION 11. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] PROGRESSIVE INTERVENTIONS FOR ABSENT, CHRONICALLY ABSENT AND EXCESSIVELY ABSENT STUDENTS.--

A. A public school shall provide interventions for students who are missing school, depending on the number of absences. The process for notification and interventions is:

(1) for a student who has been identified as in need of individualized prevention, the attendance team shall:

(a) for an elementary student, talk to the parent and inform the parent of the student's attendance history, the impact of student absences on student academic outcomes, the

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interventions or services available to the student or family and the consequences of further absences, which may include referral to the children, youth and families department for excessive absenteeism; and

(b) for a middle or high school student, talk to the parent and the student about the student's attendance history and the impact of student absences on student academic outcomes, interventions or services available to the student or family and the consequences of further absences, which may include referral to the children, youth and families department for excessive absenteeism;

(2) for a student who has been identified as in need of early intervention, the attendance team shall notify the parent in writing by mail or personal service on the parent of the student's absenteeism. The notice shall include a date, time and place for the parent to meet with the public school to develop intervention strategies that focus on keeping the student in an educational setting. The attendance team shall be convened to establish a specific intervention plan for the student that includes establishing weekly progress monitoring and a contract for attendance; and

(3) for a student who has been identified as in need of intensive support, the attendance team shall:

(a) give written notice to the parent, including a date, time and place for the parent to meet with the school principal and the attendance team;

(b) establish nonpunitive consequences at the school level;

(c) identify appropriate specialized supports that may be needed to help the student address the underlying causes of excessive absenteeism; and

(d) apprise the student and the parent of the consequences of further absences.

B. The school principal shall consult with a student's teacher and initiate meetings with the teacher, the student and the

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parent if the alleged cause of absence from class is teacher-student incompatibility."

SECTION 12. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] EXCESSIVE ABSENTEEISM--ENFORCEMENT.--

A. Each local school board and each governing body of a charter school or private school shall initiate the enforcement of the provisions of the Attendance for Success Act for excessively absent students.

B. If unexcused absences continue after written notice of excessive absenteeism as provided in Section 11 of the Attendance for Success Act, the local school board or governing body of a charter school or private school, after consultation with the local superintendent or head administrator of a charter school or private school, shall report the excessively absent student to the probation services office of the judicial district in which the student resides for an investigation as to whether the student should be considered to be a neglected child or a child in a family in need of family services because of excessive absenteeism and, thus, subject to the provisions of the Children's Code. The record of the public school's interventions and the student's and parent's responses to the interventions shall be provided to the juvenile probation services office. The local superintendent or head administrator of a charter school or private school shall provide the documentation to the juvenile probation services office within ten business days of the student being identified as excessively absent.

C. If the juvenile probation services office determines that the student is a child in a family in need of family services, a caseworker from the child or family in need of family services program shall meet with the family at the public school in which the student is enrolled to determine if there are other intervention services that may be provided. The meeting shall involve the school principal or other school personnel and, unless the parent objects in writing, appropriate community partners that provide services to children and families. The children, youth and families department shall determine if additional interventions, including monitoring, will positively affect the student's behavior."

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SECTION 13. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] REPORTING REQUIREMENTS.--

A. For each reporting date and at the end of the year, each school district shall report:

(1) the total number of days missed for excused and unexcused absences for each student in each public school, the total number of days each student was enrolled and in which tier each student with absences fell during the reporting period, along with the student's demographics; and

(2) the number of students at each public school who were referred to the children, youth and families department because of excessive absences, in the aggregate and disaggregated by subgroups.

B. The department shall compile a report by public school and school district that includes:

(1) the total number and percent of students who were in each tier of chronic absenteeism or were excessively absent at each public school and school district in the aggregate for each public school and school district and disaggregated by subgroups;

(2) the average number of excused and unexcused absences per student for all students and subgroups, not including interscholastic extracurricular activities; and

(3) a calculated chronic absenteeism rate for the school district for all students and for each subgroup."".

and thence referred to the **JUDICIARY COMMITTEE.**

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Respectfully submitted,

G. ANDRES ROMERO, CHAIR

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against
Yes: 11
No: 0
Excused: Gallegos, DM, Stapleton, Trujillo, C.
Absent: None

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