

Amendments for CHINS Legislation (H.4330) – Chair Peisch

1. **AMENDMENT 1:**moves to amend the bill in section 1, in line 9, by striking out the words “; or (iv) is habitually truant”.

Why: The bill defines ‘child requiring assistance’ as “a child between the ages of 6 and 18 who: (i)....; or (iv) is habitually truant.” It then defines ‘habitually truant’ as “a school-aged child, not excused from attendance in accordance with the lawful and reasonable regulations of such child’s school...” However, a student who is 16 or older could not be considered habitually truant since they would not qualify as “school-aged child” subject to the compulsory school attendance law. That is, unless the compulsory school attendance law is also amended, any student who is 16 and older who doesn’t go to school is not technically truant, and therefore would not qualify as a ‘child requiring assistance’ under the bill. Moreover, I do not think that it is necessary to specifically list habitual truancy as one of the indicators that a child is in need of assistance, since any student who is “habitually truant” would undoubtedly also fall under one of the other qualifying categories provided in the definition.

2. **AMENDMENT 2:**moves to amend the bill in section 1, in subsection (c), by striking out the second paragraph, in lines 60 – 64, and inserting in place thereof the following paragraph: -

“Services offered through the network shall include, but not be limited to: treatment for behavioral, medical and mental health needs; assistance with insurance issues; mentoring, family and parent support services; civic engagement and community service programs; and crisis management and case management services. Such services may also include assistance with referrals to special education evaluation or remedial education services, residential programs, and after school and out-of-school programs.”

Why: The bill provides that services offered through the network of community-based services and family resource centers shall include treatment for or assistance with eligibility determinations, special education evaluation, and remedial education services, among others. I am concerned about the implications this might have for special education eligibility and evaluation procedures in schools. In particular, I am concerned that this language, as it is currently written, could be construed as authorizing the network of community-based service providers to make special education eligibility and placement decisions. In order to prevent ambiguity regarding the role that the network of community-based services would have in providing special education evaluations, I would suggest revising the language as proposed above.

3. **AMENDMENT 3:**moves to amend the bill in section 1, in line 94, by striking out the words “Notwithstanding the outcome of any community-based services, school districts may” and inserting in place thereof the following words:- “Notwithstanding any general or special law to the contrary, or the outcome or existence of any community-based services, school districts shall”.

Why: I think that it is important to require that school districts provide educational services to expelled students, and therefore I would like to see the Senate language, which provides that school districts shall provide educational services to expelled students, should prevail. With that said, I would like to point out that both sections 37H and 37H½ of chapter 71 include provisions that explicitly state that school districts do not have to provide educational services to expelled students. Therefore, in

addition to maintaining the word “shall”, I would suggest adding the clause “notwithstanding any general or special law to the contrary” to ensure that this language would override the contradictory provisions under section 37H and 37H½ of chapter 71.

I also think that it is important to clarify that all school districts would be responsible for providing educational services to expelled students, regardless of whether or not there are community-based service programs in the region to which the student can be referred. Therefore, I would suggest revising the language so that it reads: “notwithstanding the outcome or existence of any community-based services”.

4. **AMENDMENT 4:**moves to amend the bill in section 1, in subsection (f), by inserting at the end thereof the following paragraph: -

“The department of elementary and secondary education shall adopt regulations establishing a truancy prevention program certification process, consistent with the behavioral health and public schools framework developed pursuant to section 19 of chapter 321 of the acts of 2008, and shall require that the truancy prevention program evaluate the level of out-of-school support for students and families and address conditions that make students more likely to become truant including, but not limited to, previously unidentified or inadequately addressed special needs, bullying and harassment. Any truancy prevention program established under this section by a school district shall meet the requirements for certification adopted by the department.”

Why: Subsection (f) includes language mandating that schools must refer students to a “department of education certified truancy program”, if such program is available at the school, before referring them to community-based services or a family resource center for habitually truant behavior. Since there is currently no certification requirement or process for truancy prevention programs, the bill would need to include language to establish such a certification process. Therefore, I would recommend reinstating language that was included in section 2 of the Senate bill (S1963), which directs the department to adopt regulations establishing a truancy prevention program certification process. However, I would recommend either omitting or revising the last sentence of this section (section 2) in the Senate bill, which appears to mandate that all school districts establish a truancy prevention program. Unless this is made subject to appropriation, this language would represent an unfunded mandate for school districts. However, if the intent is simply to ensure that any truancy prevention program that is established by a school district is also certified by the department, then the language should be revised accordingly.