

## Addendum

The following are the Prichard Committee's proposed amendments to prevent and remedy chronic absenteeism and truancy in Kentucky:

---> **Section 1. KRS 159.140 is amended to read as follows:**

- (1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:
  - (a) Devote his or her entire time to the duties of the office except as provided in subsection (2) of this section;
  - (b) Enforce the compulsory attendance and census laws in the attendance district he or she serves;
  - (c) Acquaint the school with the home conditions of a habitual truant as described in KRS 159.150(3), and the home with the work and advantages of the school;
  - (d) Ascertain the causes of irregular attendance and truancy, through documented contact with the custodian of the student, **which includes written disclosures to the custodian of the student and the individual student of the penalties for irregular attendance and truancy as prescribed by this state and the local district board policy,** and seek the elimination of these causes **through various means, which shall include a written disclosure of options available as incorporated in the early warning system policy developed in paragraph (j) of this subsection and the available attendance intervention strategies of support as prescribed in subsection (3) of this section;**
  - (e) Secure the enrollment in school of all students who should be enrolled and keep all enrolled students in reasonably regular attendance;
  - (f) Attempt to visit the homes of students who are reported to be in need of books, clothing, or parental care;
  - (g) Provide for the interviewing of students and the parents of those students who quit school to determine the reasons for the decision. The interviews shall be conducted in a location that is nonthreatening for the students and parents and according to procedures and interview questions established by an administrative regulation promulgated by the Kentucky Board of Education. The questions shall be designed to provide data that can be used for local district and statewide research and decision-making. Data shall be reported annually to the local board of education and the Department of Education;
  - (h) Report to the superintendent of schools in the district in which the student resides the number and cost of books and school supplies needed by any student whose parent, guardian, or custodian does not have sufficient income to furnish the student with the necessary books and school supplies; and

(i) Keep the records and make the reports that are required by law, by regulation of the Kentucky Board of Education, and by the superintendent and board of education.

**(j) In coordination with the superintendent and board of education, develop and implement a robust early warning system policy to identify and locate students who are truant or habitually truant and connect them with the necessary supports to reengage them in academic learning. In accordance with the requirements of this subsection, the purpose of this policy is the attainment of the following objectives:**

- 1. Proactive engagement with all families affected about the impact of attendance on student outcomes;**
- 2. Clear, supportive, and solution-oriented communication with families and caregivers of students;**
- 3. Academic, systemic, and economic supports for the families of students who are truant or habitually truant, including removing barriers to students attending school as well as tutoring and mentoring students who are reengaging in the classroom;**
- 4. Incentives and celebrations of students' improved attendance and engagement in the classroom;**
- 5. Information regarding community-based organizations that are available to assist in providing services ensuring student attendance at school; and**
- 6. The attendance intervention strategies as prescribed in subsection (3) of this section.**

(2) A local school district superintendent may waive the requirement that a director of pupil personnel devote his or her entire time to his or her duties, **provided, however, the director of personnel adheres to the requirements of this Act regarding truant or habitual truant students.** The superintendent shall report the decision to the commissioner of education.

**(3) In any action brought to enforce compulsory attendance laws, the director of pupil personnel or an assistant shall document the home conditions of the student and the intervention strategies attempted and may, with the court-designated worker, refer the case to the family accountability, intervention, and response team. The intervention strategies shall include an emphasis on attendance fulfillment, and are not limited to, the implementation of the policies developed in paragraph (j) of subsection (1) of this section, in addition to implementation of providing the following:**

**(a) Academic supports such as covering testing fees, calculators, laboratory, and other necessary school supplies;**

- (b) Adequate and appropriate clothing that is clean and in good condition, including specific clothing items needed for a particular course, such as work boots gloves, and other items;*
  - (c) Access to healthcare, dental care, and vision care;*
  - (d) Access to housing;*
  - (e) Adequate and reliable access to food and nutrition; and*
  - (f) Transportation, including bus passes, gas vouchers, and subsidized parking.*
- (4) Once the intervention strategies prescribed in subsection (3) of this section have been exhausted to no avail, the director of pupil personnel or an assistant, in any action brought to enforce compulsory attendance laws, shall provide to whom the minor is reported, referred, or complaint filed, documentation compiled by the director of pupil personnel or his or her assistant, any attempts or actions for implementation of the obligations under this section, including the specific attempts and actions for implementing subsection (3) of this section and a copy of the early warning system policy as prescribed by paragraph (j) of subsection (1) of this section.***

---> **Section 2. KRS 610.030 is amended to read as follows:**

Except as otherwise provided in KRS Chapters 600 to 645:

- (1) If any person files a complaint alleging that a child, except a child alleged to be neglected, abused, dependent, or mentally ill who is subject to the jurisdiction of the court, may be within the purview of KRS Chapters 600 to 645, the court-designated worker shall make a preliminary determination as to whether the complaint is complete, ***which shall include, if applicable, a determination that the documentation prescribed in subsection (4) of Section 1 of this Act has been provided.*** In any case where the court-designated worker finds that the complaint is incomplete, the court-designated worker shall return the complaint without delay to the person or agency originating the complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request additional information in order to complete the complaint. The complainant shall promptly furnish the additional information requested;
- (2) (a) Upon receipt of a complaint which appears to be complete and which alleges that a child has committed a public offense, the court-designated worker shall refer the complaint to the county attorney for review pursuant to KRS 635.010.

- (b) If after review the county attorney elects to proceed, the court-designated worker shall conduct a preliminary intake inquiry to recommend whether the interests of the child or the public require that further action be taken or whether, in the interest of justice, the complaint can be resolved informally without the filing of a petition;
- (3) Upon receipt of a complaint that appears to be complete and that alleges that the child has committed a status offense, the court-designated worker shall conduct a preliminary intake inquiry to determine whether the interests of the child or the public require that further action be taken;
- (4) Prior to conducting a preliminary intake inquiry, the court-designated worker shall notify the child and the child's parent, guardian, or other person exercising custodial control or supervision of the child in writing:
- (a) Of their opportunity to be present at the preliminary intake inquiry;
- (b) That they may have counsel present during the preliminary intake inquiry as well as the formal conference thereafter;
- (c) 1. That all information supplied by the child to a court-designated worker during any process prior to the filing of the petition shall be deemed confidential and shall not be subject to subpoena or to disclosure without the written consent of the child.
2. Information may be shared between treatment providers, the court designated worker, and the family accountability, intervention, and response team to enable the court-designated worker to facilitate services and facilitate compliance with the diversion agreement; and
- (d) That the child has the right to deny the allegation and demand a formal court hearing;
- (5) The preliminary intake inquiry shall include the administration of an evidence based screening tool and, if appropriate and available, a validated risk and needs assessment **and the documentation prescribed in subsection (4) of Section 1 of this Act**, in order to identify whether the child and his or her family are in need of services and the level of intervention needed;
- (6) Upon the completion of the preliminary intake inquiry the court-designated worker may:

- (a) If the complaint alleges a status offense, determine that no further action be taken subject to review by the family accountability, intervention, and response team;
  - (b) If the complaint alleges a public offense, refer the complaint to the county attorney;
  - (c) Refer a public offense complaint for informal adjustment; or
  - (d) Based upon the results of the preliminary intake inquiry, other information obtained, and a determination that the interests of the child and the public would be better served, and with the written approval of the county attorney for a public offense complaint, if necessary, conduct a formal conference and enter into a diversion agreement.
- (7) Upon receiving written approval of the county attorney, if necessary, to divert a public offense complaint, and prior to conducting a formal conference, the court designated worker shall advise in writing the complainant, the victim if any, and the law enforcement agency having investigative jurisdiction of the offense:
- (a) Of the recommendation and the reasons therefor and that the complainant, victim, or law enforcement agency may submit within ten (10) days from receipt of such notice a complaint to the county attorney for special review; or
  - (b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact that the child was statutorily entitled to divert the case;
- (8) A formal conference shall include the child and his or her parent, guardian, or other person exercising custodial control or supervision. The formal conference shall be used to:
- (a) Present information obtained at the preliminary intake inquiry; and
  - (b) 1. Develop a diversion agreement that shall require that the child regularly attend school, not exceed six (6) months in duration, and may include:
    - (a) Referral of the child, and family if appropriate, to a public or private entity or person for the provision of identified services to address the complaint or assessed needs;
    - (b) Referral of the child, and family if appropriate, to a community service program within the limitations provided under KRS 635.080(2);
    - (c) Restitution, limited to the actual pecuniary loss suffered by the victim, if the child has the means or ability to make restitution;
    - (d) Notification that the court-designated worker may apply graduated sanctions for failure to comply with the diversion agreement;
    - (e) Any other program or effort which reasonably benefits the community and the child; and

(f) A plan for monitoring the child's progress and completion of the agreement

2. Prior to developing the diversion agreement, the court designated worker or court designated specialist shall contact the school district that the child attends to obtain background information from school personnel regarding family background, education records, **documentation prescribed in subsection (4) of Section 1 of this Act, if applicable**, any services previously provided, and any recommended trauma informed strategies.

3. Upon developing a diversion agreement, the court designated specialist shall make all details of the agreement accessible to all members of the family, accountability, intervention, and response team through an electronic platform provided by the Administrative Office of the Courts;

(9) (a) If a child successfully completes a diversion agreement, the underlying complaint shall be dismissed and further action related to that complaint shall be prohibited.

(b) If a child fails to appear for a preliminary intake inquiry, declines to enter into a diversion agreement, or fails to complete a diversion agreement, then:

1. For a public offense complaint, the matter shall be referred to the county attorney for formal court action and, if a petition is filed, the child may request that the court dismiss the complaint based upon his or her substantial compliance with the terms of diversion; and
2. For a status offense complaint, the court-designated worker shall refer the matter to the family accountability, intervention, and response team for review and further action.

(c) If the child enters into a diversion agreement or is referred to the family accountability, intervention, and response team for truancy and there is no action implemented by the family accountability, intervention, and response team within ninety (90) days, the family accountability, intervention, and response team shall report to the court the reasons for inaction and shall provide a plan for action on the child's case. The court shall review on the record any diversion agreement and any report, without the attendance or appearance of the child, at regular intervals at the court's discretion to verify family accountability, intervention, and response team member attendance, team accountability, and performance.

(d) If a child fails to appear for a preliminary intake inquiry or fails to complete a diversion agreement due to lack of parental cooperation, the court-designated worker shall make a determination that the child failed to complete the diversion due to lack of parent cooperation;

(10) If a complaint is referred to the court, the complaint and findings of the court designated worker's preliminary intake inquiry shall be submitted to the court for the court to determine whether process should issue;

(11) If the court receives a report with a determination that the diversion is failed due to lack of parental cooperation, the court may order parental cooperation and refer the case back to the court-designated worker. The child shall not be detained upon this finding; and

(12) At any stage in the proceedings described in this section, the court or the county attorney may review any decision of the court-designated worker. The court upon its own motion or upon written request of the county attorney may refer any complaint for a formal hearing.

**---> Section 3. KRS 630.050 is amended to read as follows:**

Before commencing any judicial proceedings on any complaint alleging the commission of a status offense, the party or parties seeking such court action shall meet for a conference with a court-designated worker ***who presents and makes available supporting documentation as required of this Act, for the express purpose*** of determining whether or not:

- (1) To refer the matter to the court by assisting in the filing of a petition under KRS 610.020;
- (2) To refer the child and his family to a public or private social service agency. The court-designated worker shall make reasonable efforts to refer the child and his family to an agency before referring the matter to court; or
- (3) To enter into a diversionary agreement.

[Bill source cited](#)