

2SHB 2449 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

NOT CONSIDERED 03/09/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that all
4 children and youth in Washington state are entitled to a basic
5 education and to an equal opportunity to learn. The legislature
6 recognizes that there are many causes of truancy and that truancy is
7 an indicator of future school dropout and delinquent behavior. The
8 legislature recognizes that early engagement of parents in the
9 education process is an important measure in preventing truancy. It
10 is the intent of the legislature to encourage the systematic
11 identification of truant behavior as early as possible and to
12 encourage the use of best practices and evidence-based interventions
13 to reduce truant behavior in every school in Washington state. The
14 legislature intends that schools, parents, juvenile courts, and
15 communities share resources within and across school districts where
16 possible to enhance the availability of best practices and evidence-
17 based intervention for truant children and youth.

18 By taking a three-pronged approach and providing additional tools
19 to schools, courts, communities, and families, the legislature hopes
20 to reduce excessive absenteeism, strengthen family engagement with
21 schools, involve communities, promote academic achievement, reduce
22 educational opportunity gaps, and increase high school graduation
23 rates.

24 First, with respect to absenteeism in general, the legislature
25 intends to put in place consistent practices and procedures,
26 beginning in kindergarten, pursuant to which schools share
27 information with families about the importance of consistent
28 attendance and the consequences of excessive absences, involve
29 families early, and provide families with information, services, and
30 tools that they may access to improve and maintain their children's
31 school attendance.

1 Second, the legislature recognizes the success that has been had
2 by school districts and county juvenile courts around the state that
3 have worked in tandem with one another to establish truancy boards
4 capable of prevention and intervention and that regularly stay
5 truancy petitions in order to first allow these boards to identify
6 barriers to school attendance, cooperatively solve problems, and
7 connect students and their families with needed community-based
8 services. While keeping petition filing requirements in place, the
9 legislature intends to require an initial stay of truancy petitions
10 in order to allow for appropriate intervention and prevention before
11 using a court order to enforce attendance laws. The legislature also
12 intends to encourage efforts by county juvenile courts and school
13 districts to establish and maintain community truancy boards and to
14 employ other best practices, including the provision of training for
15 board members and other school and court personnel on trauma-informed
16 approaches to discipline, the use of the Washington assessment of the
17 risks and needs of students (WARNS) or other assessment tools to
18 identify the specific needs of individual children, and the provision
19 of evidence-based treatments that have been found to be effective in
20 supporting at-risk youth and their families.

21 Third, the legislature recognizes that there are instances in
22 which individual barriers to school attendance that have led to
23 truancy may be best addressed by providing access to a bed in a HOPE
24 center. The legislature further recognizes that even when a truant
25 student is found in contempt of a court order to attend school, it is
26 best practice that the truant student not be placed in juvenile
27 detention but, where feasible and available, instead be placed in a
28 crisis residential center. The legislature intends to increase the
29 number of beds in HOPE centers and crisis residential centers in
30 order to facilitate their use for truant students.

31 **Sec. 2.** RCW 28A.225.005 and 2009 c 556 s 5 are each amended to
32 read as follows:

33 (1) Each school within a school district shall inform the
34 students and the parents of the students enrolled in the school
35 about: The benefits of regular school attendance; the potential
36 effects of excessive absenteeism, whether excused or unexcused, on
37 academic achievement, and graduation and dropout rates; the school's
38 expectations of the parents and guardians to ensure regular school
39 attendance by the child; the resources available to assist the child

1 and the parents and guardians; the role and responsibilities of the
2 school; and the consequences of truancy, including the compulsory
3 education requirements under this chapter. The school shall provide
4 access to the information ((at least annually.)) before or at the
5 time of enrollment of the child at a new school and at the beginning
6 of each school year. If the school regularly and ordinarily
7 communicates most other information to parents online, providing
8 online access to the information required by this section satisfies
9 the requirements of this section unless a parent or guardian
10 specifically requests information to be provided in written form.
11 Reasonable efforts must be made to enable parents to request and
12 receive the information in a language in which they are fluent. A
13 parent must date and acknowledge review of this information online or
14 in writing before or at the time of enrollment of the child at a new
15 school and at the beginning of each school year.

16 (2) The office of the superintendent of public instruction shall
17 develop a template that schools may use to satisfy the requirements
18 of subsection (1) of this section and shall post the information on
19 its web site.

20 NEW SECTION. Sec. 3. A new section is added to chapter 28A.225
21 RCW to read as follows:

22 (1) Except as provided in subsection (2) of this section, in the
23 event that a child in elementary school is required to attend school
24 under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused
25 absences in a single month during the current school year, or ten or
26 more excused absences in the current school year, the school district
27 shall schedule a conference or conferences with the parent and child
28 at a time reasonably convenient for all persons included for the
29 purpose of identifying the barriers to the child's regular
30 attendance, and the supports and resources that may be made available
31 to the family so that the child is able to regularly attend school.
32 If a regularly scheduled parent-teacher conference day is to take
33 place within thirty days of the absences, the school district may
34 schedule this conference on that day. To satisfy the requirements of
35 this section, the conference must include at least one school
36 district employee such as a nurse, counselor, social worker, teacher,
37 or community human services provider, except in those instances
38 regarding the attendance of a child who has an individualized
39 education program or a plan developed under section 504 of the

1 rehabilitation act of 1973, in which case the reconvening of the team
2 that created the program or plan is required.

3 (2) A conference pursuant to subsection (1) of this section is
4 not required in the event of excused absences for which prior notice
5 has been given to the school or a doctor's note has been provided and
6 an academic plan is put in place so that the child does not fall
7 behind.

8 **Sec. 4.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to
9 read as follows:

10 (1) If a child required to attend school under RCW 28A.225.010
11 fails to attend school without valid justification, the public school
12 in which the child is enrolled shall:

13 (a) Inform the child's ~~((eustodial))~~ parent(~~(, —parents, —or~~
14 ~~guardian))~~ by a notice in writing or by telephone whenever the child
15 has failed to attend school after one unexcused absence within any
16 month during the current school year. School officials shall inform
17 the parent of the potential consequences of additional unexcused
18 absences. If the ~~((eustodial))~~ parent(~~(, —parents, —or guardian))~~ is
19 not fluent in English, the ~~((preferred practice is to))~~ school must
20 make reasonable efforts to provide this information in a language in
21 which the ~~((eustodial))~~ parent(~~(, —parents, —or guardian))~~ is fluent;

22 (b) Schedule a conference or conferences with the ~~((eustodial))~~
23 parent(~~(, —parents, —or guardian))~~ and child at a time reasonably
24 convenient for all persons included for the purpose of analyzing the
25 causes of the child's absences after two unexcused absences within
26 any month during the current school year. If a regularly scheduled
27 parent-teacher conference day is to take place within thirty days of
28 the second unexcused absence, then the school district may schedule
29 this conference on that day; and

30 (c) Take data-informed steps to eliminate or reduce the child's
31 absences. These steps shall include the use of the Washington
32 assessment of the risks and needs of students (WARNS), and where
33 appropriate, providing an available approved best practice or
34 research-based intervention, or both, consistent with the WARNS
35 profile, adjusting the child's school program or school or course
36 assignment, providing more individualized or remedial instruction,
37 providing appropriate vocational courses or work experience,
38 referring the child to a community truancy board, ~~((if available,))~~
39 requiring the child to attend an alternative school or program, or

1 assisting the parent or child to obtain supplementary services that
2 might eliminate or ameliorate the cause or causes for the absence
3 from school. If the child's parent does not attend the scheduled
4 conference, the conference may be conducted with the student and
5 school official. However, the parent shall be notified of the steps
6 to be taken to eliminate or reduce the child's absence.

7 (2) For purposes of this chapter, an "unexcused absence" means
8 that a child:

9 (a) Has failed to attend the majority of hours or periods in an
10 average school day or has failed to comply with a more restrictive
11 school district policy; and

12 (b) Has failed to meet the school district's policy for excused
13 absences.

14 (3) If a child transfers from one school district to another
15 during the school year, the receiving school or school district shall
16 include the unexcused absences accumulated at the previous school or
17 from the previous school district for purposes of this section, RCW
18 28A.225.030, and 28A.225.015, along with a copy of any previous
19 assessment as required under subsection (1)(c) of this section,
20 history of any best practices or researched-based intervention
21 previously provided to the child by the child's current school
22 district, and a copy of the most recent truancy information including
23 any online or written acknowledgment by the parent and child, as
24 provided for in RCW 28A.225.005.

25 **Sec. 5.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to
26 read as follows:

27 (1) For purposes of this chapter, "community truancy board" means
28 a board composed of members of the local community in which the child
29 attends school. (~~Juvenile courts may establish and operate community~~
30 ~~truancy boards. If the juvenile court and the school district agree,~~
31 ~~a school district may~~) All members of a community truancy board must
32 receive training regarding the identification of barriers to school
33 attendance, the use of the Washington assessment of the risks and
34 needs of students (WARNS) or other assessment tools to identify the
35 specific needs of individual children, trauma-informed approaches to
36 discipline, evidence-based treatments that have been found effective
37 in supporting at-risk youth and their families, and the specific
38 services and treatment available in the particular school, court,
39 community, and elsewhere. Pursuant to a memorandum of understanding

1 between a school district and a juvenile court, all school districts
2 must establish and operate a community truancy board under the
3 jurisdiction of the juvenile court. (~~Juvenile courts may create a~~
4 ~~community truancy board or may use other entities that exist or are~~
5 ~~created, such as diversion units. However, a diversion unit or other~~
6 ~~existing entity must agree before it is used as a truancy board.~~)
7 Duties of a community truancy board shall include, but not be limited
8 to: Identifying barriers to school attendance, recommending methods
9 for improving (~~school~~) attendance such as (~~assisting the parent or~~
10 ~~the child to obtain supplementary services that might eliminate or~~
11 ~~ameliorate the causes for the absences or~~) connecting students and
12 their families with community services and evidence-based services
13 such as functional family therapy, multisystemic therapy, and
14 aggression replacement training, suggesting to the school district
15 that the child enroll in another school, an alternative education
16 program, an education center, a skill center, a dropout prevention
17 program, or another public or private educational program, or
18 referring a child to a HOPE center.

19 (2) The legislature finds that utilization of community truancy
20 boards(~~, or other diversion units that fulfill a similar function,~~)
21 is the preferred means of intervention when preliminary methods (~~of~~
22 ~~notice and parent conferences and taking appropriate steps~~) to
23 eliminate or reduce unexcused absences have not been effective in
24 securing the child's attendance at school. The legislature intends to
25 encourage and support the development and expansion of community
26 truancy boards (~~and other diversion programs which are effective in~~
27 ~~promoting school attendance and preventing the need for more~~
28 ~~intrusive intervention by the court~~). All school districts must
29 establish a community truancy board by August 1, 2017. Operation of a
30 school truancy board does not excuse a district from the obligation
31 of filing a petition within the requirements of RCW 28A.225.015(3).

32 **Sec. 6.** RCW 28A.225.030 and 2012 c 157 s 1 are each amended to
33 read as follows:

34 (1) If a child under the age of seventeen is required to attend
35 school under RCW 28A.225.010 and if the actions taken by a school
36 district under RCW 28A.225.020 are not successful in substantially
37 reducing an enrolled student's absences from public school, not later
38 than the seventh unexcused absence by a child within any month during
39 the current school year or not later than the tenth unexcused absence

1 during the current school year the school district shall file a
2 petition and supporting affidavit for a civil action with the
3 juvenile court alleging a violation of RCW 28A.225.010: (a) By the
4 parent; (b) by the child; or (c) by the parent and the child. The
5 petition must include a list of all interventions that have been
6 attempted as set forth in RCW 28A.225.020, include a copy of any
7 previous truancy assessment completed by the child's current school
8 district, the history of approved best practices intervention or
9 research-based intervention previously provided to the child by the
10 child's current school district, and a copy of the most recent
11 truancy information document signed by the parent and child, pursuant
12 to RCW 28A.225.005. Except as provided in this subsection, no
13 additional documents need be filed with the petition. Nothing in this
14 subsection requires court jurisdiction to terminate when a child
15 turns seventeen or precludes a school district from filing a petition
16 for a child that is seventeen years of age.

17 (2) The district shall not later than the fifth unexcused absence
18 in a month:

19 (a) Enter into an agreement with a student and parent that
20 establishes school attendance requirements;

21 (b) Refer a student to a community truancy board(~~(, —if~~
22 ~~available,)~~) as defined in RCW 28A.225.025. The community truancy
23 board shall enter into an agreement with the student and parent that
24 establishes school attendance requirements and take other appropriate
25 actions to reduce the child's absences; or

26 (c) File a petition under subsection (1) of this section.

27 (3) The petition may be filed by a school district employee who
28 is not an attorney.

29 (4) If the school district fails to file a petition under this
30 section, the parent of a child with five or more unexcused absences
31 in any month during the current school year or upon the tenth
32 unexcused absence during the current school year may file a petition
33 with the juvenile court alleging a violation of RCW 28A.225.010.

34 (5) Petitions filed under this section may be served by certified
35 mail, return receipt requested. If such service is unsuccessful, or
36 the return receipt is not signed by the addressee, personal service
37 is required.

38 **Sec. 7.** RCW 28A.225.035 and 2012 c 157 s 2 are each amended to
39 read as follows:

1 (1) A petition for a civil action under RCW 28A.225.030 or
2 28A.225.015 shall consist of a written notification to the court
3 alleging that:

4 (a) The child has unexcused absences as described in RCW
5 28A.225.030(1) during the current school year;

6 (b) Actions taken by the school district have not been successful
7 in substantially reducing the child's absences from school; and

8 (c) Court intervention and supervision are necessary to assist
9 the school district or parent to reduce the child's absences from
10 school.

11 (2) The petition shall set forth the name, date of birth, school,
12 address, gender, race, and ethnicity of the child and the names and
13 addresses of the child's parents, and shall set forth (~~whether~~) the
14 languages in which the child and parent are fluent (~~in English~~),
15 whether there is an existing individualized education program, and
16 the child's current academic status in school.

17 (3) The petition shall set forth facts that support the
18 allegations in this section and shall generally request relief
19 available under this chapter and provide information about what the
20 court might order under RCW 28A.225.090.

21 (4)(a) When a petition is filed under RCW 28A.225.030 or
22 28A.225.015, it shall initially be stayed by the juvenile court.

23 (b) By August 1, 2017, the child and the child's parent must be
24 referred to a community truancy board as described in RCW
25 28A.225.025.

26 (c) Between August 1, 2016, and July 31, 2017, intervention and
27 prevention efforts must be employed to substantially reduce the
28 child's unexcused absences. Intervention and prevention efforts under
29 this subsection may include referral to an existing community truancy
30 board, use of the Washington assessment of the risks and needs of
31 students (WARNS) or other assessment tools to identify the specific
32 needs of individual children, the provision of community-based
33 services, and the provision of evidence-based treatments that have
34 been found to be effective in supporting at-risk youth and their
35 families. The school district must provide to the court a description
36 of the intervention and prevention efforts to be employed to
37 substantially reduce the child's unexcused absences, along with a
38 timeline for completion. School districts with fewer than two hundred
39 students may work cooperatively with other school districts, the
40 county court, or the school district's educational service district

1 to provide a community truancy board or other interventions approved
2 by the juvenile court and associated screenings and services to its
3 students.

4 (d) If intervention and prevention efforts under this subsection
5 are unsuccessful at substantially reducing the child's unexcused
6 absences within a reasonable time frame set by the school district,
7 the stay shall be lifted and the juvenile court shall schedule a
8 hearing at which the court shall consider the petition(~~(, or if the~~
9 ~~court determines that a referral to an available community truancy~~
10 ~~board would substantially reduce the child's unexcused absences, the~~
11 ~~court may refer the case to a community truancy board under the~~
12 ~~jurisdiction of the juvenile court)).~~

13 (5) ~~((If))~~ When a referral is made to a community truancy board,
14 the truancy board must meet with the child, a parent, and the school
15 district representative and enter into an agreement with the
16 petitioner and respondent regarding expectations and any actions
17 necessary to address the child's truancy within twenty days of the
18 referral. If the petition is based on RCW 28A.225.015, the child
19 shall not be required to attend and the agreement under this
20 subsection shall be between the truancy board, the school district,
21 and the child's parent. The court may permit the truancy board or
22 truancy prevention counselor to provide continued supervision over
23 the student, or parent if the petition is based on RCW 28A.225.015.

24 (6) If the community truancy board fails to reach an agreement,
25 or the parent or student does not comply with the agreement, the
26 truancy board shall return the case to the juvenile court for a
27 hearing.

28 (7)(a) Notwithstanding the provisions in subsection (4)(a) of
29 this section, a hearing shall not be required if other actions by the
30 court would substantially reduce the child's unexcused absences. When
31 a juvenile court hearing is held, the court shall:

32 (i) Separately notify the child, the parent of the child, and the
33 school district of the hearing. If the parent is not fluent in
34 English, ~~((the preferred practice is for))~~ notice ~~((to))~~ should be
35 provided in a language in which the parent is fluent as indicated on
36 the petition pursuant to RCW 28A.225.030(1);

37 (ii) Notify the parent and the child of their rights to present
38 evidence at the hearing; and

39 (iii) Notify the parent and the child of the options and rights
40 available under chapter 13.32A RCW.

1 (b) If the child is not provided with counsel, the advisement of
2 rights must take place in court by means of a colloquy between the
3 court, the child if eight years old or older, and the parent.

4 (8)(a) The court may require the attendance of the child if eight
5 years old or older, the parents, and the school district at any
6 hearing on a petition filed under RCW 28A.225.030.

7 (b) The court may not issue a bench warrant for a child for
8 failure to appear at a hearing on an initial truancy petition filed
9 under RCW 28A.225.030. If there has been proper service, the court
10 may instead enter a default order assuming jurisdiction under the
11 terms specified in subsection (12) of this section.

12 (9) A school district is responsible for determining who shall
13 represent the school district at hearings on a petition filed under
14 RCW 28A.225.030 or 28A.225.015.

15 (10) The court may permit the first hearing to be held without
16 requiring that either party be represented by legal counsel, and to
17 be held without a guardian ad litem for the child under RCW 4.08.050.
18 At the request of the school district, the court shall permit a
19 school district representative who is not an attorney to represent
20 the school district at any future hearings.

21 (11) If the child is in a special education program or has a
22 diagnosed mental or emotional disorder, the court shall inquire as to
23 what efforts the school district has made to assist the child in
24 attending school.

25 (12) If the allegations in the petition are established by a
26 preponderance of the evidence, the court shall grant the petition and
27 enter an order assuming jurisdiction to intervene for the period of
28 time determined by the court, after considering the facts alleged in
29 the petition and the circumstances of the juvenile, to most likely
30 cause the juvenile to return to and remain in school while the
31 juvenile is subject to this chapter. In no case may the order expire
32 before the end of the school year in which it is entered.

33 (13)(a) If the court assumes jurisdiction, the school district
34 shall periodically report to the court any additional unexcused
35 absences by the child, actions taken by the school district, and an
36 update on the child's academic status in school at a schedule
37 specified by the court.

38 (b) The first report under this subsection (13) must be received
39 no later than three months from the date that the court assumes
40 jurisdiction.

1 (14) Community truancy boards and the courts shall coordinate, to
2 the extent possible, proceedings and actions pertaining to children
3 who are subject to truancy petitions and at-risk youth petitions in
4 RCW 13.32A.191 or child in need of services petitions in RCW
5 13.32A.140.

6 (15) If after a juvenile court assumes jurisdiction in one county
7 the child relocates to another county, the juvenile court in the
8 receiving county shall, upon the request of a school district or
9 parent, assume jurisdiction of the petition filed in the previous
10 county.

11 **Sec. 8.** RCW 28A.225.090 and 2009 c 266 s 4 are each amended to
12 read as follows:

13 (1) A court may order a child subject to a petition under RCW
14 28A.225.035 to do one or more of the following:

15 (a) Attend the child's current school, and set forth minimum
16 attendance requirements, ~~((including suspensions))~~ which shall not
17 consider a suspension day as an unexcused absence;

18 (b) If there is space available and the program can provide
19 educational services appropriate for the child, order the child to
20 attend another public school, an alternative education program,
21 center, a skill center, dropout prevention program, or another public
22 educational program;

23 (c) Attend a private nonsectarian school or program including an
24 education center. Before ordering a child to attend an approved or
25 certified private nonsectarian school or program, the court shall:

26 (i) Consider the public and private programs available; (ii) find
27 that placement is in the best interest of the child; and (iii) find
28 that the private school or program is willing to accept the child and
29 will not charge any fees in addition to those established by contract
30 with the student's school district. If the court orders the child to
31 enroll in a private school or program, the child's school district
32 shall contract with the school or program to provide educational
33 services for the child. The school district shall not be required to
34 contract for a weekly rate that exceeds the state general
35 apportionment dollars calculated on a weekly basis generated by the
36 child and received by the district. A school district shall not be
37 required to enter into a contract that is longer than the remainder
38 of the school year. A school district shall not be required to enter

1 into or continue a contract if the child is no longer enrolled in the
2 district;

3 ~~(d) ((Be referred to a community truancy board, if available; or~~
4 ~~(e))) Submit to ((testing for the use of controlled substances or~~
5 ~~alcohol based on a determination that such testing)) a substance~~
6 ~~abuse assessment if the court finds on the record that such~~
7 ~~assessment~~ is appropriate to the circumstances and behavior of the
8 child and will facilitate the child's compliance with the mandatory
9 attendance law and, if any assessment, including a urinalysis test
10 ordered under this subsection indicates the use of controlled
11 substances or alcohol, order the minor to abstain from the unlawful
12 consumption of controlled substances or alcohol and adhere to the
13 recommendations of the ((~~drug~~)) substance abuse assessment at no
14 expense to the school;

15 (e) Submit to a mental health evaluation or other diagnostic
16 evaluation and adhere to the recommendations of the drug assessment,
17 at no expense to the school, if the court finds on the court records
18 that such evaluation is appropriate to the circumstances and behavior
19 of the child, and will facilitate the child's compliance with the
20 mandatory attendance law; or

21 (f) Submit to a temporary placement in a crisis residential
22 center if the court determines there is an immediate health and
23 safety concern, or a family conflict with the need for mediation.

24 (2) If the child fails to comply with the court order, the court
25 may order the child to be subject to detention, as provided in RCW
26 7.21.030(2)(e), or may impose alternatives to detention such as
27 community restitution. Failure by a child to comply with an order
28 issued under this subsection shall not be subject to detention for a
29 period greater than that permitted pursuant to a civil contempt
30 proceeding against a child under chapter 13.32A RCW. Detention
31 ordered under this subsection may be for no longer than seven days.
32 Detention ordered under this subsection shall preferably be served at
33 a secure crisis residential center close to the child's home rather
34 than in a juvenile detention facility. A warrant of arrest for a
35 child under this subsection may not be served on a child inside of
36 school during school hours in a location where other students are
37 present.

38 (3) Any parent violating any of the provisions of either RCW
39 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
40 twenty-five dollars for each day of unexcused absence from school.

1 The court shall remit fifty percent of the fine collected under this
2 section to the child's school district. It shall be a defense for a
3 parent charged with violating RCW 28A.225.010 to show that he or she
4 exercised reasonable diligence in attempting to cause a child in his
5 or her custody to attend school or that the child's school did not
6 perform its duties as required in RCW 28A.225.020. The court may
7 order the parent to provide community restitution instead of imposing
8 a fine. Any fine imposed pursuant to this section may be suspended
9 upon the condition that a parent charged with violating RCW
10 28A.225.010 shall participate with the school and the child in a
11 supervised plan for the child's attendance at school or upon
12 condition that the parent attend a conference or conferences
13 scheduled by a school for the purpose of analyzing the causes of a
14 child's absence.

15 (4) If a child continues to be truant after entering into a
16 court-approved order with the truancy board under RCW 28A.225.035,
17 the juvenile court shall find the child in contempt, and the court
18 may order the child to be subject to detention, as provided in RCW
19 7.21.030(2)(e), or may impose alternatives to detention such as
20 meaningful community restitution. Failure by a child to comply with
21 an order issued under this subsection may not subject a child to
22 detention for a period greater than that permitted under a civil
23 contempt proceeding against a child under chapter 13.32A RCW.

24 (5) Subsections (1), (2), and (4) of this section shall not apply
25 to a six or seven year old child required to attend public school
26 under RCW 28A.225.015.

27 **Sec. 9.** RCW 43.185C.315 and 2015 c 69 s 22 are each amended to
28 read as follows:

29 (1) The department shall establish HOPE centers that provide no
30 more than seventy-five beds across the state and may establish HOPE
31 centers by contract, within funds appropriated by the legislature
32 specifically for this purpose. HOPE centers shall be operated in a
33 manner to reasonably assure that street youth placed there will not
34 run away. Street youth may leave a HOPE center during the course of
35 the day to attend school or other necessary appointments, but the
36 street youth must be accompanied by an administrator or an
37 administrator's designee. The street youth must provide the
38 administration with specific information regarding his or her
39 destination and expected time of return to the HOPE center. Any

1 street youth who runs away from a HOPE center shall not be readmitted
2 unless specifically authorized by the street youth's placement and
3 liaison specialist, and the placement and liaison specialist shall
4 document with specific factual findings an appropriate basis for
5 readmitting any street youth to a HOPE center. HOPE centers are
6 required to have the following:

7 ~~((1))~~ (a) A license issued by the department of social and
8 health services;

9 ~~((2))~~ (b) A professional with a master's degree in counseling,
10 social work, or related field and at least one year of experience
11 working with street youth or a bachelor of arts degree in social work
12 or a related field and five years of experience working with street
13 youth. This professional staff person may be contractual or a part-
14 time employee, but must be available to work with street youth in a
15 HOPE center at a ratio of one to every fifteen youth staying in a
16 HOPE center. This professional shall be known as a placement and
17 liaison specialist. Preference shall be given to those professionals
18 cross-credentialed in mental health and chemical dependency. The
19 placement and liaison specialist shall:

20 ~~((a))~~ (i) Conduct an assessment of the street youth that
21 includes a determination of the street youth's legal status regarding
22 residential placement;

23 ~~((b))~~ (ii) Facilitate the street youth's return to his or her
24 legally authorized residence at the earliest possible date or
25 initiate processes to arrange legally authorized appropriate
26 placement. Any street youth who may meet the definition of dependent
27 child under RCW 13.34.030 must be referred to the department of
28 social and health services. The department of social and health
29 services shall determine whether a dependency petition should be
30 filed under chapter 13.34 RCW. A shelter care hearing must be held
31 within seventy-two hours to authorize out-of-home placement for any
32 youth the department of social and health services determines is
33 appropriate for out-of-home placement under chapter 13.34 RCW. All of
34 the provisions of chapter 13.32A RCW must be followed for children in
35 need of services or at-risk youth;

36 ~~((c))~~ (iii) Interface with other relevant resources and system
37 representatives to secure long-term residential placement and other
38 needed services for the street youth;

1 ~~((d))~~ (iv) Be assigned immediately to each youth and meet with
2 the youth within eight hours of the youth receiving HOPE center
3 services;

4 ~~((e))~~ (v) Facilitate a physical examination of any street youth
5 who has not seen a physician within one year prior to residence at a
6 HOPE center and facilitate evaluation by a county-designated mental
7 health professional, a chemical dependency specialist, or both if
8 appropriate; and

9 ~~((f))~~ (vi) Arrange an educational assessment to measure the
10 street youth's competency level in reading, writing, and basic
11 mathematics, and that will measure learning disabilities or special
12 needs;

13 ~~((3))~~ (c) Staff trained in development needs of street youth as
14 determined by the department, including an administrator who is a
15 professional with a master's degree in counseling, social work, or a
16 related field and at least one year of experience working with street
17 youth, or a bachelor of arts degree in social work or a related field
18 and five years of experience working with street youth, who must work
19 with the placement and liaison specialist to provide appropriate
20 services on site;

21 ~~((4))~~ (d) A data collection system that measures outcomes for
22 the population served, and enables research and evaluation that can
23 be used for future program development and service delivery. Data
24 collection systems must have confidentiality rules and protocols
25 developed by the department;

26 ~~((5))~~ (e) Notification requirements that meet the notification
27 requirements of chapter 13.32A RCW. The youth's arrival date and time
28 must be logged at intake by HOPE center staff. The staff must
29 immediately notify law enforcement and dependency caseworkers if a
30 street youth runs away from a HOPE center. A child may be transferred
31 to a secure facility as defined in RCW 13.32A.030 whenever the staff
32 reasonably believes that a street youth is likely to leave the HOPE
33 center and not return after full consideration of the factors set
34 forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's
35 temporary placement in the HOPE center must be authorized by the
36 court or the secretary of the department of social and health
37 services if the youth is a dependent of the state under chapter 13.34
38 RCW or the department of social and health services is responsible
39 for the youth under chapter 13.32A RCW, or by the youth's parent or

1 legal custodian, until such time as the parent can retrieve the youth
2 who is returning to home;

3 ~~((+6))~~ (f) HOPE centers must identify to the department of
4 social and health services any street youth it serves who is not
5 returning promptly to home. The department of social and health
6 services then must contact the missing children's clearinghouse
7 identified in chapter 13.60 RCW and either report the youth's
8 location or report that the youth is the subject of a dependency
9 action and the parent should receive notice from the department of
10 social and health services; and

11 ~~((+7))~~ (g) Services that provide counseling and education to the
12 street youth~~((+and))~~.

13 ~~((+8))~~ (2) The department shall award contracts for the
14 operation of HOPE center beds with the goal of facilitating the
15 coordination of services provided for youth by such programs and
16 those services provided by secure and semi-secure crisis residential
17 centers.

18 (3) Subject to funds appropriated for this purpose, the
19 department must incrementally increase the number of available HOPE
20 beds by at least seventeen beds in fiscal year 2017, at least
21 seventeen beds in fiscal year 2018, and at least seventeen beds in
22 fiscal year 2019, such that by July 1, 2019, seventy-five HOPE beds
23 are established and operated throughout the state as set forth in
24 subsection (1) of this section.

25 (4) Subject to funds appropriated for this purpose, the beds
26 available in HOPE centers shall be increased incrementally beyond the
27 limit of seventy-five set forth in subsection (1) of this section.
28 The additional capacity shall be distributed around the state based
29 upon need and, to the extent feasible, shall be geographically
30 situated so that HOPE beds are available across the state. In
31 determining the need for increased numbers of HOPE beds in a
32 particular county or counties, one of the considerations should be
33 the volume of truancy petitions filed there.

34 **Sec. 10.** RCW 43.185C.320 and 2015 c 69 s 23 are each amended to
35 read as follows:

36 To be eligible for placement in a HOPE center, a minor must be
37 either a street youth, as that term is defined in this chapter, or a
38 youth who, without placement in a HOPE center, will continue to
39 participate in increasingly risky behavior, including truancy. Youth

1 may also self-refer to a HOPE center. Payment for a HOPE center bed
2 is not contingent upon prior approval by the department; however,
3 approval from the department of social and health services is needed
4 if the youth is dependent under chapter 13.34 RCW.

5 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.185C
6 RCW to read as follows:

7 Subject to funds appropriated for this purpose, the capacity
8 available in crisis residential centers established pursuant to this
9 chapter shall be increased incrementally by no fewer than ten beds
10 per fiscal year through fiscal year 2019 in order to accommodate
11 truant students found in contempt of a court order to attend school.
12 The additional capacity shall be distributed around the state based
13 upon need and, to the extent feasible, shall be geographically
14 situated to expand the use of crisis residential centers as set forth
15 in this chapter so they are available for use by all courts for
16 housing truant youth.

17 **Sec. 12.** RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each
18 amended to read as follows:

19 (1) This chapter is designed to: (a) Promote the use of data when
20 developing programs to assist underachieving students and reduce
21 disruptive behaviors in the classroom; and (b) guide school districts
22 in providing the most effective and efficient practices when
23 implementing supplemental instruction and services to assist
24 underachieving students and reduce disruptive behaviors in the
25 classroom.

26 (2) School districts implementing a learning assistance program
27 shall focus first on addressing the needs of students:

28 (a) In grades kindergarten through four who are deficient in
29 reading or reading readiness skills to improve reading literacy; and

30 (b) Referred to community truancy boards as defined in RCW
31 28A.225.025.

32 **Sec. 13.** RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each
33 amended to read as follows:

34 (1) Beginning in the 2015-16 school year, expenditure of funds
35 from the learning assistance program must be consistent with the
36 provisions of RCW 28A.655.235.

1 (2) Use of best practices that have been demonstrated through
2 research to be associated with increased student achievement
3 magnifies the opportunities for student success. To the extent they
4 are included as a best practice or strategy in one of the state menus
5 or an approved alternative under this section or RCW 28A.655.235, the
6 following are services and activities that may be supported by the
7 learning assistance program:

8 (a) Extended learning time opportunities occurring:

9 (i) Before or after the regular school day;

10 (ii) On Saturday; and

11 (iii) Beyond the regular school year;

12 (b) Services under RCW 28A.320.190;

13 (c) Professional development for certificated and classified
14 staff that focuses on:

15 (i) The needs of a diverse student population;

16 (ii) Specific literacy and mathematics content and instructional
17 strategies; and

18 (iii) The use of student work to guide effective instruction and
19 appropriate assistance;

20 (d) Consultant teachers to assist in implementing effective
21 instructional practices by teachers serving participating students;

22 (e) Tutoring support for participating students;

23 (f) Outreach activities and support for parents of participating
24 students, including employing parent and family engagement
25 coordinators; ~~((and))~~

26 (g) Up to five percent of a district's learning assistance
27 program allocation may be used for development of partnerships with
28 community-based organizations, educational service districts, and
29 other local agencies to deliver academic and nonacademic supports to
30 participating students who are significantly at risk of not being
31 successful in school to reduce barriers to learning, increase student
32 engagement, and enhance students' readiness to learn. The office of
33 the superintendent of public instruction must approve any community-
34 based organization or local agency before learning assistance funds
35 may be expended; and

36 (h) Up to two percent of a district's learning assistance program
37 allocation may be used to fund community truancy board activities and
38 student supports as described in RCW 28A.225.025.

39 (3) In addition to the state menu developed under RCW
40 28A.655.235, the office of the superintendent of public instruction

1 shall convene a panel of experts, including the Washington state
2 institute for public policy, to develop additional state menus of
3 best practices and strategies for use in the learning assistance
4 program to assist struggling students at all grade levels in English
5 language arts and mathematics and reduce disruptive behaviors in the
6 classroom. The office of the superintendent of public instruction
7 shall publish the state menus by July 1, 2015, and update the state
8 menus by each July 1st thereafter.

9 (4)(a) Beginning in the 2016-17 school year, except as provided
10 in (b) of this subsection, school districts must use a practice or
11 strategy that is on a state menu developed under subsection (3) of
12 this section or RCW 28A.655.235.

13 (b) Beginning in the 2016-17 school year, school districts may
14 use a practice or strategy that is not on a state menu developed
15 under subsection (3) of this section for two school years initially.
16 If the district is able to demonstrate improved outcomes for
17 participating students over the previous two school years at a level
18 commensurate with the best practices and strategies on the state
19 menu, the office of the superintendent of public instruction shall
20 approve use of the alternative practice or strategy by the district
21 for one additional school year. Subsequent annual approval by the
22 superintendent of public instruction to use the alternative practice
23 or strategy is dependent on the district continuing to demonstrate
24 increased improved outcomes for participating students.

25 (c) Beginning in the 2016-17 school year, school districts may
26 enter cooperative agreements with state agencies, local governments,
27 or school districts for administrative or operational costs needed to
28 provide services in accordance with the state menus developed under
29 this section and RCW 28A.655.235.

30 (5) School districts are encouraged to implement best practices
31 and strategies from the state menus developed under this section and
32 RCW 28A.655.235 before the use is required.

33 **Sec. 14.** RCW 28A.655.235 and 2013 2nd sp.s. c 18 s 106 are each
34 amended to read as follows:

35 (1)(a) Beginning in the 2015-16 school year, except as otherwise
36 provided in this subsection (1), for any student who received a score
37 of basic or below basic on the third grade statewide student
38 assessment in English language arts in the previous school year, the
39 school district must implement an intensive reading and literacy

1 improvement strategy from a state menu of best practices established
2 in accordance with subsection (3) of this section or an alternative
3 strategy in accordance with subsection (4) of this section.

4 (b) Beginning August 1, 2017, the school district must implement
5 a community truancy board as provided in RCW 28A.165.035.

6 (c) Reading and literacy improvement strategies for students with
7 disabilities whose individualized education program includes
8 specially designed instruction in reading or English language arts
9 shall be as provided in the individualized education program.

10 (2)(a) Also beginning in the 2015-16 school year, in any school
11 where more than forty percent of the tested students received a score
12 of basic or below basic on the third grade statewide student
13 assessment in English language arts in the previous school year, as
14 calculated under this subsection (2), the school district must
15 implement an intensive reading and literacy improvement strategy from
16 a state menu of best practices established in accordance with
17 subsection (3) of this section or an alternative strategy in
18 accordance with subsection (4) of this section for all students in
19 grades kindergarten through four at the school.

20 (b) For the purposes of this subsection (2), the office of the
21 superintendent of public instruction shall exclude the following from
22 the calculation of a school's percentage of tested students receiving
23 a score of basic or below basic on the third grade statewide student
24 assessment:

25 (i) Students enrolled in the transitional bilingual instruction
26 program unless the student has participated in the transitional
27 bilingual instruction program for three school years;

28 (ii) Students with disabilities whose individualized education
29 program specifies a different standard to measure reading performance
30 than is required for the statewide student assessment; and

31 (iii) Schools with fewer than ten students in third grade.

32 (3) The office of the superintendent of public instruction shall
33 convene a panel of experts, including the Washington state institute
34 for public policy, to develop a state menu of best practices and
35 strategies for intensive reading and literacy improvement designed to
36 assist struggling students in reaching grade level in reading by the
37 end of fourth grade. The state menu must also include best practices
38 and strategies to improve the reading and literacy of students who
39 are English language learners and for system improvements that
40 schools and school districts can implement to improve reading

1 instruction for all students. The office of the superintendent of
2 public instruction shall publish the state menu by July 1, 2014, and
3 update the state menu by each July 1st thereafter.

4 (4) School districts may use an alternative practice or strategy
5 that is not on a state menu developed under subsection (3) of this
6 section for two school years initially. If the district is able to
7 demonstrate improved outcomes for participating students over the
8 previous two school years at a level commensurate with the best
9 practices and strategies on the state menu, the office of the
10 superintendent of public instruction must approve use of the
11 alternative practice or strategy by the district for one additional
12 school year. Subsequent annual approval by the superintendent of
13 public instruction to use the alternative practice or strategy is
14 dependent on the district continuing to demonstrate an increase in
15 improved outcomes for participating students.

16 NEW SECTION. **Sec. 15.** The office of the superintendent of
17 public instruction shall develop recommendations as to how mandatory
18 school attendance and truancy amelioration provisions under chapter
19 28A.225 RCW should be applied to online schools and report back to
20 the relevant committees of the legislature by November 1, 2016.

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.330
22 RCW to read as follows:

23 (1) By requiring an initial stay of truancy petitions for
24 diversion to community truancy boards, the legislature intends to
25 achieve the following outcomes:

26 (a) Increased access to community truancy boards and other
27 truancy early intervention programs for parents and children
28 throughout the state;

29 (b) Increased quantity and quality of truancy intervention and
30 prevention efforts in the community;

31 (c) A reduction in the number of truancy petitions that result in
32 further proceedings by juvenile courts, other than dismissal of the
33 petition, after the initial stay and diversion to a community truancy
34 board;

35 (d) A reduction in the number of truancy petitions that result in
36 a civil contempt proceeding or detention order; and

37 (e) Increased school attendance.

1 (2) No later than January 1, 2021, the Washington state institute
2 for public policy is directed to evaluate the effectiveness of
3 chapter . . . , Laws of 2016 (this act). An initial report scoping of
4 the methodology to be used to review chapter . . . , Laws of 2016
5 (this act) shall be submitted to the fiscal committees of the
6 legislature by January 1, 2018. The initial report must identify any
7 data gaps that could hinder the ability of the institute to conduct
8 its review.

9 NEW SECTION. **Sec. 17.** Sections 12 through 14 of this act take
10 effect September 1, 2016."

2SHB 2449 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

NOT CONSIDERED 03/09/2016

11 On page 1, line 2 of the title, after "truancy;" strike the
12 remainder of the title and insert "amending RCW 28A.225.005,
13 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090,
14 43.185C.315, 43.185C.320, 28A.165.005, 28A.165.035, and 28A.655.235;
15 adding a new section to chapter 28A.225 RCW; adding a new section to
16 chapter 43.185C RCW; adding a new section to chapter 43.330 RCW;
17 creating new sections; and providing an effective date."

EFFECT: Replaces text of bill with 2SSB 6497. The WSIPP study in
2SSB 6497 is expanded to include an evaluation as to whether this act
led to increased school attendance. Major differences between 2SHB
2449 and 2SSB 6497 include:

A requirement for community truancy boards to be implemented
statewide in districts with more than 200 students;

An expansion of community truancy board requirements to include
evidence-based and data-informed steps to reduce absences;

Specification of targets for the expansion of HOPE beds and CRC
beds;

Authorization is provided for a school district to use up to 2%
of state Learning Assistance Program funding to support community
truancy board activities.

--- END ---