

# HOUSE BILL REPORT

## HB 2449

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.

**Brief Description:** Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.

**Sponsors:** Representatives Orwall, Magendanz, Kagi, Santos, Senn, Peterson, Appleton, Moscoso, Goodman, Jinkins, Walkinshaw, Stanford, Clibborn, Sells, Fitzgibbon, Kilduff, Ryu, Bergquist, Pollet and S. Hunt.

**Brief History:**

**Committee Activity:**

Judiciary: 1/19/16, 1/28/16 [DPS].

**Brief Summary of Substitute Bill**

- Enacts the Keeping Kids in School Act which makes a variety of changes and additions to practices and requirements related to school attendance and truancy.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

**Staff:** Cece Clynch (786-7195).

**Background:**

Compulsory School Attendance.

Children 8 years of age and under 18 years of age are required to attend public school unless they fall within certain exceptions, such as attending private school or receiving home-based

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instruction. If a parent enrolls a 6-year-old or 7-year-old child in school, the child is required to attend school, and the parent is responsible for ensuring the child attends.

#### Duties of Schools and School Districts.

Schools are required to inform students and parents of the compulsory attendance requirements at least annually. This requirement may be satisfied by providing online access to the information, unless a parent or guardian specifically requests that the information be provided in written form.

When a child who is 8 years of age and under 18 years of age has unexcused absences, the school must provide notice and request a conference with the parent, and take other steps to eliminate or reduce the child's absences. The following specific actions are imposed on schools and school districts:

1. After one unexcused absence in one month, the school must inform parents in writing or by phone of potential consequences of continued absences.
2. After two unexcused absences in one month, the school must schedule a conference with the parents and take steps to reduce absences.
3. After five unexcused absences in one month, the district must enter into an attendance agreement with the student and parent, refer the student to a community truancy board, or file a truancy petition with the court.
4. After seven unexcused absences in one month or 10 unexcused absences in a year, the district must file a truancy petition with the court if the student is under the age of 17. A petition may be filed with respect to a student who is 17 years of age.

Similar requirements are in place with respect to 6-year-old and 7-year-old children who are enrolled in school, except that the third step set forth above does not apply.

#### Truancy Petitions.

A truancy petition is filed in juvenile court and may be filed against the child, the parent, or both. Truancy petitions regarding 6- and 7-year-old students are filed against the parent. Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or refer the case to a community truancy board. If the court finds the student to be truant, the court may order the student to attend school, change schools, or appear before a community truancy board. If the student continues to be truant, the school or the court may file a contempt of court motion and various sanctions may be imposed, including detention or community service. Throughout the process, students and their families may be referred to other services.

#### Crisis Residential Centers.

Crisis Residential Centers (CRCs) are short-term, semi-secure and secure facilities for runaway youth and adolescents in conflict with their families. Counselors at a CRC work with the family to resolve the immediate conflict and develop better ways of dealing with conflict in the future. The stated goal of CRCs is to reunite the family and youth whenever possible.

#### HOPE Centers.

HOPE Centers provide temporary residential placements for street youth. Youth may self-refer to a HOPE Center for services, and entering a center is voluntary. While residing in a

HOPE Center, youth undergo a comprehensive assessment in order to develop the best plan for the youth, with the focus on finding a permanent and stable home. The assessment includes gathering information on the youth's legal status and conducting a physical examination, a mental health and chemical abuse evaluation, and an educational evaluation of their basic skills, along with any learning disabilities or special needs.

Educational Opportunity Gap Oversight and Accountability Committee.

Created in 2009, the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) is tasked with recommending to educational agencies specific policies and strategies to:

- support and facilitate parent and community involvement and outreach;
- enhance the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;
- expand pathways and strategies to prepare and recruit diverse teachers and administrators;
- recommend current programs and resources that should be redirected to narrow the gap;
- identify data elements and systems needed to monitor progress in closing the gap;
- make closing the gap part of the school and school district improvement process; and
- explore innovative school models that have shown success in closing the gap.

Washington State Institute for Public Policy.

The Washington State Institute for Public Policy (WSIPP) is a research organization created by the Legislature to provide nonpartisan research at legislative direction on issues of importance to Washington.

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**Summary of Substitute Bill:**

The Keeping Kids in School Act makes a variety of changes and additions to practices and requirements related to school attendance and truancy.

Duties of Schools and School Districts.

*Provision of Information.*

In addition to information about compulsory education requirements, schools must provide information about:

- the benefits of regular school attendance, the potential effects of excessive absenteeism on academic achievement, and graduation and dropout rates;
- the school's expectations of parents and guardians to ensure regular school attendance;
- the resources available to assist the child and parents and guardians;
- the role and responsibilities of the school; and
- the consequences of truancy.

This information must be provided before, or at the time of, enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, this information may be provided online unless a parent or guardian specifically requests that it be provided in written form. Provision must be made to enable parents to request and receive the information in a language in which they are fluent.

The Office of the Superintendent of Public Instruction (OSPI) is tasked with developing a template that schools may use to satisfy the requirements set forth above, and posting the information on the OSPI website.

#### *Excused Absences.*

New requirements are put in place with respect to excused absences by elementary students. If an elementary student has five or more excused absences in a single month during the current school year, or 10 or more excused absences in the current school year, the district must schedule a conference with the parent and child for the purpose of identifying the barriers to regular attendance, as well as the supports and resources that may be made available to the family so that the child is able to regularly attend school. Conference participants must include at least one school district employee who is a nurse, counselor, social worker, or community human services provider in most circumstances.

The conference requirement is inapplicable in the event of excused absences for which prior notice has been given to the school and an academic plan put in place so that the child does not fall behind.

#### Therapeutic Truancy Boards.

A therapeutic truancy board (TTB) is defined as a community truancy board operated pursuant to a memorandum of understanding (MOU) between a school district and a juvenile court. All members of a TTB receive certain training, including training with respect to identification of barriers to school attendance, trauma-informed approaches to discipline, research regarding adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, and the specific services and treatment available in the particular school, court, and community. A TTB identifies barriers to attendance, cooperatively solves problems, and connects students and their families with services, and may refer children to a HOPE center.

Subject to funds appropriated for this purpose, the OSPI is charged with allocating grant funds to TTBs that may be used to supplement existing funds in order to pay for training for board members or the provision of services and evidence-based treatment, as well as culturally appropriate promising practices, to children and their families. An educational service district may provide the training. A prerequisite to applying for either or both grants is an MOU between a school district and a court to institute a new, or maintain an existing, TTB.

#### Truancy Petitions.

All truancy petitions must receive an initial stay, and intervention and prevention efforts must be employed in order to substantially reduce unexcused absences. If these efforts are

unsuccessful, the stay shall be lifted, and the court must schedule a hearing or take other steps specified under current law.

In the event that a child is ordered detained for contempt of court for failure to adhere to a court order, preference is expressed that the child serve detention in a CRC rather than a juvenile detention facility.

Crisis Residential Centers and HOPE Beds.

Subject to appropriation, the number of CRC and HOPE beds shall be increased incrementally. Additional capacity should be distributed around the state.

Educational Opportunity Gap Oversight and Accountability Committee.

The EOGOAC is charged with conducting a review and making recommendations to the Legislature regarding the cultural competence training that TTB board members and others should receive, best practices for supporting and facilitating parent and community outreach, and the cultural relevance of the assessments employed and treatments and tools provided to children and families.

Washington State Institute for Public Policy.

The WSIPP must conduct both a study of local practices and an outcome evaluation, with reports due December 1, 2017, with respect to the study and December 1, 2022, regarding the evaluation.

Administrative Office of the Courts.

Juvenile courts are required to transmit data to the Administrative Office of the Courts (AOC) in order that accurate tracking can be done with respect to the extent to which courts order youth into a secure detention facility for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition. The AOC must provide, to the Legislature, a statewide report by March 1, 2017, and annually thereafter.

**Substitute Bill Compared to Original Bill:**

The substitute bill retains the underlying bill, but adds references to additional types of training and treatment and academic supports. References to multi-systemic therapy and aggression replacement training are removed from the description of what treatments therapeutic truancy boards refer to. It also allows, but does not require, educational service districts to provide the training to TTBs.

Under the substitute bill, the WSIPP is charged with doing both a study of local practices and an outcome evaluation.

A provision is added in the substitute bill that requires juvenile courts to provide data to the AOC regarding the extent to which courts order youth into a secure detention facility for violation of a court order related to truancy, at-risk youth, and children in need of services. The AOC is tasked with reporting annually.

**Appropriation:** None.

**Fiscal Note:** Available. A new fiscal note was requested on January 28, 2016.

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

**Staff Summary of Public Testimony:**

(In support) The main predictor of high school graduation is attendance in elementary school. Washington detains the highest number of kids for status offenses, including truancy. This bill employs evidence-based and trauma informed practices that should reduce truancy and improve attendance. Some of the features include soft, early intervention, TTBs, the WARNS screening tool, expansion of CRC and HOPE beds, and work is being done with respect to an academic support piece. In both Pierce and Spokane counties, existing resources are being used for joint efforts by the courts and schools such as is envisioned for the TTBs.

The truancy petition is an important component of current law, and this bill maintains the petition mandate. In addition, the increase in CRC and HOPE beds is supported. There are a couple of concerns: the length of the stay following the filing of the petition, since it is not stated; the predictability of the money; and what happens if the parents won't sign for the receipt of information.

(Opposed) None.

(Other) Washington is the state in the nation that locks up the most juvenile status offenders. Juveniles should be assigned lawyers in the truancy process. It is imperative that those on the community truancy boards be trained and culturally competent. Funding is a critical piece. The studies that are in this bill are an important piece.

**Persons Testifying:** (In support) Representative Orwall, prime sponsor; and Tom McBride, Washington State Association of Juvenile Court Administrators.

(Other) Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.