

# FINAL BILL REPORT

## 2SHB 2449

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### PARTIAL VETO C 205 L 16 Synopsis as Enacted

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

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Orwall, Magendanz, Kagi, Santos, Senn, Peterson, Appleton, Moscoso, Goodman, Jinkins, Walkinshaw, Stanford, Clibborn, Sells, Fitzgibbon, Kilduff, Ryu, Bergquist, Pollet and S. Hunt).

**House Committee on Judiciary**  
**House Committee on Appropriations**  
**Senate Committee on Human Services, Mental Health & Housing**

#### **Background:**

##### Compulsory School Attendance.

Children 8 years of age and under 18 years of age must attend public school unless they fall within certain exceptions, such as attending private school or receiving home-based 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 must 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, schools and school districts must take certain steps to eliminate or reduce the child's absences:

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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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.

#### Learning Assistance Program.

The instructional program of basic education includes, among other things, the Learning Assistance Program (LAP). The LAP provides supplemental instruction and support to eligible students who need academic support for reading, writing, and math, or who need readiness skills to learn these core subjects. In 2013 several changes were made to the LAP including, among others, a focus on reading literacy in early grades, the ability to use the LAP funds to provide eligible students with supports to reduce disruptive behavior, and a requirement that districts must select student support services from menus of best practices and strategies developed by a panel of experts convened by the Office of Superintendent of Public Instruction (OSPI).

#### 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 basic skills, 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.

### **Summary:**

#### 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 and 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 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. Schools must make reasonable efforts to enable parents to request and receive the information in a language in which they are fluent. A parent must acknowledge review of this information online or in writing.

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 at a time reasonably convenient for all 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 such as a nurse, counselor, social worker, community human services provider, or teacher in most circumstances. If a regularly scheduled parent-teacher conference day is to take place within 30 days of the absences, the district may schedule the conference on that day.

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

#### *Unexcused Absences.*

Changes are made with respect to school district responsibilities in the event of unexcused absences. Rather than specify that it is the preferred practice to provide information in a language in which the parent is fluent, it is required that a school make reasonable efforts to do so. Steps that a school must take to eliminate or reduce a child's absences must be data-informed, include the use of the Washington Assessment of the Risks and Needs of Students (WARNS) and, where appropriate, provide an available approved best practice or research-based intervention, or both, consistent with the WARNS.

When a child transfers school districts during the school year, the sending school must provide to the receiving school a copy of any WARNS together with a history of interventions provided to the child, and the written acknowledgement of receipt of attendance and truancy information by the parent.

#### Truancy: Community Truancy Boards and Other Coordinated Means of Intervention.

The definition of a community truancy board (CTB) is revised. A CTB means a board established pursuant to a memorandum of understanding (MOU) between a juvenile court and a school district and composed of members of the local community. All members of a CTB must receive training regarding the identification of barriers to school attendance, the use of assessments such as the WARNS to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. New duties of a CTB include connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multi-systemic therapy, and aggression replacement training, or recommending to the juvenile court that a juvenile be referred to a HOPE center or a CRC.

By the beginning of the 2017-18 school year, juvenile courts must establish, through a MOU with each school district within their respective counties, a coordinated and collaborative approach to address truancy. For a school district that is located in more than one county, the MOU shall be with the juvenile court in the county that acts as the school district's treasurer.

In most cases, the establishment and operation of a CTB pursuant to an MOU is required. School districts with fewer than 200 students, however, may utilize a CTB or address truancy through other coordinated means of intervention aimed at identifying barriers to attendance and connecting students and their families with services such as those provided by a CTB. Districts may work cooperatively with other districts or the educational service district (ESD). All districts must designate, and identify to the local juvenile court, a person or persons to coordinate district efforts to address excessive absenteeism and truancy.

Courts and school districts are encouraged to emulate the successful efforts made by other districts and courts across the state that have worked together and led the way with CTBs, by creating strong community-wide partnerships and leveraging existing dollars.

#### Learning Assistance Program.

"Disruptive behaviors in the classroom" explicitly includes excessive absenteeism and truancy. In addition to prioritizing the LAP on the reading assistance needs of students in kindergarten through fourth grade, schools implementing the LAP must focus on students for whom a conference is required under the new provisions relating to unexcused absences in elementary school and those who are the subject of a truancy petition, in order to increase regular school attendance and eliminate truancy. Up to 2 percent of a district's LAP allocation may be used to address excessive absenteeism and truancy. A CTB or other coordinated means of intervention established pursuant to an MOU between a juvenile court and school district is considered a best practice.

#### Community Truancy Board Grants.

Subject to funds appropriated for this purpose, the OSPI is charged with allocating grant funds to CTBs that may be used to supplement existing funds in order to pay for training for board members or the provision of services, evidence-based treatment, and culturally appropriate promising practices to children and their families. An ESD 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, CTB.

#### Truancy Petitions.

If a CTB or other coordinated means of intervention is in place pursuant to an MOU, the court must initially stay the petition and so refer the child and the child's parent. The CTB must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion. If the CTB fails to reach an agreement or there is noncompliance, the CTB must return the case to the court, the stay must be lifted, and the court must schedule a hearing to consider the petition.

If no CTB or coordinated means of intervention is in place pursuant to an MOU between the court and the district, upon filing of the petition the court must schedule a hearing. At the hearing on the petition, in addition to the authority to order a child to attend school, change schools, or submit to testing for alcohol or controlled substances, a court may order the child to submit to a substance abuse assessment or mental health evaluation or other diagnostic evaluation and adhere to the recommendations, at no expense to the school, if the court finds on the record that such evaluation is appropriate to the circumstances and behavior of the child and will facilitate compliance with the mandatory attendance law. Additionally, the

court may order the child to submit to a temporary placement in a CRC or HOPE center if the court determines there is an immediate health and safety concern or family conflict needing mediation.

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 secure CRC near the child's home rather than in a juvenile detention facility.

#### Application to Online Schools.

The OSPI must develop recommendations on how mandatory school attendance and truancy amelioration provisions should be applied to online schools, and the OSPI must report back to the Legislature by November 1, 2016.

#### Crisis Residential Centers and HOPE Beds.

Subject to funds appropriated for the purpose, the Department of Social and Health Services must incrementally increase the number of available HOPE beds by at least 17 beds in fiscal years 2017, 2018, and 2019, so that 75 beds are established and operated throughout the state by July 1, 2019, and thereafter incrementally increase the number beyond 75. Risky behavior, as that term is used in the law regarding eligibility for placement in a HOPE center, includes truancy.

Subject to funds appropriated for the purpose, the capacity of CRCs must be increased incrementally by no fewer than 10 beds per fiscal year through 2019 in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity must be distributed around the state based upon need, and to the extent feasible must be geographically situated to expand the use of CRCs so they are available for use by all courts for housing truant youth.

#### 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.

By January 1, 2021, the WSIPP is to evaluate the effectiveness of the act in achieving certain articulated outcomes:

- increased access to the CTBs and other intervention programs;
- increased quantity and quality of truancy intervention and prevention efforts in the community;
- reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a CTB;
- reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and
- increased school attendance.

Prior to that, by January 1, 2018, the WSIPP is to submit to the fiscal committees of the Legislature an initial report scoping the methodology to be used. This initial report must identify any data gaps that could hinder the WSIPP's ability to conduct its review.

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.

**Votes on Final Passage:**

House	86	10	
Senate	46	2	(Senate amended)
House			(House refused to concur)
Senate	47	2	(Senate receded/amended)
House	94	4	(House concurred)

**Effective:** June 9, 2016

**Partial Veto Summary:** The Governor vetoed: (1) the legislative intent section; and (2) the sections regarding the LAP.