
Judiciary Committee

2SSB 6497

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: Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, O'Ban, Darneille, Miloscia, Litzow, McAuliffe and Conway).

Brief Summary of Second Substitute Bill

- Makes a variety of changes and additions to practices and requirements related to school attendance and truancy, including:
 - requiring schools to regularly provide information about the benefits of regular attendance, school expectations, resource availability, school responsibilities, and consequences of truancy;
 - putting in place a coordinated school response to excused absences in elementary school;
 - requiring that all school districts, except for some of the smallest, establish community truancy boards (CTBs) pursuant to a memorandum of understanding with the juvenile court and making revisions to the Learning Assistance Program for purposes of funding CTBs;
 - making a change with respect to the truancy petition process to require an initial stay; and
 - providing for the increase in HOPE beds and crisis residential center capacity, subject to funds appropriated for this purpose.

Hearing Date: 2/24/16

Staff: Cece Clynch (786-7195).

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.

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 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 (CTB), 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 CTB. If the court finds the student to be truant, the court may order the student to attend school, change schools, or appear before a CTB. 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 the Legislature enacted several changes 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 their basic skills, along with any learning disabilities or special needs.

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 of Bill:

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. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of the information before or at the time of enrollment of the child at a new school and at the beginning of each school year.

The 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, 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) where appropriate, and provide an available approved best practice or research-based intervention, or both, consistent with the WARNS.

It is anticipated that, when a child transfers school during the school year, the receiving school shall receive 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.

Community Truancy Boards.

All school districts, except those with fewer than 200 students, must establish a community truancy board (CTB) by August 1, 2017. These CTBs must be established and operated pursuant to a memorandum of understanding with the juvenile court.

All members of a CTB must receive training regarding the identification of barriers to school attendance, the use of the WARNS or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective, and the specific services and treatments available in the particular school, court, community and elsewhere.

Additional duties of a CTB include, but are not limited to:

- identifying barriers to attendance;
- connecting students and families with community services and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training;

- referring a child to a HOPE center.

Truancy Petitions.

A truancy petition must include a list of all interventions that have been attempted, include a copy of any previous truancy assessment, the history of interventions previously provided, and a copy of the most recent truancy information document signed by the parent. Rather than requiring that the petition indicate whether the parent and child are fluent in English, it must set forth the languages in which they are fluent.

All truancy petitions must receive an initial stay. With respect to stays, between August 1, 2016, and July 31, 2017, intervention and prevention efforts must be employed in order to substantially reduce unexcused absences. By August 1, 2017, the child and the child's parent must be referred to a CTB upon a stay being issued. If these efforts are unsuccessful at substantially reducing the unexcused absences within a reasonable time frame set by the district, the stay shall be lifted, and the court must schedule a hearing to consider the petition.

At the hearing of the petition, in addition to the authority to order a child to attend school, change school, or submit to testing for alcohol or controlled substances, a court is authorized to order the child to submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, 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 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 rather than a juvenile detention facility.

HOPE Centers.

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.

Crisis Residential Centers.

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 shall be geographically situated to expand the use of CRCs so they are available for use by all courts for housing truant youth.

Learning Assistance Program.

In addition to first focusing the LAP on the reading assistance needs of students in kindergarten through fourth grade, schools implementing a LAP shall focus on students referred to CTBs. Up to two percent of a district's LAP allocation may be used to fund CTB activities and student supports. Beginning August 1, 2017, the school district must implement a CTB.

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.

Washington State Institute for Public Policy.

No later than January 1, 2021, the WSIPP must evaluate the effectiveness of this act. An initial report scoping the methodology to be used must be submitted to the fiscal committees of the Legislature by January 1, 2018. This initial report must identify any data gaps that could hinder the ability of the WSIPP to conduct its review.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 12 through 14, relating to the Learning Assistance Program, which takes effect September 1, 2016.