

# HOUSE BILL REPORT

## 2SSB 6497

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

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 2/24/16, 2/26/16 [DPA].

#### **Brief Summary of Second Substitute Bill (As Amended by Committee)**

- 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:** Do pass as amended. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

**Minority Report:** Do not pass. Signed by 1 member: Representative Shea, Assistant Ranking Minority Member.

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

#### **Background:**

Compulsory School Attendance.

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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.*

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.

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**Summary of Amended 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 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.

#### 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 a 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.

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 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 CRC rather than 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 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 Educational Opportunity Gap Oversight and Accountability Committee (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.

**Amended Bill Compared to Second Substitute Bill:**

The underlying bill is stricken, and replaced with all of the provisions from the House bill, some of which are identical or similar to provisions in the underlying bill and some of which are different, as follows:

- similarly requires that parents be provided with information related to benefits of attendance, consequences of truancy, and available resources but provides that provision must be made to enable parents to request/receive information in the

- language in which they are fluent rather than requiring that reasonable efforts to so enable parents must be made;
- includes identical provisions relative to the process schools must follow with respect to excused absences on the part of elementary students;
  - strikes the requirement that all schools, except those with 200 students or less, have CTBs and instead encourages employment of TTBs:
    - strikes provisions related to funding CTBs via the LAP; and
    - includes a grant program, subject to funding, that provides grant funds to TTBs for training and services;
  - similarly requires that initial truancy petitions be stayed and intervention and prevention efforts be employed, but does not require referral to a CTB;
  - similarly provides that detention in CRCs is preferred over detention in juvenile detention facilities in instances of contempt of court;
  - similarly allows a court, following a hearing on a petition, to order a child to submit to temporary placement in a CRC if the court determines there is an immediate health and/or safety concern or family conflict needing mediation but does not include a provision allowing a court to order a mental health evaluation or amend the language with respect to testing for substance abuse;
  - similarly provides that, subject to funding there will be an increase in the number of HOPE beds and CRC capacity but does not provide specific annual numbers as did the underlying bill;
  - provides, in an identical fashion, for the OSPI to develop and report recommendations with respect to how mandatory attendance and truancy amelioration should be applied to online schools;
  - similarly requires a WSIPP evaluation but also requires a review and provides different due dates;
  - provides for a review and recommendations by the EOGOAC;
  - provides that courts will provide certain data and the AOC shall report regarding detentions; and
  - names the act the "Keeping Kids in Schools Act."
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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Prior to today, the OSPI was not in support of this bill, but is now. The LAP is an extension of the federal Title I. These funds are used to help poor children with reading and math. A few years ago, this state decided the federal funds were not enough, and the Legislature provided additional money, \$160 million, so more children could learn. The emphasis was on third grade reading. Subsequently, the law was changed so that these funds could also be used to address disruptive behavior. Absenteeism is a behavior issue, and the

OSPI supports use of the LAP dollars for this purpose, especially in light of recent data reported by the OSPI with regard to chronic absenteeism in the state.

Early intervention, and collaboration between schools, courts, and communities is crucial. Use of assessments, as is called for in the bill, is supported. The increase in HOPE and CRC capacity for at-risk populations also has support. This is the model that Spokane and the West Valley School District have used, and it has proven highly effective. So much so, that a toolkit was developed and is available for other schools and courts to use to replicate the program. Use of the Washington Assessment of the Risks and Needs of Students assessment helped guide work that was done with the students at West Valley and keep the kids engaged. The assessment allowed identification of those students who were "parentified," and perhaps missing school because they had to stay home with younger siblings. It also unearthed a huge mental health component. These students can be highly successful when the community, school, and the courts work together.

The Becca Task Force includes a diverse group of persons from around the state, including representatives from courts, schools, defense attorneys, and many others. Many of the provisions of this bill were best practice recommendations from the Task Force. Integration of cultural competency in the House bill is appreciated, as is the piece regarding collecting data on detention. This effort needs to be fully funded.

(Opposed) None.

(Other) The efforts that have gone into this are much appreciated. The CTBs do work well in places. The problem comes in requiring the CTBs for all districts. A CTB is not necessary in a district such as Stehekin. There is also concern with using the LAP funding in this way. This funding is important and should be used for reading and math. Allowing it to be used for this bill is the camel's nose under the tent. Some of the components in this bill represent good steps, such as CTBs, the stay of the petition, and increased capacity for HOPE beds and CRCs. It doesn't go far enough, however. Kids should not be incarcerated for status offenses. Washington incarcerates far more kids for such offenses than other states. The bill only works if funding is provided. Section 13, regarding the use of the LAP funds, is concerning. Two percent of this is equal to about \$9 million. This is money that is already being used around the state. Taking this money for this bill is like taking money from the emergency room to pay for the ambulance. Money for both is needed.

**Persons Testifying:** (In support) Randy Dorn, Office of Superintendent of Public Instruction; Tom McBride, Washington Association of Juvenile Court Administrators; Bonnie Bush, Spokane County Juvenile Court and Juvenile Court Administration; Martin Kolodrub, Spokane County Juvenile Court; and Gina Cumbo, Washington State Becca Task Force.

(Other) Alan Burke, Washington State School Directors' Association; Bob Cooper, Washington Defender Association, and Washington Association of Criminal Defense Lawyers; and Jerry Bender, Association of Washington School Principals.

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