

# SENATE BILL REPORT

## 2SHB 2449

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As of February 25, 2016

**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:** 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).

**Brief History:** Passed House: 2/12/16, 86-10.

**Committee Activity:** Human Services, Mental Health & Housing: 2/23/16.

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### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Staff:** Kevin Black (786-7747)

**Background:** Truancy and Attendance. Parents must ensure that their children aged 8-18 attend public school unless the children fall within certain exceptions, such as enrollment in private school or receipt of home-based instruction.

Schools must inform students and parents of the state 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 for the information to be provided in written form.

When a child in public school has unexcused absences, the school must take steps to eliminate or reduce the child's absences. The following specific requirements are imposed on schools and school districts:

- after one unexcused absence in one month, the school must inform parents in writing or by phone of potential consequences of continued absences;
- 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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- 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; and
- 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.

A truancy petition is filed in juvenile court, and may be filed against the child, the parent, or both. Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or stay the case and refer it to a community truancy board. If, following a hearing, 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 the court may impose various contempt sanctions, including detention or community service. Throughout the process, students and their families may be referred to other services.

The Washington Assessment of the Risks and Needs of Students (WARNS) is a risk and needs assessment for schools, courts, and service providers designed to identify youths at risk of truancy, delinquency, and dropping out of school, and to assess youth development. It is designed for students aged 13-18 and consists of 76 questions requiring 10-20 minutes to complete either on paper or online. The WARNS was developed in Washington with support from the MacArthur Foundation.

Crisis Residential Centers (CRCs). CRCs are short-term, semi-secure or secure facilities for runaway youth and adolescents in conflict with their families. Counselors at CRCs 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. There are currently 44 CRC beds and 25 secure CRC beds in the state.

HOPE Centers. HOPE Centers provide temporary residential placement and other services for street youth. Youth may self-refer to a HOPE Center for services. While residing in a HOPE Center, the youth undergoes a comprehensive assessment in order to develop the best plan for the youth, with the focus on finding a permanent and stable home. A street youth whose parent wants the youth to be returned home may stay in the HOPE Center only until the parent arranges for the return of the youth. A youth may remain in a HOPE Center for up to 30 days with court approval. Longer stays must be based on the unavailability of a longer term placement and require approval by the Department of Commerce. There are currently 23 HOPE beds in the state.

**Summary of Bill:** Each school must inform the parent of its enrolled students about:

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

Information must be provided before or at the time of enrollment and at the beginning of each school year. Provision must be made to enable a parent to request and receive the information in a language in which the parent is fluent. A parent must date and acknowledge review of this information before or at the time of enrollment and at the beginning of each school year. The Office of the Superintendent of Public Instruction (OSPI) must develop a template for schools to use to satisfy this requirement.

If a child who is required to attend elementary school has five excused absences in a month, or 10 excused absences in a year, the school district must schedule a conference with the parent and child for the purpose of identifying barriers to the child's regular attendance and supports and resources that may be provided to the family, so that the child is able to regularly attend school. The conference must include at least one school district employee such as a nurse, counselor, social worker, or teacher, and may involve revision of an individual education plan. A conference is not required if prior notice is given to the school or a doctor's note provided and an academic plan is put into place so that the child does not fall behind. If a regularly scheduled parent-teacher conference day is to take place within 30 days, the district may schedule the conference on that day.

A definition of "therapeutic truancy board" is created. To qualify as a therapeutic truancy board, all members of the board must receive training regarding:

- 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 to support at-risk youth and their families; and
- the specific services and treatment available in the particular school, court, community, and elsewhere.

A therapeutic truancy board must identify barriers to school attendance for the child, connect students and their families with community services and evidence-based services, and consider referring the child to a HOPE center. Subject to funding, OSPI must distribute grant funds to school districts which promise to institute or maintain a therapeutic truancy board, providing that the applicants commit to providing services such as tutoring, credit retrieval, school engagement supports, community-based services, evidence-based treatments that are effective in supporting at-risk youth and their families, and culturally-appropriate promising practices.

When a truancy petition is filed, the juvenile court must initially stay the petition. Intervention and prevention efforts must be employed in order to substantially reduce the child's unexcused absences. Intervention may include referral to a community truancy board and services associated with a therapeutic truancy board. If intervention and prevention efforts are unsuccessful at substantially reducing the child's unexcused absences, the stay must be lifted, and the juvenile court must schedule a hearing or consider a subsequent referral to a community truancy board.

OSPI must develop recommendations as to how mandatory school attendance and truancy amelioration provisions should be applied to online schools. A report is due by November 1, 2016.

A preference is created for detention as a sanction for noncompliance with a truancy order to be served at a CRC close to the child's home, rather than at a juvenile detention facility. A judge may order a child subject to a truancy petition to submit to temporary placement at a CRC, if the court determines there is an immediate health and safety concern or a family conflict with the need for mediation.

Subject to appropriated funds, the Department of Commerce must increase the number of available HOPE beds and increase CRC capacity. The additional HOPE bed and CRC capacity must be distributed around the state based upon need and, to the extent feasible, accessible to all geographic areas. Volume of truancy petitions filed must be considering in determining the need for HOPE beds. Truancy is added as a specific criteria to qualify for HOPE bed services.

The Educational Opportunity Gap Oversight and Accountability Committee must review and make preliminary recommendations to the Legislature by June 30, 2017, and final recommendations by December 1, 2017, concerning:

- cultural competency training for therapeutic truancy boards;
- best practices for facilitating parent and community involvement and outreach; and
- the cultural relevance of assessments employed to identify barriers to attendance and treatment and tools provided to children and their families.

The Washington State Institute for Public Policy (WSIPP) must study local practices that address truancy, including performance of a systematic research literature review and an outcome evaluation from local practices including, but not limited to, therapeutic truancy boards. WSIPP must publish its literature review by December 1, 2017, and its outcome evaluation by December 1, 2022.

Juvenile courts must transmit youth-level secure detention data to the Administrative Office of the Courts (AOC). AOC must develop uniform data standards with the juvenile court administrators, and deliver an annual statewide report to the Legislature starting March 1, 2017, which details the number of youth placed in detention facilities during the calendar year. The report must detail the most serious reason for detention, the demographics of gender, race, and ethnicity, and provide a specific emphasis on truancy, at-risk youth, or child in need of services petitions.

This act must be known as the Keeping Kids in School Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: One of the top predictors of whether kids will graduate from high school is their attendance in elementary school. Truancy boards are a best practice in the community. This bill provides resources to help the relationships happen which support the formation of community truancy boards. We provide academic supports and treatment resources which might not otherwise be available. Since truancy boards are built on partnerships, the expense is not for bureaucracy but for training and supports for the families. Some of these provisions are consistent with recommendations made by the Becca Task Force in 2011 in order to keep kids in school and use detention as the last resort. We support adding additional Becca Task Force recommendations that were reflected in the Senate version of this bill. Adequate funding must be placed towards community truancy boards. At least 150 school districts lack this important resource. Having kids in crisis centers instead of detention would be a good thing to slow down the school to prison pipeline. We support not diverting Learning Assistance Program funds for the support of truancy boards.

**Persons Testifying:** PRO: Representative Orwall, prime sponsor; Gina Cumbo, Becca Task Force; Jerry Bender, Assn. of WA School Principals.

**Persons Signed In To Testify But Not Testifying:** No one.