

# SENATE BILL REPORT

## SB 5745

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As Reported by Senate Committee On:  
Human Services, Mental Health & Housing, February 17, 2015

**Title:** An act relating to implementing Becca task force truancy reform recommendations.

**Brief Description:** Implementing Becca task force truancy reform recommendations.

**Sponsors:** Senators Hargrove and Miloscia.

**Brief History:**

**Committee Activity:** Human Services, Mental Health & Housing: 2/16/15, 2/17/15 [DP].

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

**Majority Report:** Do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

**Staff:** Alison Mendiola (786-7444)

**Background:** In 1995 the Legislature passed a comprehensive act, known as the Becca Bill, addressing concerns about at-risk and runaway youth. The Becca Bill dealt with four main subject areas including runaway youth, alternative placements for youth, chemical dependency and mental health treatment for minors, and students who are truant.

The goal of the legislation was to provide increased protection for children who engage in harmful acts or behaviors, and to give parents, the Department of Social and Health Services, schools, courts, and law enforcement additional tools to help children.

Compulsory Education. State law regarding school attendance requires children 8 to 17 years of age to attend public schools unless they fall within certain exceptions. If a parent enrolls a six or seven-year-old child in school, the child must attend school and the parent is responsible for ensuring that the child attends.

When a child who is over age seven and is required to attend school 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 duties are imposed on schools and school districts:

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- After one unexcused absence in one month, the school must inform parents in writing or by phone of potential consequences of continuing absences;
- After two unexcused absences in one month, the school must schedule a conference with the parents and take steps to reduce absences;
- 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 ten unexcused absences in one year, the district must file a truancy petition with the court.

Similar requirements apply to six and seven-year-old children who are enrolled in school, although the school district is not required to take specific action after the fifth unexcused absence in one month.

Schools must inform students and parents about compulsory education requirements at least annually. This information may be provided online. The school must provide a written copy at the request of a parent or guardian.

Community Truancy Board. Community truancy board means a board composed of members of the local community where the child attends school. Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board. Duties of a community truancy board includes, but is not limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences, or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

Truancy Petitions. A truancy petition is filed in juvenile court and may be filed against the child, the parent, or both. Truancy petitions regarding six and seven-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.

Becca Task Force on Truancy Reform. Founded in 2002, the Washington State Becca Task Force is a voluntary organization, which includes representatives from various youth-serving agencies across the state and is chaired by former Washington State Supreme Court Justice Bobbe Bridge. The Becca Task Force provides a forum to help foster collaboration between courts, schools, and service providers; facilitates the initiation of research and training on the development and use of proven practice models to meet the needs and ensure success of

youth and families in crisis; and leads efforts in Washington State to ensure that adequate funding, accountability mechanisms, and efficient and effective processes for carrying out the intent and goals of the Becca laws are in place.

**Summary of Bill:** The recommendations of the Becca Task Force on Truancy Reform are implemented.

The Legislature recognizes there are many causes of truancy and that truancy is an indicator of future school dropout and delinquent behavior. It is the intent of the Legislature to encourage the systemic identification of truant behavior as early as possible and to encourage the use of best practices and evidence-based interventions to reduce truant behavior in every school in Washington State.

Compulsory Education. Schools must provide parents with information regarding compulsory education requirements online or in writing in a language that the parent is fluent. The parent must date and acknowledge review of this information, online or in writing, before or at the time of the child's enrollment at a new school and at the beginning of each school year.

Schools must take data-informed steps to eliminate or reduce a child's absences. These steps include a risk and needs assessment using a validated truancy assessment tool, if available, to identify areas of need, and where appropriate, provide an available approved best practice or research-based intervention, or both, consistent with the risk and needs assessment profile. A truancy assessment tool means a reliable and validated assessment instrument designed to measure the risk and needs of a student in each of the following domains: aggression-defiance; depression-anxiety; substance abuse; peer deviance; family environment; and school engagement, for the purpose of assessing need and risk related to academic performance and attendance, provided the information can be used in responding to risk and needs, for selecting appropriate interventions and case management.

If a child transfers from one school district to another, the receiving school must review a copy of any previous truancy assessment, history of best practices or research-based intervention previously provided to the child by the child's current school district, and a copy of the most dated truancy information inclusive of a parent's and child's acknowledgement.

Subject to the available funds, the Administrative Office of the Courts (AOC) must complete validation of the Washington assessment of risk and needs of students for high school students by August 30, 2015, and for elementary and middle school students by August 30, 2016. The AOC must report the status of the tool development and validation by January 1 of each calendar year until the development and validation are complete.

Truancy Petitions. If the school district files a petition with the juvenile court due a child's unexcused absences, the petition must include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices or research-based interventions previously provided to the child, and a copy of the most recent truancy information document signed by the parent and child.

Community Truancy Board. By January 1, 2016, when a petition is filed by a school, the child and the child's parents must be scheduled for a community truancy board. Before the establishment of a community truancy board, the juvenile court must consider the petition.

If the community truancy board intervention is not successful in reducing a child's absences, the juvenile court must schedule a hearing to consider the petition. Information provided to the parent must be in a language that the parent is fluent.

Court Orders. When ordering a child to attend school, a suspension day is not to be considered an unexcused absence. A court may order a substance abuse assessment if the court finds on the record that such assessment is appropriate. A court may order that a child 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 records that such evaluation is appropriate and the assessment will facilitate the child's compliance with the mandatory attendance law.

Educational Service Districts (ESDs). Each school district, in collaboration with the ESD and juvenile court, must identify and develop sufficient best practice or evidence-based interventions, or both, to meet the needs of its students who exhibit truant behavior.

By January 1, 2016, each ESD must convene meetings with superintendents of school districts, school principals and counselors, judicial officers, juvenile court administrators, and local service providers to develop a list of available best practice or research-based interventions, or both, sufficient to meet the needs of truant and out-of-school youth.

By September 1, 2016, the ESD must issue a list of approved best practice interventions or research-based strategies, or both, available to schools.

**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: A lot of work went into the creation of the Becca Bill in 1995 and that work still continues today. To the extent that courts can assess the needs of youth, we support this bill. This model is really borrowing from the juvenile justice system, and the more tools we have, the better off kids and the state are. We are trying to develop community truancy boards. In some places they work, in others they don't. There is a lot of research regarding offenders incarcerated in communities but what do we do with youth prior to incarceration? The revision of the drug and alcohol language is helpful and some courts are already using this model. This language is helpful for those counties that think you can't do an assessment, just testing.

**Persons Testifying:** PRO: Senator Hargrove, prime sponsor; Stephen Warning, Superior Court Judges Assn.; Pete Peterson, WA Assn. of Juvenile Court Administrators.