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<u>2SHB 1170</u> - S COMM AMD By Committee on Ways & Means

ADOPTED 04/11/2017

1 Strike everything after the enacting clause and insert the 2 following:

- 3 "Sec. 1. RCW 28A.225.015 and 1999 c 319 s 6 are each amended to 4 read as follows:
 - (1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.
- 18 (2) If a six or seven year old child is required to attend public 19 school under subsection (1) of this section and that child has 20 unexcused absences, the public school in which the child is enrolled 21 shall:
 - (a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;
 - (b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after ((two)) three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within

thirty days of the ((second)) third unexcused absence, then the school district may schedule this conference on that day; and

- (c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.
- (3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.
- (4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.
- **Sec. 2.** RCW 28A.225.020 and 2016 c 205 s 4 are each amended to 22 read as follows:
 - (1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:
 - (a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;
- 33 (b) Schedule a conference or conferences with the parent and 34 child at a time reasonably convenient for all persons included for 35 the purpose of analyzing the causes of the child's absences after ((two)) three unexcused absences within any month during the current 37 school year. If a regularly scheduled parent-teacher conference day 38 is to take place within thirty days of the ((second)) third unexcused 39 absence, then the school district may schedule this conference on 38 cards Pare (SCC) arch

- that day. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence; and
 - (c) At some point after the second and before the fifth unexcused absence, take data-informed steps to eliminate or reduce the child's absences.

- (i) In middle school and high school, these steps ((shall)) must include application of the Washington assessment of the risks and needs of students (WARNS) or other assessment by a school district's designee under RCW 28A.225.026((, and)).
- (ii) For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.
 - (iii) With respect to any child, without an existing individualized education plan or 504 plan, reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services. This includes children with suspected emotional or behavioral disabilities as defined in WAC 392-172A-01035. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the child is found to be eligible for special education services, accommodations, or related services, a plan developed to address the child's needs.
- (iv) These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board,

- requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. ((If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.))
- 8 (2) For purposes of this chapter, an "unexcused absence" means 9 that a child:
- 10 (a)(i) Has failed to attend the majority of hours or periods in 11 an average school day or has failed to comply with a more restrictive 12 school district policy; and
- 13 $((\frac{b}{b}))$ (ii) Has failed to meet the school district's policy for excused absences; or
- 15 <u>(b) Has failed to comply with alternative learning experience</u> 16 <u>program attendance requirements as described by the superintendent of</u> 17 <u>public instruction.</u>

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- (3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. All school districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.
- 33 **Sec. 3.** RCW 28A.225.025 and 2016 c 205 s 5 are each amended to 34 read as follows:
- 35 (1) For purposes of this chapter, "community truancy board" means
 36 a board established pursuant to a memorandum of understanding between
 37 a juvenile court and a school district and composed of members of the
 38 local community in which the child attends school. ((All members of
 39 a)) Community truancy boards must include members who receive
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 4 S-2520.1/17

1 training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and 2 3 needs of students (WARNS) or other assessment tools to identify the individual children, cultural responsive specific needs of 4 interactions, trauma-informed approaches to discipline, evidence-5 б based treatments that have been found effective in supporting at-risk 7 youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. 8 Duties of a community truancy board shall include, but not be limited 9 to: Identifying barriers to school attendance, recommending methods 10 11 for improving attendance such as connecting students and their families with community services, culturally appropriate promising 12 practices, and evidence-based services such as functional family 13 14 therapy((, multisystemic therapy, and aggression replacement training)), suggesting to the school district that the child enroll 15 16 in another school, an alternative education program, an education 17 center, a skill center, a dropout prevention program, or another 18 public or private educational program, or recommending to the 19 juvenile court that a juvenile be ((referred to)) offered the opportunity for placement in a HOPE center or crisis residential 20 21 center, if appropriate.

(2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

Sec. 4. RCW 28A.225.026 and 2016 c 205 s 6 are each amended to read as follows:

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

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(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

- (3) A school district with fewer than ((two)) three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to:

 (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy((, multisystemic therapy, and aggression replacement training)). School districts with fewer than ((two)) three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.
- (4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.
- (5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a Code Rev/SCG:amh 6 S-2520.1/17

- 1 variety of sources, including public and private, local and state,
- 2 and court, school, and community. In emulating this coordinated and
- 3 collaborative approach statewide pursuant to local memoranda of
- 4 understanding, courts and school districts are encouraged to create
- 5 strong community-wide partnerships and to leverage existing dollars
- 6 and resources.

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- 7 **Sec. 5.** RCW 28A.225.090 and 2016 c 205 s 9 are each amended to 8 read as follows:
- 9 (1) A court may order a child subject to a petition under RCW 10 28A.225.035 to do one or more of the following:
 - (a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;
 - (b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;
 - (c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to for a weekly rate that exceeds the state apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;
- 37 (d) Submit to a substance abuse assessment if the court finds on 38 the record that such assessment is appropriate to the circumstances 39 and behavior of the child and will facilitate the child's compliance Code Rev/SCG:amh 7 S-2520.1/17

- with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or
 - (e) 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 court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law(($\frac{1}{2}$ or
- (f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation)).
- 17 (2)(a) If the child fails to comply with the court order, the
 18 court may impose:
 - (i) Community restitution;

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- 20 (ii) Nonresidential programs with intensive wraparound services;
- 21 <u>(iii) A requirement that the child meet with a mentor for a</u> 22 specified number of times; or
- 23 <u>(iv) Other services and interventions that the court deems</u> 24 appropriate.
 - (b) If the child continues to fail((s)) to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e)((, or may impose alternatives to detention such as community restitution)). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

- 1 (3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than 2 twenty-five dollars for each day of unexcused absence from school. 3 The court shall remit fifty percent of the fine collected under this 4 section to the child's school district. It shall be a defense for a 5 6 parent charged with violating RCW 28A.225.010 to show that he or she 7 exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not 8 perform its duties as required in RCW 28A.225.020. The court may 9 order the parent to provide community restitution instead of imposing 10 11 a fine. Any fine imposed pursuant to this section may be suspended 12 upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a 13 14 supervised plan for the child's attendance at school condition that the parent attend a conference or conferences 15 16 scheduled by a school for the purpose of analyzing the causes of a 17 child's absence.
 - (4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

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- (5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.
- 30 **Sec. 6.** RCW 28A.225.030 and 2016 c 205 s 7 are each amended to 31 read as follows:
- (1) If a child under the age of seventeen is required to attend 32 school under RCW 28A.225.010 and if the actions taken by a school 33 district under RCW 28A.225.020 are not successful in substantially 34 reducing an enrolled student's absences from public school, not later 35 than the seventh unexcused absence by a child within any month during 36 37 the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a 38 petition and supporting affidavit for a civil action with the 39

- 1 juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The 2 petition must include a list of all interventions that have been 3 attempted as set forth in RCW 28A.225.020, include a copy of any 4 previous truancy assessment completed by the child's current school 5 6 district, the history of approved best practices intervention or 7 research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent 8 truancy information document ((signed by the parent and child)) 9 provided to the parent, pursuant to RCW 28A.225.005. Except as 10 provided in this subsection, no additional documents need be filed 11 12 with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a 13 school district from filing a petition for a child that is seventeen 14 15 years of age.
- 16 (2) The district shall not later than the fifth unexcused absence 17 in a month:

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- (a) Enter into an agreement with a student and parent that establishes school attendance requirements;
- (b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or
 - (c) File a petition under subsection (1) of this section.
- 26 (3) The petition may be filed by a school district employee who 27 is not an attorney.
 - (4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.
- 33 (5) Petitions filed under this section may be served by certified 34 mail, return receipt requested. If such service is unsuccessful, or 35 the return receipt is not signed by the addressee, personal service 36 is required.
- 37 **Sec. 7.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to 38 read as follows:

(1) As required under subsection (2) of this section, ((each school shall document the actions taken under RCW 28A.225.030 and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.

- (2) The reports under subsection (1) of this section shall include, disaggregated by student group:
- (a) The number of enrolled students and the number of unexcused absences;
- (b) ((Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;
- (c))) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;
- ((\(\frac{(d)}{(d)}\)) (c) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved

- private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; ((and
- (e))) (d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:
 - (i) Referral to a community truancy board;
- 7 (ii) Other coordinated means of intervention;
- 8 (iii) A hearing in the juvenile court; or
- 9 <u>(iv) Other less restrictive disposition (e.g., change of</u> 10 <u>placement, home school, alternative learning experience, residential</u>
- 11 treatment); and

- (e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.
- 15 (3) A report required under this section shall not disclose the 16 name or other identification of a child or parent.
- 17 (4) ((The superintendent of public instruction shall collect
 18 these reports from all school districts and prepare an annual report
 19 for each school year to be submitted to the legislature no later than
 20 December 15th of each year.)) The K-12 data governance group shall
 21 develop the data protocols and guidance for school districts in the
 22 collection of data to provide a clearer understanding of actions
- 23 taken under RCW 28A.225.030.
- 24 **Sec. 8.** RCW 28A.250.070 and 2013 2nd sp.s. c 18 s 508 are each 25 amended to read as follows:
- Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with
- 28 RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in
- 29 ((online courses or online school)) alternative learning experience
- 30 programs. The office of online learning under RCW 28A.250.030 shall
- 31 develop a standard form, which must be used by all school districts,
- 32 for releasing a student to a nonresident school district for the
- 33 purposes of enrolling in an ((online course or online school))
- 34 <u>alternative learning experience</u> program.
- 35 <u>NEW SECTION.</u> **Sec. 9.** A new section is added to chapter 28A.232
- 36 RCW to read as follows:
- 37 The superintendent of public instruction may adopt rules to bring
- 38 consistency and uniformity to attendance and truancy definitions in

- 1 the alternative learning experience setting, establish procedures for
- 2 addressing truancy in all alternative learning experience courses,
- 3 leverage existing systems to facilitate truancy actions between
- 4 school districts and courts when the student has transferred out of
- 5 his or her resident district to enroll in an alternative learning
- 6 experience course; and clarify the responsibility of school districts
- 7 in the event of rescinding a student transfer.
- 8 NEW SECTION. Sec. 10. RCW 28A.225.115 (Educational services—
- 9 Funding for children referred to community truancy board) and 1996 c
- 10 134 s 11 are each repealed.
- 11 <u>NEW SECTION.</u> **Sec. 11.** If specific funding for the purposes of
- 12 this act, referencing this act by bill or chapter number, is not
- 13 provided by June 30, 2017, in the omnibus appropriations act, this
- 14 act is null and void."

<u>2SHB 1170</u> - S COMM AMD By Committee on Ways & Means

ADOPTED 04/11/2017

- On page 1, line 2 of the title, after "truancy;" strike the
- 16 remainder of the title and insert "amending RCW 28A.225.015,
- 17 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.090, 28A.225.030,
- 18 28A.225.151, and 28A.250.070; adding a new section to chapter 28A.232
- 19 RCW; creating a new section; and repealing RCW 28A.225.115."

EFFECT: Requires a school to document each instance of imposition of detention for failure to comply with a truancy order with a statement of the reasons for each instance as part of its annual truancy report to OSPI.

--- END ---