
Judiciary Committee

HB 1170

Title: An act relating to maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy.

Brief Description: Maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy.

Sponsors: Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet and Santos.

Brief Summary of Bill

- Permits, but no longer requires, that the Washington Assessment of Risks and Needs be applied following two unexcused absences.
- Requires school districts to identify, to the Office of the Superintendent of Public Instruction, the person designated to coordinate its efforts to address excessive absenteeism and truancy.
- Provides that courts may order a child to a temporary placement in a crisis residential center or a HOPE center only if the child fails to comply with a court order and not as an initial response at a hearing on the truancy petition.

Hearing Date: 1/19/17

Staff: Cece Clynch (786-7195).

Background:

Compulsory School Attendance.

Children 8 years of age and under 18 years of age must 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.

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.

When a child who is 8 years of age and under 18 years of age has unexcused absences, schools and school districts must take certain steps to eliminate or reduce the child's absences:

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. Such steps must be data-informed, include the use of the Washington Assessment of the Risks and Needs of Students (WARNS) and, where appropriate, provide an available approved best practice or research-based intervention, or both, consistent with the WARNS.
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 one 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.

All districts must designate, and identify to the local juvenile court, a person or persons to coordinate district efforts to address excessive absenteeism and truancy.

Truancy Petitions.

If a CTB or other coordinated means of intervention is in place pursuant to a memorandum of understanding (MOU) between the court and the district, the court must initially stay the petition and so refer the child and the child's parent. The CTB must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion. If the CTB fails to reach an agreement or there is noncompliance, the CTB must return the case to the court, the stay must be lifted, and the court must schedule a hearing to consider the petition.

If no CTB or coordinated means of intervention is in place pursuant to an MOU between the court and the district, upon filing of the petition the court must schedule a hearing. At the hearing on the petition, a court may order a child to attend school, change schools, or submit to a substance abuse assessment or mental health evaluation. Additionally, the court may order the child to submit to a temporary placement in a crisis residential center (CRC) or HOPE center 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 near the child's home rather than in a juvenile detention facility.

Crisis Residential Centers.

Crisis residential centers 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 basic skills, any learning disabilities, or special needs.

Summary of Bill:

Revisions to some school and court processes with respect to truancy are made as follows:

- Rather than require application of the Washington Assessment of Risks and Needs (WARNS) as one of the data-informed steps that must be taken following two unexcused absences, application of the WARNS or other assessment tools is made permissive.
- School districts must provide the Office of the Superintendent of Public Instruction with the same information that they are required to provide to the local juvenile court concerning the identity of the person or persons designated to coordinate district excessive absenteeism and truancy efforts.
- Only in the event that a child fails to comply with a court order is the court authorized to order the child to temporary placement in a crisis residential center or a HOPE center. Such placement is not an option that a court may employ on the initial hearing on the petition.

A section enacted in 1996 is repealed. This section pertains to appropriations for educational services for children referred to community truancy boards or to the courts. It is subject to available funding, and funding for purposes of this section has not been appropriated for several years.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.