

FINAL BILL REPORT

2SHB 1170

C 291 L 17
Synopsis as Enacted

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

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet and Santos).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Human Services, Mental Health & Housing
Senate Committee on Ways & Means

Background:

School Truancy Processes.

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.

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.

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.

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.

School districts are required to document and report to the Office of the Superintendent of Public Instruction (OSPI) the number of enrolled students and the number of unexcused absences, together with information regarding a description of programs developed to serve students with a certain number of unexcused absences. The OSPI must prepare and submit a report to the Legislature by December 15 of each year.

Court Truancy Processes.

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 truancy 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.

Summary:

School Truancy Processes.

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

- School conferences with parents are required after three unexcused absences rather than two.
- Application of the Washington Assessment of the Risks and Needs of Students (WARNS) or other assessment is only required for middle and high school students.
- New steps are required with respect to students with individualized education plans (IEP) or 504 plans.
- School districts must provide the OSPI 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.

The size threshold for school districts that are not required to operate a CTB is raised from 200 to 300 students.

Changes are made to current school district and OSPI reporting requirements regarding truancy. These reports must include, disaggregated by student group, the number of petitions, and beginning in the 2018-19 school year, whether the petition results in referral to a CTB, other coordinated means of intervention, a court hearing, or other less restrictive disposition. The reports must also include each instance of detention for failure to comply with a court order, together with a statement of the reasons for each detention. The OSPI must continue to prepare an annual report to the Legislature by December 15 of each year.

The OSPI is given rulemaking authority to bring consistency and uniformity to attendance and truancy definitions in the Alternative Learning Experience (ALE) setting, establish procedures for addressing truancy in all ALE courses, leverage existing systems to facilitate truancy actions when the student has transferred out of his or her resident district to enroll in an ALE course, and clarify the responsibility of districts in the event a student transfer is rescinded.

Court Truancy Processes.

Revisions to court process are made as follows:

- Upon filing a petition, a school is required to provide a copy of the attendance information provided to the parent, rather than a copy signed by the parent.
- Language is stricken that allowed a court, on the initial hearing of the petition, to order the child to a temporary placement in a HOPE bed or CRC.
- If a child fails to comply with a court order, the court may impose community restitution, nonresidential programs with intensive wraparound services, a requirement that a child meet with a mentor, or other services and interventions that a court deems appropriate. If the child continues to fail to comply, and the court makes a finding that other measures to secure compliance have been tried but not been successful, and no less restrictive alternative is available, then the court may order detention.
- Additional measures are required prior to utilizing detention.

A section pertaining to appropriations for educational services for children referred to CTBs or to the courts is repealed.

Votes on Final Passage:

House	95	3	
Senate	47	2	(Senate amended)
House	95	3	(House concurred)

Effective: July 23, 2017