

SENATE BILL REPORT

2SHB 1170

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, March 28, 2017

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

Brief History: Passed House: 3/06/17, 95-3.

Committee Activity: Human Services, Mental Health & Housing: 3/21/17, 3/28/17 [DP-WM, w/oRec].

Brief Summary of Bill

- Requires the superior court to attempt less restrictive alternatives to detention before imposing detention when a child fails to comply with a truancy order.
- Reduces training requirements for community truancy board members.
- Increases the number of unexcused absences in a month before a school must request a conference with the parent from two to three.
- Applies truancy requirements to alternative learning experience programs.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle, Hunt and Walsh.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Kevin Black (786-7747)

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.

Background: Children 8-17 years of age are required to attend public school unless an exception applies allowing for the child to attend private school, receive home-based instruction, or other circumstances. Public schools are required to take steps to reduce truancy. Legally mandated steps include:

- informing parents by telephone or written notice after one unexcused absence;
- scheduling a conference with the parent and child after two unexcused absences within a month;
- entering an agreement with the student and parent concerning school attendance not later than the fifth unexcused absence; and
- filing a truancy petition with the juvenile court not later than the seventh unexcused absence within a month or tenth unexcused absence in a year.

A truancy petition must be initially stayed by the juvenile court. The child and parent must be referred to a community truancy board (CTB). A CTB is a board composed of members of the local community in which a child attends school. A CTB is established pursuant to a memorandum of understanding between the juvenile court and a school district. All members of a CTB must receive training in the following areas: identification of barriers to school attendance, the use of the Washington Assessment of Risks and Needs of Students (WARNS) or other assessment tools to identify child needs, trauma-informed approaches to discipline, evidence-based treatments effective in supporting at-risk youth and their families, and specific services and treatment available in the area and elsewhere. The duties of a CTB include identifying barriers to school attendance, recommending methods to improve attendance, suggesting alternative schools or education programs, and recommending referrals to HOPE Centers or crisis residential centers (CRCs). All school districts with at least 200 students must have a CTB by the start of the 2017-2018 school year. Smaller districts may use other coordinated means of intervention described in a memorandum of understanding with juvenile court.

The WARNS is an assessment tool designed by researchers at Washington State University to identify youths at risk of truancy, delinquency, and dropping out of school. It is designed for use by high school and middle school students. A school district's obligation to take data-informed steps to reduce a child's absences includes application of the WARNS.

A CRC is a short-term, semi-secure or secure facility 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. A HOPE Center provides temporary residential placement and other services for street youth. Youths may self-refer to a HOPE Center for services. HOPE Centers are not secure facilities.

Summary of Bill: The number of unexcused absences within a month at which a school must request a conference with a child's parents is increased from two to three.

Data-informed steps to reduce absences must be taken at some point after the second and before the fifth unexcused absence. In middle school or high school, these steps must include the WARNS or other assessment. If the child has an individualized education plan (IEP), the steps must include convening the child's plan team. A functional behavioral assessment may be required with parental consent. The school must inform the parent of a child who is reasonably believed to have a mental or physical disability or impairment of the

right to obtain a no-cost evaluation to determine the need for accommodation or special education services.

The definition of unexcused absence is expanded to include failure to comply with alternative learning experience program attendance requirements. School districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purpose of accessing an alternative learning experience program. References to online courses and online school are changed to alternative learning experience program. The Office of the Superintendent of Public Instruction (OSPI) may adopt rules to apply truancy requirements to alternative learning experience programs.

CTBs must include members who receive specified training, but all CTB members need not receive such training. CTB training requirements are expanded to include cultural responsive interactions. References to multisystemic therapy and aggression replacement therapy are removed from truancy statutes. The maximum size of a school district which is exempt from having its own CTB is increased from 200 to 300. School districts must identify their person designated to coordinate efforts to address truancy to OSPI.

Court authority at an initial truancy hearing to order a child to submit to a placement at a HOPE center or CRC is removed. If a child fails to comply with a truancy order, the court may impose community restitution, nonresidential programs with intensive wraparound services, mentoring, or other services. If the child continues to fail to comply with the court order, the court may impose detention if 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.

When filing a truancy petition, the school may provide the most recent truancy information document provided to the parent, but it need not be signed by the parent. OSPI shall report student-level truancy data annually to the Legislature by December 15th. Data reported must include, beginning in 2018-2019, whether a truancy petition results in referral to a CTB, other coordinated means of intervention, a hearing in juvenile court, or other outcomes.

The bill is subject to a null and void clause.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: We have had stakeholders at the table working through these provisions to strengthen the community response and keep kids out of detention. It's important to have interventions by IEP teams when there are absences. As a licensed mental health professional, it's risky to link detention to services. It doesn't help to lock kids up for status offenses. The best approach to truancy is high-touch family therapy. Truancy is an indicator of problems at home, and therapeutic interventions are more

effective. This bill will keep kids in school and out of the courts. It will save money by avoiding future court costs by applying evidence-based interventions. We believe in expanding the use of CTBs to promote school engagement. This bill makes needed changes from last year's bill. Eliminating the need for a parent's signature on documents will stop a practice that holds up processes and allows kids to slip through the cracks. We have had fantastic outcomes from our CTB. This bill allows us to close a loophole where parents remove kids from school to put them in alternative learning experience programs for the purpose of avoiding attendance requirements. Some aspects of the Senate bill should be merged with this bill, like requiring the reasons for imposing detention to be reported.

Persons Testifying: PRO: Representative Tina Orwall, Prime Sponsor; Jim Theofelis, A Way Home WA; Kimberly Ong, WA State Becca Task Force; Jim Madsen, Mason County Juvenile Court; Laurie Shannon, Office of the Superintendent of Public Instruction.

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