

# SENATE BILL REPORT

## SB 5563

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As of February 2, 2017

**Title:** An act relating to providing flexibility to school districts to reduce costs related to compliance with truancy laws.

**Brief Description:** Providing flexibility to school districts to reduce costs related to compliance with truancy laws.

**Sponsors:** Senators Fortunato, Hawkins and Brown.

**Brief History:**

**Committee Activity:** Human Services, Mental Health & Housing: 1/30/17.

**Brief Summary of Bill**

- Allows a school to determine whether to file a truancy petition.
- Prohibits a court from imposing detention as a sanction for contempt of a truancy order.
- Allows a school district to determine the training and duties of community truancy board members.
- Allows a school to determine data-informed steps to be taken to reduce a child's absences from school.
- Increases the number of unexcused absences before the school must schedule a conference with the parent and child from two to three.

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

**Staff:** Kevin Black (786-7747)

**Background:** Children aged 8-17 are required to attend public school unless an exception applies, such as provisions allowing a child to attend private school or receive home-based instruction. 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;

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- 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 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. CTBs are 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 the 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. All school districts with at least 200 students must have a CTB by the start of the 2017-2018 school year.

If a child or parent is unable to reach an agreement with a CTB, or the parent or student does not abide by the agreement, the truancy petition may be scheduled for hearing in juvenile court. If the school district demonstrates that the student has unexcused absences, actions taken by the district have not been successful in substantially reducing absences, and that court intervention and supervision are necessary in order to reduce absences, the court may issue an order requiring the child to attend school and take other measures. If the child fails to comply with the court order, the court may order the child to detention or impose alternatives to detention such as community restitution. The maximum term for detention is seven days.

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.

**Summary of Bill:** A school may determine whether to file a truancy petition upon the seventh unexcused absence in a month or tenth unexcused absence in a year.

A juvenile court is prohibited from imposing detention as a sanction for contempt of a truancy order, but may impose other sanctions, such as community restitution.

A school must schedule a conference with the parent and child after three unexcused absences within a 30-day period, instead of two unexcused absences within a month.

A school district may determine the training of CTB members and CTB duties.

Schools may use discretion to determine what data-informed steps are taken to reduce a child's absences, including the use of the WARNS or another screening or assessment tool. A school may take flexible actions appropriate to the individual circumstances of the child.

Intervals of time used to measure absences related to truancy laws must be measured within 30-day periods, instead of by whether they occur within a month.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2017.

**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: Requirements mandated by the Becca Law are too inflexible in the way they are applied. The local school board, district, and principal have a better understanding about what to do to help a child, and should be able to take into account the child's personal circumstances and performance in school. This bill gives the flexibility to make decisions, by changing a lot of "shalls" to "mays." I'm not a fan of detention because it can have the effect of making kids worse. There are better ways to get kids' attention.

CON: The truancy petition is a method of accountability and a safety net so the public knows kids aren't being ignored until they come to the attention of the criminal justice system. Removing the mandatory nature of filing the truancy petition would allow for disproportionate application of the laws around the state. The detention option is an important method for compelling action. More often than not, the threat of detention is successful in bringing kids and parents together to create an attendance plan. Even with the present "shall" language, some districts show troubling signs of noncompliance with truancy laws. While there are outliers in this state, generally when judges have a child before them they try every alternative to detention to try to get them in school. Some kids will flaunt the court, however, and we need to get their attention before things can move forward.

OTHER: We appreciate the intent of this bill and the flexibility offered. We are generally opposed to unfunded mandates. Schools need the resources to implement the rules and laws with fidelity. We need a realistic look at the resources required. Please add a role for the Office of the Superintendent of Public Instruction to facilitate conversations between courts and school districts.

**Persons Testifying:** PRO: Senator Phil Fortunato, Prime Sponsor.

CON: Tom McBride, WA Juvenile Court Administrators; Judge Kitty-Ann van Doorninck, Superior Court Judges Assn.

OTHER: Jessica Vavrus, WA State School Directors Assn.

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