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**Civil Rights & Judiciary Committee**

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**HB 1106**

**Brief Description:** Eliminating use of detention for violation of a truancy-related court order while providing more opportunities for truant youth to access services and treatment.

**Sponsors:** Representatives Orwall, Kilduff, Wylie, Santos, Leavitt and Walen.

**Brief Summary of Bill**

- Removes the statutory authority of the court to order detention for noncompliance with a truancy-related court order, effective July 1, 2020.
- Encourages juvenile courts to use distributions received for truancy petitions to engage in collaborative efforts with schools and community truancy boards (CTBs) aimed at improving attendance through case management and intervention, and the provision of supports and services.
- Provides that, subject to appropriations to the Office of the Superintendent of Public Instruction for grant funds to CTBs, 25 percent of the funds may be allocated for training of CTB members and 75 percent for the provision of services and treatment to children and their families.

**Hearing Date:** 1/29/19

**Staff:** Cece Clynch (786-7195).

**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:

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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 three 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) for middle and high school students 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. Specific, additional steps are required with respect to students with individualized education plans (IEP) or 504 plans.

#### Court Truancy Processes.

By the beginning of the 2017-18 school year, juvenile courts were required to establish, through a memorandum of understanding (MOU) with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a CTB or, with respect to school districts with fewer than 300 students, either a CTB or other coordinated means of intervention.

If a CTB or other coordinated means of intervention is in place, the court must initially stay a 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 a hearing on a petition, a court may order a child to:

- attend school and set forth minimum attendance requirements;
- change schools; or
- submit to a substance abuse assessment or mental health evaluation if the court finds on the record that an assessment evaluation is appropriate to the circumstances.

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 the 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. Detention may be for no longer than seven days. (Detention is not applicable to a 6-year-old or 7-year-old.)

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 Crisis Residential Center near the child's home rather than in a juvenile detention facility.

The biennial budget generally includes an appropriation to the Administrator for the Courts (AOC) for distribution to county juvenile court administrators to fund the costs of processing a variety of petitions, including truancy petitions.

The AOC issues an annual report regarding juvenile detention, including detention for violation of a truancy-related court order. The Washington State 2017 Juvenile Detention Annual Report (issued in 2018) reports that there were 575 truancy-related detention admissions statewide in 2017, representing a 29.9 percent reduction from 2016 to 2017.

#### Community Truancy Boards.

A CTB must be composed of members of the local community in which a child attends school, and must include members who receive training regarding:

- the identification of barriers to school attendance;
- the use of the WARNS or other assessment tools to identify the specific needs of individual children, culturally responsive interactions, trauma-informed approaches to discipline, and evidence-based treatments that have been found effective in supporting at-risk youth and their families; and
- the specific services and treatment available in the particular school, court, community, and elsewhere.

Duties of a CTB include, but are not limited to, identifying barriers to attendance and recommending methods for improving attendance, such as connecting students and families with services, culturally appropriate promising practices, and evidence-based services.

In 2016 a competitive grant process was established within the Office of the Superintendent of Public Instruction to provide supplemental funding for training for CTB board members and the provision of services and treatment to children and their families.

By January 1, 2021, the Washington State Institute for Public Policy must submit a report to the Legislature evaluating the effectiveness of the 2016 legislation which required an initial stay of truancy petitions for diversion to CTBs.

#### **Summary of Bill:**

The authority of the court to order detention for noncompliance with a truancy-related court order is removed, effective July 1, 2020.

The Legislature particularly applauds the collaborative efforts underway in some communities across the state between juvenile courts on the one hand, and school district, educational service districts, and community truancy boards (CTBs), on the other hand. These efforts have been aimed at improving attendance through case management and intervention, and the provision of

supports and services such as classes and activities; screenings to identify barriers to attendance and specific needs of individual children; trauma-informed approaches to discipline; evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy and dialectical behavior therapy; and culturally appropriate promising practices. The Legislature encourages other juvenile courts to follow this lead, and to use distributions received pursuant to the Omnibus Operating Appropriations Act for truancy petitions to engage in similar collaborative efforts aimed at improving attendance.

To the extent monies are appropriated to the Office of the Superintendent of Public Instruction for grant funds to CTBs, 25 percent of the funds may be allocated for training of CTB members and 75 percent for the provision of services and treatment to children and their families.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 1 and 2 removing the statutory authority of courts to detain for noncompliance with a truancy-related court order which are effective July 1, 2020.