
Education Committee

HB 1113

Brief Description: Concerning school attendance.

Sponsors: Representatives Ortiz-Self, Kloba and Pollet; by request of Superintendent of Public Instruction.

Brief Summary of Bill

- Makes modifications to public school and school district requirements related to student absence procedures, truancy petitions, and data collection.
- Changes the term "community truancy board" to "community engagement board" and revises requirements related to these boards.
- Permits the Office of the Superintendent of Public Instruction to adopt rules to implement the compulsory school attendance laws.

Hearing Date: 1/21/21

Staff: Megan Wargacki (786-7194).

Background:

Compulsory School Attendance. Children and youth 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 public school, the child must attend school, and the parent is responsible for ensuring the child attends.

Student Absences Generally. The Superintendent of Public Instruction (SPI) has adopted the following definitions for student absences. "Absent" means a student is not physically present

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on school grounds and is not participating in the following activities at an approved location: instruction; any instruction-related activity; or any other district or school approved activity that is regulated by an instructional or academic accountability system, such as participation in district-sponsored sports. A student is not considered absent if, while suspended or expelled, the student receives educational services and is enrolled in qualifying learning activities.

Public schools must excuse student absences for any of the reasons required by SPI rule, for example: health condition or medical appointment; family emergency; religious or cultural purpose; judicial proceeding; post-secondary or scholarship interview; absences related to homeless, dependency, or migrant status; or other approved activity mutually agreed upon by the principal, parent, or emancipated youth.

Unless enrolled in an alternative learning experience program, a student's absence is unexcused if the student has failed to both: (1) attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and (2) meet the school district's policy for excused absences.

Excused Absences of Elementary Students. When a student in elementary school is required to attend school and has five or more excused absences in a month or 10 or more excused absences in a school year, the school district must schedule a conference with the student's parent and the student to identify barriers to the student's regular attendance, and the supports and resources that may be available so that the student is able to regularly attend. A conference is not required for an excused absence for which prior notice was given to the school or if a doctor's note has been provided. If a regularly scheduled parent-teacher conference is to take place within 30 days of the absences, then the conference may be scheduled on that day. The conference must include at least one school district employee, except when the student has an individualized education program (IEP) or plan developed under section 504 of the Rehabilitation Act of 1973 (504 plan), in which case the team that created the program or plan must be reconvened.

Unexcused Absence of Six and Seven-Year-Old Students. If a student who is six years old or seven years old has unexcused absences, the public school must implement specific interventions. After one unexcused absence in any month, the school must inform the student's parent by a notice in writing or by telephone whenever the student is absent. After three unexcused absences in any month, the school must request a conference with the student's parent and the student to analyze the causes of the student's absences. If a regularly scheduled parent-teacher conference is to take place within 30 days of the third unexcused absence, then the conference may be scheduled on that day.

The school must also take steps to eliminate or reduce the student's absences, including, where appropriate, adjusting the student's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the student in available alternative schools or programs, or assisting the parent or student to obtain supplementary services that may help eliminate or ameliorate the causes of the student's absences.

Unexcused Absence of Eight to 18-Year-Old Students. If a student who is at least eight years old through 18 years old has unexcused absences, the public school must implement specific interventions. After one unexcused absence in any month, the school must inform the student's parent by a notice in writing or by telephone whenever the student is absent. The notice must inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide the information in a language in which the parent is fluent. After three unexcused absences in any month, the school must schedule a conference with the student's parent and the student to analyze the causes of the student's absences. If a regularly scheduled parent-teacher conference is to take place within 30 days of the third unexcused absence, then the conference may be scheduled on that day. If the parent does not attend the scheduled conference, the conference may be conducted with the student and school official, but the parent must be notified of the steps to be taken to eliminate or reduce the student's absences.

At some point after the second and before the fifth unexcused absence, the school must take data-informed steps to eliminate or reduce the student's absences. In middle and high school, these steps must include application of the Washington Assessment of the Risks and Needs of Students (WARNS) or other assessment. For a student with an IEP or plan developed under 504 plan, these steps must include the convening of the IEP or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior must be conducted and a detailed behavior plan completed.

For a student without an IEP or 504 plan reasonably believed to have a mental or physical disability or impairment, these steps must include informing the student's parent of the right to obtain a free, appropriate evaluation to determine whether the student has a disability or impairment and needs accommodations, related services, or special education services.

For all students, these steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied; adjusting the student's school program or school or course assignment; providing more individualized or remedial instruction; providing appropriate vocational courses or work experience; referring the student to a community truancy board (CTB); requiring the student to attend an alternative school or program; or assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the causes of the student's absences. Not later than the fifth unexcused absence in a month, the school district must either: enter into an agreement with the student and parent that establishes school attendance requirements; refer the student to a CTB, which must enter into a school attendance agreement or take other appropriate actions to reduce the student's absences; or file a truancy petition.

Truancy Petitions. For a student who is at least eight years old and under 17 years old, the school district must file a truancy petition and supporting affidavit with the juvenile court alleging a

violation of the compulsory attendance law by the parent, the student, or both the parent and student, not later than the seventh unexcused absences in a month or not later than the tenth unexcused absence in a school year. The petition must include a list of attempted interventions, a copy of any truancy assessment completed by the student, and a copy of the truancy information provided to the parent.

After a student who is six years old or seven years old has seven unexcused absences in a month or 10 unexcused absences in a school year, the school district must file a truancy petition against the parent of the student.

When a truancy petition is filed, it must be initially stayed by the juvenile court and the student and the student's parent must be referred to a CTB or other coordinated means of intervention.

Community Truancy Boards. A CTB is composed of members of the local school district community who receive training on specified topics. Each school district with over 300 students must enter into a memorandum of understanding with the juvenile court in the county in which it is located. For a school district with over 300 students that is located in more than one county, the memorandum of understanding must be with the juvenile court in the county that acts as the school district's treasurer. School districts with 300 or fewer students has a choice between entering into a memorandum of understanding with the juvenile court to operate a CTB or addressing truancy through other coordinated means of intervention.

The CTBs must, among other things: identify barriers to student attendance, recommend methods for improving attendance, and suggest enrollment in a different education program. If the CTB fails to reach an agreement, or if the parent or student does not comply with the agreement within the timeline set by the CTB, the CTB returns the case to the juvenile court.

Summary of Bill:

Excused Absences of Elementary Students. Regarding a conference with the parent of an elementary school student to discuss five or more excused absences in a month or 10 or more excused absences in the school year, permission to schedule the conference on the day of a regularly scheduled parent-teacher conference taking place within 30 days is removed. For conferences with students who have an IEP or 504 plan, instead of reconvening the IEP or 504 plan team, one school district member of the team responsible for developing the program or plan must attend.

Unexcused Absence of Six and Seven-Year-Old Students. The interventions that a public school must implement when a student who is six years old or seven years old has unexcused absences are modified. The school must inform the student's parent each day that the student is absent without communication from the parent regarding the absence, instead of after one unexcused absence in any month.

The school must schedule or attempt to schedule a conference with the parent and student after a

student has an unexcused absence, instead of requesting a conference after three unexcused absences in any month. Permission to schedule the conference on the day of a regularly scheduled parent-teacher conference taking place within 30 days is removed. The stated purpose of the conference is to understand causes for the students' absences and determine data-based practices for removing barriers to attendance, rather than to analyze the causes of the student's absences. The conference must include at least one school district employee. For conferences with students who have an IEP or 504 plan, a school district member of the team responsible for developing the program or plan must attend.

Steps taken to eliminate or reduce a student's absences must be culturally responsive, evidence-based, or promising practices that may help eliminate or ameliorate the cause for the absence, including, where appropriate, adjusting the student's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the student in available alternative schools or programs, or assisting the parent or student to obtain supplementary services that may help eliminate or ameliorate the causes of the absences.

Unexcused Absence of Eight to Eighteen-Year-Old Students. The interventions that a public school must implement when a student who is at least eight years old through 18 years old has unexcused absences are modified. The school must inform the student's parent each day that the student is absent without communication from the parent or guardian regarding the absence, instead of after one unexcused absence in any month.

The school must schedule or attempt to schedule a conference with the parent and student after a student has an unexcused absence, instead of requesting a conference after three unexcused absences in any month. Permission to schedule the conference on the day of a regularly scheduled parent-teacher conference taking place within 30 days is removed.

The stated purpose of the conference is to understand causes for the student's absences and determine data-based practices for removing barriers to attendance, rather than to analyze the causes of the student's absences. The school must develop a data-informed and evidence-based plan in collaboration with the student and parent that establishes the commitments of the student, parent, and school to reducing barriers and support better attendance.

For conferences with students who have an IEP or 504 plan, instead of reconvening the IEP or 504 plan team, one school district member of the team responsible for developing the program or plan must attend. The stated purpose of requiring a member of the plan or program team is to ensure the data-informed steps and evidence-based plan are in alignment with the IEP or 504 plan, to include consultation with a behavior specialist or mental health specialist if feasible and where appropriate, and to consider if the absences are directly related to the student's disability.

The requirements around data-informed steps to eliminate or reduce students' absences are revised. The following steps are removed from the list of steps that a school is required to take, where appropriate: adjusting the student's school program or school or course assignment,

providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the student to a CTB, requiring the student to attend an alternative school or program.

The following steps are made applicable only to middle and high school: where appropriate, providing an available best practice or research-based intervention, or both, consistent with the WARNS or other assessment, if an assessment was applied; and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absences.

For students without an IEP or 504 plan, if the district has reason to suspect the student may have a disability and need services, the student must be referred to the district's child find procedures.

The district is no longer required to, no later than the fifth unexcused absence in a month: enter into an agreement with the student and parent that establishes school attendance requirements; refer the student to a CTB, which must enter into a school attendance requirements agreement or take other appropriate actions to reduce the student's absences; or file a truancy petition.

The receiving school or school district is no longer required to include the unexcused absences accumulated at the previous school or school district for the purposes of implementing interventions.

Truancy Petition. For a student who is at least eight years old and under the age of 17, instead of filing a truancy petition not later than the seventh unexcused absence in a month or the tenth unexcused absence in a school year, the school district must file a truancy petition after the fifth unexcused absence in a month and not later than the fifteenth unexcused absence in a school year. The petition must include a blank copy of any attendance or truancy assessment completed by the student, instead of a copy of any truancy assessment completed by the student. School districts must continue to attempt to reengage the student and file a petition even if the student ceases to be eligible to be claimed for state enrollment funding or has been withdrawn from the district due to nonattendance.

For a six year old or seven year old student, instead filing a truancy petition after the seventh unexcused absences in a month or 10th unexcused absence in a school year, the school district must file a truancy petition no later than the 15th unexcused absence in a school year. The district is permitted to file a truancy petition after a six year old or seven year old student has five unexcused absences in a month. Prior to filing a petition, the school district must attempt and document interventions.

For students ages six through 17, prior to filing a petition, school districts must ensure that absences are verified and accurately recorded as excused or unexcused, to the extent feasible.

When the juvenile court enters an order assuming jurisdiction to intervene, rather than requiring the order to extend through the school year in which it is entered, the order may end when the

student turns 18 years old.

Community Engagement Board. The term "community truancy board" is changed to "community engagement board" (CEB). Additional detail is added to the description of a CEB's duties such that a CEB must identify barriers to school attendance both inside and outside the school, including concerns with school climate, access to appropriate and culturally responsive curriculum, and necessary services for students with disabilities.

If a school district serves students from multiple counties, the district must enter into a memorandum of understanding with the juvenile court in each county, rather than only the juvenile court in the county that acts as the district's treasurer. The stated purpose of this requirement is to ensure students have access to a CEB and community resources where they live.

Data. School districts are no longer required to submit to the Office of the Superintendent of Public Instruction a description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or 10 in a year, and any placements in an approved private nonsectarian school or program or certified program under a court order.

Rules. The Superintendent of Public Instruction is authorized to adopt rules necessary to carry out the purposes of the compulsory attendance laws.

Definitions. The definition of unexcused absence is changed to: with the exception of students enrolled in an alternative learning experience program, a student's absence is unexcused if the student has failed to attend the majority of hours or periods in an average school day and meet the school district's policy for excused absences.

A definition for "coordinated means of intervention" is added. This term mean an intervention provided in partnership with the juvenile court and aimed at identifying barriers to school attendance and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as a truancy workshop, seminar, or a planning conference with the court, family, school, and/or relevant community organizations. The coordinated means of intervention may be less structured, formal, and resource-intensive than a CEB and are distinct from the interventions and supports provided by districts.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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