

HOUSE BILL REPORT

HB 2848

As Reported by House Committee On: Education

Title: An act relating to school and court processes to promote attendance and reduce truancy.

Brief Description: Modifying school and court processes to promote attendance and reduce truancy.

Sponsors: Representatives Orwall, Kilduff, Jinkins, Rodne, Goodman, Appleton, Haler, Kagi, Eslick and Slatter.

Brief History:

Committee Activity:

Education: 1/25/18, 1/30/18 [DPS].

Brief Summary of Substitute Bill

- Requires the development of a model policy and recommended best practices related to community truancy boards by December 1, 2018.
- Requires the Department of Commerce to regionally site secure crisis residential centers that meet therapeutic standards so as to make these centers accessible and available for use by all counties, subject to the availability of funds.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 15 members: Representatives Santos, Chair; Dolan, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

Minority Report: Without recommendation. Signed by 2 members: Representatives Stonier, Vice Chair; Johnson.

Staff: Megan Wargacki (786-7194).

Background:

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.

Community Truancy Boards.

Use of community truancy boards (CTBs) is the state's preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences have not been effective in securing a child's attendance at school. Except for those with fewer than 300 students, school districts must enter into a memorandum of understanding with the county juvenile court regarding the operation of a CTB. The duties of the CTB are: identifying barriers to school attendance; recommending methods for improving attendance; suggesting to the school district that the child enroll in another education program; or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center (CRC), if appropriate.

A CTB is composed of members of the local community in which a child attends school. The CTB must include members who receive training regarding the identification of barriers to school attendance; the use of the Washington Assessment of the Risks and Needs of Students, or other assessment tools to identify the specific needs of individual children; cultural responsive interactions; trauma-informed approaches to discipline; 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.

Legislation enacted in 2016 directed the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) to develop recommendations related to cultural competence training that CTB members and others involved in the truancy process should receive, and best practices for supporting and facilitating parent and community involvement, among other things. One of the EOGOAC's recommendations is that school boards be a part of the CTB training process in order to promote the CTBs as a district-wide priority and to ensure accountability.

Crisis Residential Centers.

Crisis residential centers are short-term, semi-secure or secure, facilities for runaway youth and adolescents in conflict with their families. Counselors at a CRC work with the families to resolve the immediate conflict and develop better ways of dealing with conflict in the future.

Legislation enacted in 2016 and 2017 made a number of changes with respect to the use of CRCs in the truancy context. First, the use of detention is made more prescriptive, but in cases where the court orders detention, it must preferably be served at a secure CRC close to the child's home rather than in a juvenile detention facility. Second, in order to accommodate truant students found in contempt of a court order to attend school, the legislation directed the capacity available in CRCs to be increased incrementally by no fewer than 10 beds in fiscal years 2017, 2018, and 2019, subject to funds appropriated for this purpose. This additional capacity must be distributed around the state based upon need, and to the extent feasible, geographically situated to expand the use of CRCs to make them available for use by all courts for housing truant youth.

The 2016 legislation also required the Administrative Office of the Courts to report annually the number of youth placed into juvenile detention facilities each calendar year, with a specific emphasis on youth detained for reasons relating to certain court petitions, such as

truancy. According to the inaugural report, 780, or 5.9 percent of, juvenile detentions in 2016, were for contempt of court in a truancy matter. However, there was substantial variability across counties, and some counties were excluded because of data issues.

Summary of Substitute Bill:

School Board Policies on Community Truancy Boards.

By December 1, 2018, the Washington State School Directors' Association (WSSDA), in consultation with the Office of the Superintendent of Public Instruction, the Administrative Office of the Courts, and the state truancy task force, must develop a model policy and recommend best practices related to CTBs.

The model policy must include training recommendations appropriate for school board members related to their responsibilities and governing role supporting the CTBs, and to other prevention and intervention systems related to truancy. The model policy must be posted on the WSSDAs website, and updated periodically.

The recommendations must include best practices for: entering into a memorandum of understanding with a juvenile court; interacting and communicating with the CTB, for example, whether school board members should attend a CTB meeting annually; identifying CTB members to achieve diversity of experience; and leveraging community support and engagement in the process.

By the beginning of the 2019-20 school year, school districts are encouraged to adopt and make available online a CTB policy that is consistent with the model policy described above.

Siting of Crisis Residential Centers.

Subject to the availability of funds, the Office of Homeless Youth Prevention and Protection, within the Department of Commerce, must regionally site secure CRCs that meet therapeutic standards so as to make these centers accessible and available for use by all counties. The initial focus must be on those counties that appear from the Center for Court Research's (CCRs) detention report to frequently use detention for nonoffender matters, such as truancy, and which do not have secure CRCs that meet therapeutic standards within geographic proximity. The siting must be done in collaboration with the Washington Association of Juvenile Court Administrator, and with data provided by the CCR.

Substitute Bill Compared to Original Bill:

The substitute bill removes the requirement that certain school districts participate in any trauma-informed training provided to CTB members and attend at least one CTB meeting per school year. Instead, it requires the development of a model policy and recommended best practices related to the CTBs by December 1, 2018. It also encourages school districts to adopt a CTB policy by the beginning of the 2019-20 school year.

Appropriation: None.

Fiscal Note: Requested on January 31, 2018.

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

Staff Summary of Public Testimony:

(In support) The state has made incredible gains to build resources to keep kids out of detention, but there is still more to do. Some counties are using CTBs and offering functional family therapy. Some of the CTBs are uncovering the causes of student truancy and identifying solutions to those causes. The EOGOAC recommends training for school board members because they are community leaders who can engage the community to become CTB members. In addition, if school board members know more about trauma-informed approaches, they will see the CTBs as allies rather than being punitive. It is important for school board members to experience the CTB meetings to understand how the CTB process works.

Washington is a local control state, so school board members should have the flexibility to determine how best to meet the needs of their community. It would be helpful if the school board members received trauma informed training, though. The state invested money for more CRC and HOPE beds, but none of those beds went to the counties with the highest rates of detention. Therapeutic alternatives must be provided to the counties most in need. Juveniles should never be locked up for status offenses, such as truancy. The CRCs are a form of lock-up, but they are better than juvenile detention. It would be better to have no detention.

(Opposed) None.

(Other) School boards have an important role in creating successful partnerships with the CTBs. It is critical that they know what is going on with the CTB. Requiring all school board members to receive training on trauma informed practices is a concern, because the only training currently required is training on open public meetings. The WSSDA is in the process of creating a framework for training and support of school directors that will be grounded in the content essential to the role of governing school boards. It is important to appropriately address the role of the school board in being aware of, and supporting, the CTB, as well as engaging partners to leverage community resources.

There has been increased collaboration between schools, courts, and communities to address truancy and absenteeism. School board members should not be required to have certain types of training or be required to attend CTB meetings. There are a variety of ways to engage the school board, including school board study sessions, and reports at school board meetings, which would also inform the public. School board members are always able to attend the CTB meetings to gain deeper understanding of the process. However, the CTB meetings should not be open for observation by anyone; it should be a confidential experience because the lives of real students and families are on display. School boards should be allowed to engage the CTBs in the ways that are best for their communities.

Persons Testifying: (In support) Representative Orwall, prime sponsor; Laurie Shannon, Office of the Superintendent of Public Instruction; and Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

(Other) Jessica Vavrus, Washington State School Directors' Association; and Charmaine Krause, Puyallup School District.

Persons Signed In To Testify But Not Testifying: None.