

# HOUSE BILL REPORT

## ESHB 1113

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**As Passed House:**

March 3, 2021

**Title:** An act relating to school attendance.

**Brief Description:** Concerning school attendance.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Ortiz-Self, Kloba and Pollet; by request of Superintendent of Public Instruction).

**Brief History:**

**Committee Activity:**

Education: 1/21/21, 1/28/21 [DPS].

**Floor Activity:**

Passed House: 3/3/21, 77-20.

**Brief Summary of Engrossed Substitute Bill**

- Requires school districts to file a truancy petition after a student's seventh unexcused absence and not later than the fifteenth unexcused absence.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to develop, in consultation with the Educational Opportunity Gap Oversight and Accountability Committee, best practice guidance to eliminate or reduce student absences and meet other specified requirements.
- Changes the term "community truancy board" to "community engagement board."
- Permits the OSPI to adopt rules to implement the compulsory school attendance laws.

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### HOUSE COMMITTEE ON EDUCATION

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, McEntire, Ortiz-Self, Rude, Steele and Stonier.

**Staff:** Megan Wargacki (786-7194).

**Background:**

Compulsory School Attendance. Children and youth eight years old and under 18 years old 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 six-year-old or seven-year-old child in public school, the child must attend school, and the parent is responsible for ensuring the child attends.

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 absence in a month or not later than the tenth unexcused absence in a school year.

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.

Community Truancy Boards. 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 Community Truancy Board (CTB) or other coordinated means of intervention. A CTB is composed of members of the local school district community who receive training on specified topics. 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.

Educational Opportunity Gap Oversight and Accountability Committee. In 2009 the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) was created to synthesize the findings and recommendations from achievement gap studies and recommend policies and strategies in at least seven areas to close the gap. Legislation enacted in 2016 directed the EOGOAC to develop recommendations related to CTBs, including cultural competence training and best practices for parent and community involvement.

Restorative Justice. In 2012 the Legislature added a definition of restorative justice to the

Juvenile Justice Act. "Restorative justice" is defined in statute as practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members.

**Summary of Engrossed Substitute Bill:**

Truancy Petitions. For 6-year-old and 7-year-old children enrolled in public school and for children who are at least 8 years old and under the age of 17, the school district must file a truancy petition after a child's seventh unexcused absence within any month during the current school year and not later than the fifteenth unexcused absence during the school year.

Corresponding changes from the fifth and tenth unexcused absence to the seventh and fifteenth unexcused absence are made in relation to the deadline for a parent filed truancy petition and with regard to collection of data on the number of enrolled students that meet the unexcused absence thresholds.

Guidance to Reduce Student Absences. The OSPI must develop and publish best practice guidance to eliminate or reduce student absences and to otherwise implement compulsory school attendance laws. The guidance must focus on student and family engagement, be based in restorative justice practices, and emphasize integration of student and family support systems. The guidance must be developed in consultation with the EOGOAC and updated periodically.

Community Engagement Board. Beginning August 1, 2021, the term "community truancy board" is changed to "community engagement board".

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

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Sections 1 through 6 of the bill, related to legislative intent, new duties of the Office of the Superintendent of Public Instruction, and revisions to truancy petition filing thresholds, contain an emergency clause and takes effect immediately. Sections 7 through 15, related to changing the term "community truancy board" to "community engagement board" are effective August 1, 2021.

**Staff Summary of Public Testimony:**

(In support) Attendance and engagement of students is a priority. Students who miss more than 10 days of school per year are at risk of falling behind. In general, student absences and disengagement with school have increased during the COVID-19 pandemic and remote learning. Parents want their children to attend school, want them to learn, and want them to be successful. There can be barriers that get in the way of students attending school regularly.

Investing in early warning systems will reduce the number of students referred to intensive interventions. Student absences can be an indicator that a student's academic and social-emotional needs are not being met. The bill requires school districts to communicate with the parents of students with unexcused absences sooner and more effectively.

Required unexcused absence conferences allow students and their parents the opportunity to share their strengths and uniqueness, as well as barriers to student attendance with a team that is focused on targeted, personalized interventions. The attendees develop a plan for implementing multitiered supports and strategies designed to bring students back on course for successful educational outcomes. The supports may be provided by the school or the community. These conferences will be more effective with the right staff present to engage with the student and parents and to understand the causes of the student's absences.

The bill gives school districts, students, and families more time to understand what is causing student absences and provide needed support before the truancy petition must be filed with the court. The delay in the filing deadline allows additional time for the interventions to take effect, while protecting the most vulnerable students. The court process provides access to additional wraparound supports available through the community truancy boards and the court.

The message of this bill is engagement and partnership, not punishment. Changing the name of the "community truancy boards" to "community engagement boards" helps convey this message. The name has prevented use of what was supposed to be a therapeutic intervention. These boards can be a useful tool, but are a very intensive intervention.

By ninth grade, students experiencing foster care are missing as many as 1/3 of school days. If a student is in foster care, the caseworker should be notified of student absences, should be invited to attend the conference, and should be petitioned and referred to a community truancy board, to the same extent as parents.

(Opposed) None.

**Persons Testifying:** Representative Ortiz-Self, prime sponsor; Katherine Mahoney and Krissy Johnson, Office of the Superintendent of Public Instruction; Chris Hunke, Gig Harbor High School; Rhonda Larson, Auburn School District; Melody Edmiston; Lucinda Young, Washington Education Association; Devony Audet; Dawn Rains, Treehouse; and Liz Nelson, Washington Association of School Social Workers.

**Persons Signed In To Testify But Not Testifying:** None.