

HOUSE BILL REPORT

2SHB 2449

As Passed Legislature

Title: An act relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.

Brief Description: Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Orwall, Magendanz, Kagi, Santos, Senn, Peterson, Appleton, Moscoso, Goodman, Jinkins, Walkinshaw, Stanford, Clibborn, Sells, Fitzgibbon, Kilduff, Ryu, Bergquist, Pollet and S. Hunt).

Brief History:

Committee Activity:

Judiciary: 1/19/16, 1/28/16 [DPS];

Appropriations: 2/3/16, 2/9/16 [DP2S(w/o sub JUDI)].

Floor Activity:

Passed House: 2/12/16, 86-10.

Senate Amended.

Passed Senate: 3/3/16, 46-2.

House Refused to Concur.

Senate Receded.

Senate Amended.

Passed Senate: 3/9/16, 47-2.

House Concurred.

Passed House: 3/10/16, 94-4.

Passed Legislature.

Brief Summary of Second Substitute Bill

- Makes a variety of changes to practices and requirements related to school attendance and truancy, including:
 - requiring schools to regularly provide information about the benefits of regular attendance, school expectations, resource availability, school responsibilities, and consequences of truancy;
 - putting in place a coordinated school response to excused absences in elementary school;

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.

- requiring, by the 2017-18 school year, that juvenile courts and school districts enter into memoranda of understanding (MOU) regarding a coordinated approach to address truancy which, for most districts, will include a community truancy board (CTB) and, for smaller districts, may include a CTB or other coordinated means of intervention;
- redefining CTBs and providing, subject to funding, grants to CTBs for training and services;
- specifying that a priority focus of the Learning Assistance Program (LAP) shall be on students with excessive absenteeism and truancy, and providing that up to 2 percent of a district's LAP allocation may be used to fund efforts to address this issue;
- providing, with respect to truancy petitions, an initial stay if the MOU and coordinated approach to address truancy have been put in place by the court and district;
- providing courts with additional authority with respect to children subject to truancy petitions for addressing mental health, substance abuse, and health and safety concerns;
- expressing a preference that children detained for contempt of court with respect to truancy be detained in a Crisis Residential Center (CRC) rather than a juvenile detention facility;
- directing, subject to funding, an increase in the number of CRC and HOPE beds; and
- tasking the Educational Opportunity Gap Oversight and Accountability Commission, the Washington State Institute for Public Policy, and the Administrative Office of the Courts with responsibilities related to collecting data, reviewing, and reporting with respect to issues related to attendance, truancy, CTBs, and detention.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

Staff: Cece Clynch (786-7195).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by 29 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking

Minority Member; Buys, Cody, Dent, Fitzgibbon, Haler, Hansen, Harris, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Robinson, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 2 members: Representatives Schmick and Taylor.

Minority Report: Without recommendation. Signed by 1 member: Representative Condotta.

Staff: Jessica Harrell (786-7349).

Background:

Compulsory School Attendance.

Children 8 years of age and under 18 years of age are required to 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.

Duties of Schools and School Districts.

Schools are required to inform students and parents of the compulsory attendance requirements at least annually. This requirement may be satisfied by providing online access to the information, unless a parent or guardian specifically requests that the information be provided in written form.

When a child who is 8 years of age and under 18 years of age has unexcused absences, the school must provide notice and request a conference with the parent, and take other steps to eliminate or reduce the child's absences. The following specific actions are imposed on schools and school districts:

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 two unexcused absences in one month, the school must schedule a conference with the parents and take steps to reduce absences.
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, or file a truancy petition with the court.
4. After seven unexcused absences in one month or 10 unexcused absences in a 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.

Truancy Petitions.

A truancy petition is filed in juvenile court and may be filed against the child, the parent, or both. Truancy petitions regarding 6- and 7-year-old students are filed against the parent. Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or

refer the case to a community truancy board. If the court finds the student to be truant, the court may order the student to attend school, change schools, or appear before a community truancy board. If the student continues to be truant, the school or the court may file a contempt of court motion and various sanctions may be imposed, including detention or community service. Throughout the process, students and their families may be referred to other services.

Learning Assistance Program.

The instructional program of basic education includes, among other things, the Learning Assistance Program (LAP). The LAP provides supplemental instruction and support to eligible students who need academic support for reading, writing, and math, or who need readiness skills to learn these core subjects. In 2013 the Legislature enacted several changes to the LAP including, among others, a focus on reading literacy in early grades, the ability to use the LAP funds to provide eligible students with supports to reduce disruptive behavior, and a requirement that districts must select student support services from menus of best practices and strategies developed by a panel of experts convened by the Office of Superintendent of Public Instruction (OSPI).

Crisis Residential Centers.

Crisis Residential Centers (CRCs) are short-term, semi-secure and secure facilities for runaway youth and adolescents in conflict with their families. Counselors at a CRC work with the family to resolve the immediate conflict and develop better ways of dealing with conflict in the future. The stated goal of CRCs is to reunite the family and youth whenever possible.

HOPE Centers.

HOPE Centers provide temporary residential placements for street youth. Youth may self-refer to a HOPE Center for services, and entering a center is voluntary. While residing in a HOPE Center, youth undergo a comprehensive assessment in order to develop the best plan for the youth, with the focus on finding a permanent and stable home. The assessment includes gathering information on the youth's legal status and conducting a physical examination, a mental health and chemical abuse evaluation, and an educational evaluation of their basic skills, along with any learning disabilities or special needs.

Educational Opportunity Gap Oversight and Accountability Committee.

Created in 2009, the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) is tasked with recommending to educational agencies specific policies and strategies to:

- support and facilitate parent and community involvement and outreach;
- enhance the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;
- expand pathways and strategies to prepare and recruit diverse teachers and administrators;
- recommend current programs and resources that should be redirected to narrow the gap;
- identify data elements and systems needed to monitor progress in closing the gap;
- make closing the gap part of the school and school district improvement process; and
- explore innovative school models that have shown success in closing the gap.

Washington State Institute for Public Policy.

The Washington State Institute for Public Policy (WSIPP) is a research organization created by the Legislature to provide nonpartisan research at legislative direction on issues of importance to Washington.

Summary of Second Substitute Bill:

Duties of Schools and School Districts.

Provision of Information.

In addition to information about compulsory education requirements, schools must provide information about:

- the benefits of regular school attendance, the potential effects of excessive absenteeism on academic achievement, and graduation and dropout rates;
- the school's expectations of parents and guardians to ensure regular school attendance;
- the resources available to assist the child and parents and guardians;
- the role and responsibilities of the school; and
- the consequences of truancy.

This information must be provided before, or at the time of, enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, this information may be provided online unless a parent or guardian specifically requests that it be provided in written form. Schools must make reasonable efforts to enable parents to request and receive the information in a language in which they are fluent. A parent must acknowledge review of this information online or in writing.

The Office of the Superintendent of Public Instruction (OSPI) is tasked with developing a template that schools may use to satisfy the requirements set forth above, and posting the information on the OSPI website.

Excused Absences.

New requirements are put in place with respect to excused absences by elementary students. If an elementary student has five or more excused absences in a single month during the current school year, or 10 or more excused absences in the current school year, the district must schedule a conference with the parent and child at a time reasonably convenient for all for the purpose of identifying the barriers to regular attendance, as well as the supports and resources that may be made available to the family so that the child is able to regularly attend school. Conference participants must include at least one school district employee such as a nurse, counselor, social worker, community human services provider, or teacher in most circumstances. If a regularly scheduled parent-teacher conference day is to take place within 30 days of the absences, the district may schedule the conference on that day.

The conference requirement is inapplicable in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

Unexcused Absences.

Changes are made with respect to school district responsibilities in the event of unexcused absences. Rather than specify that it is the preferred practice to provide information in a language in which the parent is fluent, it is required that a school make reasonable efforts to do so. Steps that a school must take to eliminate or reduce a child's absences must be data-informed, include the use of the Washington Assessment of the Risks and Needs of Students (WARNS) and, where appropriate, provide an available approved best practice or research-based intervention, or both, consistent with the WARNS.

When a child transfers school districts during the school year, the sending school must provide to the receiving school a copy of any WARNS together with a history of interventions provided to the child, and the written acknowledgement of receipt of attendance and truancy information by the parent.

Truancy: Community Truancy Boards and Other Coordinated Means of Intervention.

The definition of a community truancy board (CTB) is revised.

A CTB means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. All members of a CTB must receive training regarding the identification of barriers to school attendance, the use of assessments such as the WARNS to identify the specific needs of individual children, 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. New duties of a CTB include connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multi-systemic therapy, and aggression replacement training, or recommending to the juvenile court that a juvenile be referred to a HOPE center or CRC.

By the beginning of the 2017-18 school year, juvenile courts must establish, through a memoranda of understanding (MOU) with each school district within their respective counties, a coordinated and collaborative approach to address truancy. For a school district that is located in more than one county, the MOU shall be with the juvenile court in the county that acts as the school district's treasurer.

In most cases, the establishment and operation of a CTB pursuant to an MOU with the court is required. School districts with fewer than 200 students, however, may utilize a CTB or address truancy through other coordinated means of intervention aimed at identifying barriers to attendance and connecting students and their families with services such as those provided by a CTB. These smaller school districts may work cooperatively with other districts or the educational service district. All districts must designate, and identify to the local juvenile court, a person or persons to coordinate district efforts to address excessive absenteeism and truancy.

Courts and school districts are encouraged to emulate the successful efforts made by other districts and courts across the state that have worked together and led the way with CTBs, by creating strong community-wide partnerships and leveraging existing dollars.

Learning Assistance Program.

"Disruptive behaviors in the classroom" explicitly includes excessive absenteeism and truancy. In addition to prioritizing the LAP on the reading assistance needs of students in kindergarten through fourth grade, schools implementing the LAP shall focus on students for whom a conference is required under the new provisions relating to unexcused absences in elementary school and those who are the subject of a truancy petition, in order to increase regular school attendance and eliminate truancy. Up to 2 percent of a district's LAP allocation may be used to address excessive absenteeism and truancy. A CTB or other coordinated means of intervention established pursuant to an MOU between a juvenile court and school district is considered a best practice.

Community Truancy Board Grants.

Subject to funds appropriated for this purpose, the OSPI is charged with allocating grant funds to CTBs that may be used to supplement existing funds in order to pay for training for board members or the provision of services and evidence-based treatment, as well as culturally appropriate promising practices, to children and their families. An educational service district may provide the training. A prerequisite to applying for either or both grants is an MOU between a school district and a court to institute a new, or maintain an existing, CTB.

Truancy Petitions.

If a CTB or other coordinated means of intervention is in place pursuant to an MOU, the court shall initially stay the petition and refer the child and the child's parent to a CTB or other coordinated means of intervention. 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 shall be lifted, and the juvenile court shall 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 shall schedule a hearing at which to consider it. At the hearing on the petition, in addition to the authority to order a child to attend school, change school, or submit to testing for alcohol or controlled substances, a court is authorized to order the child to submit to a substance abuse assessment or mental health evaluation or other diagnostic evaluation and adhere to the recommendations, at no expense to the school, if the court finds on the record that such evaluation is appropriate to the circumstances and behavior of the child and will facilitate compliance with the mandatory attendance law. Additionally, the court may order the child to submit to a temporary placement in a CRC or HOPE center if the court determines there is an immediate health and safety concern or family conflict needing mediation.

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 CRC near the child's home rather than a juvenile detention facility.

Application to Online Schools.

The OSPI must develop recommendations on how mandatory school attendance and truancy amelioration provisions should be applied to online schools, and the OSPI must report back to the Legislature by November 1, 2016.

Crisis Residential Centers and HOPE Beds.

Subject to funds appropriated for the purpose, the Department of Social and Health Services must incrementally increase the number of available HOPE beds by at least 17 beds in fiscal years 2017, 2018, and 2019, so that 75 beds are established and operated throughout the state by July 1, 2019, and thereafter incrementally increase the number beyond 75. Risky behavior, as that term is used in the law regarding eligibility for placement in a HOPE center, includes truancy.

Subject to funds appropriated for the purpose, the capacity of CRCs must be increased incrementally by no fewer than 10 beds per fiscal year through 2019 in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity must be distributed around the state based upon need, and to the extent feasible shall be geographically situated to expand the use of CRCs so they are available for use by all courts for housing truant youth.

Educational Opportunity Gap Oversight and Accountability Committee.

The EOGOAC is charged with conducting a review and making recommendations to the Legislature regarding the cultural competence training that TTB board members and others should receive, best practices for supporting and facilitating parent and community outreach, and the cultural relevance of the assessments employed and treatments and tools provided to children and families.

Washington State Institute for Public Policy.

By January 1, 2021, the WSIPP is to evaluate the effectiveness of the act in achieving certain expressed outcomes:

- increased access to CTBs and other intervention programs;
- increased quantity and quality of truancy intervention and prevention efforts in the community;
- reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a CTB;
- reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and
- increased school attendance.

Prior to that, by January 1, 2018, the WSIPP is to submit to the fiscal committees of the Legislature an initial report scoping the methodology to be used. This initial report must identify any data gaps that could hinder the WSIPP's ability to conduct its review.

Administrative Office of the Courts.

Juvenile courts are required to transmit data to the Administrative Office of the Courts (AOC) in order that accurate tracking can be done with respect to the extent to which courts order youth into a secure detention facility for the violation of a court order related to a

truancy, at-risk youth, or a child in need of services petition. The AOC must provide, to the Legislature, a statewide report by March 1, 2017, and annually thereafter.

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 13 through 15, relating to the Learning Assistance Program, which take effect September 1, 2016.

Staff Summary of Public Testimony (Judiciary):

(In support) The main predictor of high school graduation is attendance in elementary school. Washington detains the highest number of kids for status offenses, including truancy. This bill employs evidence-based and trauma informed practices that should reduce truancy and improve attendance. Some of the features include soft, early intervention, TTBs, the WARNS screening tool, expansion of CRC and HOPE beds, and work is being done with respect to an academic support piece. In both Pierce and Spokane counties, existing resources are being used for joint efforts by the courts and schools such as is envisioned for the TTBs.

The truancy petition is an important component of current law, and this bill maintains the petition mandate. In addition, the increase in CRC and HOPE beds is supported. There are a couple of concerns: the length of the stay following the filing of the petition, since it is not stated; the predictability of the money; and what happens if the parents won't sign for the receipt of information.

(Opposed) None.

(Other) Washington is the state in the nation that locks up the most juvenile status offenders. Juveniles should be assigned lawyers in the truancy process. It is imperative that those on the community truancy boards be trained and culturally competent. Funding is a critical piece. The studies that are in this bill are an important piece.

Staff Summary of Public Testimony (Appropriations):

(In support) A top indicator of high school graduation is attendance in elementary school. Washington detains the highest number of youth in the nation for status offenses, most of which are for truancy. The Washington State Institute for Public Policy looked at the total cost for truancy and it was estimated at approximately \$15.4 million. Most of the students that are experiencing truancy issues also have adverse childhood experiences and trauma. Treating these issues helps to prevent truancy. Partnerships between schools and the community can be utilized to help keep kids in schools. This bill takes a multi-tiered approach. The first action is a soft touch, helping to make sure parents know about the underlying issues that accompany truancy. Second, there is an expansion of the therapeutic truancy boards. There is money to support training and address adverse childhood experiences and there is other money to provide supports including treatments, credit

retrieval, and tutoring. It is important to keep kids engaged and attending school. Research is included in this legislation to see what is working well and what is not.

This bill reflects the recommendations of task forces that have preceded it, including the Becca Taskforce. It reflects research based best practices and policies and is a great investment. Effective policies include early intervention, matching evidence-based practices with the needs of the family, and using the juvenile justice system as the last resort. Community truancy boards are effective at increasing graduation rates and at avoiding the large cost of drop outs. Avoiding detention is not only cost effective, but it also helps prevent driving the child deeper into the system. During this period when the Legislature is focused on addressing McCleary, it is important to make sure that struggling students are also being helped. It is far less expensive to help kids early than is it to continue with the current system of detaining kids for truancy.

Section three of the bill speaks to "reasonably convenient times." There is some concern regarding the potential costs to school districts that could occur as a result of that language. Community truancy board training and operation is a good thing, but it would need to be rolled out statewide. The use of other bed types over detention is preferable as it keeps kids out of the school-to-prison pipeline.

Online learning is one of the alternative methods chosen by students when they are having problems with truancy. For some students, online learning works, but for other students it does not. Online truancy is a problem that must also be addressed. Looking for alternatives and having training involved for support systems for the online format is important. One area of concern to be addressed is that there can be jurisdictional problems for online students that live in one part of the state and attend online school in a different area of the state. Getting the OSPI to look at the rules and regulations governing this issue and making sure the online students can participate in the program is very important.

(Opposed) None.

(Other) Problems in students' personal lives can lead to them having trouble attending school. It is important to understand the characteristics of the population of detained students and to be able to differentiate why they are detained, whether it is for truancy or a more serious offense. The data is needed to help inform policy makers. An important aspect of this bill is the WSIPP evaluation. Additionally, sustained evaluation would be very helpful and is also important to local administrators.

Moving away from detention and treating the underlying causes of detention is a good thing, but this bill still allows for status offenses when the student is truant, which is a problem. Mixing status offenders with the population of juveniles that are detained for more serious offenses is not helpful and continues to put the status offender students in the school-to-prison pipeline. The underlying problems still need to be treated. It is imperative that the bill be fully and adequately funded so that the underlying problems can be treated and solved.

Persons Testifying (Judiciary): (In support) Representative Orwall, prime sponsor; and Tom McBride, Washington State Association of Juvenile Court Administrators.

(Other) Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Testifying (Appropriations): (In support) Representative Orwall, prime sponsor; Bobbe Bridge and Gina Cumbo, Center for Children and Youth Justice; Jerry Bender, Association of Washington School Principals; and Carolyn Logue, K12, Inc..

(Other) Carl McCurley, Administrative Office of the Courts and the Washington State Center for Court Research; and Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.