

HOUSE BILL REPORT

2SHB 2449

As Amended by the Senate

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.

Brief Summary of Second Substitute Bill

- Enacts the Keeping Kids in School Act, which makes a variety of changes and additions to practices and requirements related to school attendance and truancy.

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).

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.

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.

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:

The Keeping Kids in School Act makes a variety of changes and additions to practices and requirements related to school attendance and truancy.

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. Provision must be made to enable parents to request and receive the information in a language in which they are fluent.

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, 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.

Therapeutic Truancy Boards.

A therapeutic truancy board (TTB) is defined as a community truancy board operated pursuant to a memorandum of understanding (MOU) between a school district and a juvenile court. All members of a TTB receive certain training, including training with respect to identification of barriers to school attendance, trauma-informed approaches to discipline, research regarding adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, and the specific services and treatment available in the particular school, court, and community. A TTB identifies barriers to attendance, cooperatively solves problems, and connects students and their families with services, and may refer children to a HOPE center.

Subject to funds appropriated for this purpose, the OSPI is charged with allocating grant funds to TTBs 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, TTB.

Truancy Petitions.

All truancy petitions must receive an initial stay, and intervention and prevention efforts must be employed in order to substantially reduce unexcused absences. If these efforts are unsuccessful, the stay shall be lifted, and the court must schedule a hearing or take other steps specified under current law.

At the hearing of 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 temporary placement in a CRC 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 CRC 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 appropriation, the number of CRC and HOPE beds shall be increased incrementally. Additional capacity should be distributed around the state.

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.

The WSIPP must conduct both a study of local practices and an outcome evaluation, with reports due December 1, 2017, with respect to the study and December 1, 2022, regarding the evaluation.

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.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment strikes the underlying bill in its entirety, and replaces it with all of the provisions from Second Substitute Senate Bill 6497, some of which are identical or similar to provisions in the underlying bill and some of which are different, as follows:

- similarly requires that parents be provided with information related to benefits of attendance, consequences of truancy, and available resources, but provides that reasonable efforts must be made to enable parents to receive the information in the language in which they are fluent rather, than requiring that provision must be made to so enable parents;
- includes identical provisions relative to the process schools must follow with respect to excused absences on the part of elementary students;
- requires that, by August 1, 2017, all school districts have community truancy boards (CTBs) except those with 200 students or less, rather than encouraging the employment of TTBs and providing grant funding for TTBs' training and services;
- provides that Learning Assistance Program (LAP) shall focus on students referred to CTBs, in addition to the current statutory focus on reading assistance needs, and further provides that districts (except those under 200 students) must implement a CTB and that up to 2 percent of a district's LAP allocation may be used to fund CTB activities and student supports;
- similarly requires that initial truancy petition be stayed, but mandates referral to a CTB after August 1, 2017, rather than mandate intervention and prevention efforts that may include referral to a CTB;
- similarly provides that detention in CRCs is preferred over detention in juvenile detention facility in instances of contempt of court;
- provides similar court authority to order child to submit to temporary placement in a CRC if court determines there is an immediate health/safety concern or family conflict needing mediation. Adds authority for court to order mental health evaluation and adherence to drug assessment recommendations, at no expense to the school;
- similarly provides that, subject to funding, there will be an increase in the number of HOPE beds and CRC capacity. Adds explicit provisions with respect to the number of new beds/capacity;

- provides, in an identical fashion, for the the OSPI to develop and report recommendations with respect to how mandatory attendance and truancy amelioration should be applied to online schools;
- similarly requires WSIPP evaluation, but focus and due date are different;
- does not require juvenile courts to provide data regarding detentions or require an AOC report regarding that data;
- does not name the act; and
- does not include a null and void provision.

Appropriation: None.

Fiscal Note: Available.

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

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.