

SENATE BILL REPORT

SB 6497

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, February 4, 2016
Ways & Means, February 9, 2016

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: Senators Hargrove, O'Ban, Darneille, Miloscia, Litzow, McAuliffe and Conway.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 2/02/16, 2/04/16 [DPS-WM].

Ways & Means: 2/08/16, 2/09/16 [DP2S].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: That Substitute Senate Bill No. 6497 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

Staff: Kevin Black (786-7747)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6497 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Darneille, Hasegawa, Hewitt, Nelson, O'Ban, Padden, Parlette, Pedersen, Rolfes, Schoesler and Warnick.

Staff: Lorrell Noahr (786-7708)

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.

Background: Truancy and Attendance. Parents must ensure that their children aged 8-18 attend public school unless the children fall within certain exceptions, such as enrollment in private school or receipt of home-based instruction.

Schools must inform students and parents of the state 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 for the information to be provided in written form.

When a child in public school has unexcused absences, the school must take steps to eliminate or reduce the child's absences. The following specific requirements are imposed on schools and school districts:

- after one unexcused absence in one month, the school must inform parents in writing or by phone of potential consequences of continued absences;
- after two unexcused absences in one month, the school must schedule a conference with the parents and take steps to reduce absences;
- 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; and
- 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.

A truancy petition is filed in juvenile court, and may be filed against the child, the parent, or both. Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or stay the case and refer it to a community truancy board. If, following a hearing, 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 the court may impose various contempt sanctions, including detention or community service. Throughout the process, students and their families may be referred to other services.

The Washington Assessment of the Risks and Needs of Students (WARNS) is a risk and needs assessment for schools, courts, and service providers designed to identify youths at risk of truancy, delinquency, and dropping out of school, and to assess youth development. It is designed for students aged 13-18 and consists of 76 questions requiring 10-20 minutes to complete either on paper or online. The WARNS was developed in Washington with support from the MacArthur Foundation.

Crisis Residential Centers (CRCs). CRCs are short-term, semi-secure or secure facilities for runaway youth and adolescents in conflict with their families. Counselors at CRCs 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. There are currently 44 CRC beds and 25 secure CRC beds in the state.

HOPE Centers. HOPE Centers provide temporary residential placement and other services for street youth. Youth may self-refer to a HOPE Center for services. While residing in a HOPE Center, the youth undergoes a comprehensive assessment in order to develop the best

plan for the youth, with the focus on finding a permanent and stable home. A street youth whose parent wants the youth to be returned home may stay in the HOPE Center only until the parent arranges for the return of the youth. A youth may remain in a HOPE Center for up to 30 days with court approval. Longer stays must be based on the unavailability of a longer term placement and require approval by the Department of Commerce. There are currently 23 HOPE beds in the state.

The Learning Assistance Program (LAP). LAP is a basic education program that provides remedial academic instruction to students in kindergarten through grade twelve who score below grade level in reading, writing, and mathematics on statewide or local school district assessments. Services and activities that may be supported by LAP include reducing disruptive behaviors, outreach activities, and support for parents of participating students. School districts implementing a LAP must focus first on addressing the needs of students in Kindergarten through grade four who are deficient in reading. The biennial appropriation for LAP in the 2015-2017 operating budget is \$451 million.

Summary of Bill (Recommended Second Substitute): Truancy and Attendance. Each school must inform the parent of its enrolled students about:

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

Information must be provided before or at the time of enrollment and at the beginning of each school year. Reasonable efforts must be made to enable a parent to request and receive the information in a language in which the parent is fluent. A parent must date and acknowledge review of this information before or at the time of enrollment and at the beginning of each school year. The Office of the Superintendent of Public Instruction must develop a template for schools to use to satisfy this requirement.

If a child who is required to attend elementary school has five excused absences in a month, or 10 excused absences in a year, the school district must schedule a conference with the parent and child for the purpose of identifying barriers to the child's regular attendance and supports and resources that may be provided to the family, so that the child is able to regularly attend school. The conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, and may involve revision of an individual education plan. A conference is not required if prior notice is given to the school or a doctor's note provided and an academic plan is put into place so that the child does not fall behind. If a regularly scheduled parent-teacher conference day is to take place within 30 days, the district may schedule the conference on that day.

A school must make reasonable efforts to communicate with a child's parent about unexcused absences in a language in which the parent is fluent.

Steps taken by a school to reduce a child's unexcused absences must be data-informed, and include the use of the WARNS assessment, and provide an available approved best practice or research-based intervention consistent with the WARNS profile. The results of the WARNS assessment and a history of best practices or research-based interventions must be provided to a new school district when the child transfers schools, along with truancy information.

The Office of the Superintendent of Public Instruction must develop recommendations as to how mandatory school attendance and truancy amelioration provisions should be applied to online schools. A report is due by November 1, 2016.

Community Truancy Board. All school districts must establish and operate a community truancy board under the jurisdiction of the juvenile court by August 1, 2017. School districts with less than 200 students may work cooperatively with other school districts, the county court, or the school district's educational service district to provide a community truancy board or other interventions approved by the juvenile court, and associated screenings and services to its students.

All members of the board must receive training regarding:

- identification of barriers to school attendance;
- the use of the WARNS or other assessment tools to identify the specific needs of individual children;
- trauma-informed approaches to discipline;
- evidence-based treatments that have been found effective to support at-risk youth and their families; and
- the specific services and treatment available in the particular school, court, community, and elsewhere.

The Community Truancy Board must identify barriers to school attendance for the child, connect students and their families with community services and evidence-based services, and consider referring the child to a HOPE center.

A truancy petition must include a list of all interventions that have been attempted to increase attendance and a copy of the most recent truancy information signed by the parents. When a truancy petition is filed, it must initially be stayed by the juvenile court and referred to a community truancy board or intervention and prevention efforts must be employed if the community truancy board is not yet in place. If intervention and prevention efforts are unsuccessful at substantially reducing the child's unexcused absences within a time frame set by the school district, the stay must be lifted and the juvenile court must schedule a hearing. The juvenile court may order the child to submit to a mental health evaluation and follow treatment recommendations, at no expense to the school, if the court finds that such evaluation is appropriate.

A preference is created for detention as a sanction for noncompliance with a truancy order to be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A judge may order a child subject to a truancy petition to submit

to temporary placement in a crisis residential center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

CRCs and HOPE Centers. Subject to appropriated funds, the Department of Commerce must increase the number of available HOPE beds by at least 17 beds and the capacity of crisis residential centers by 10 beds per fiscal year 2017-2019. At least 75 HOPE beds must be established and operated by July 1, 2019. The additional HOPE bed and crisis residential center capacity must be distributed around the state based upon need and, to the extent feasible, accessible to all geographic areas. Volume of truancy petitions filed must be considering in determining the need for HOPE beds.

Learning Assistance Program. Up to 2 percent of a school district's LAP funds may be used to fund community truancy boards activities and associated student supports. The first focus for school districts offering a LAP is expanded to include the needs of students referred to truancy boards.

Evaluation. The Washington State Institute for Public Policy (WSIPP) must evaluate the effectiveness of the act in increasing access to truancy boards and early intervention programs, increasing the quality of truancy intervention programs, and reducing the need for further court intervention.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute):

- Detention ordered as a contempt sanction for violation of a truancy order shall preferably be served at a secure crisis residential center, rather than a crisis residential center.
- A judge may order a child subject to a truancy petition to submit to temporary placement in a crisis residential center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.
- A school district with less than 200 students may work cooperatively with other school districts, the county court, or the school district's educational service district to provide a community truancy board or other interventions approved by the juvenile court, and associated screenings and services to its students.
- Truancy cases stayed by the juvenile court must be resolved or returned to court within a reasonable time frame established by the school district.
- A technical amendment clarifies that a parent-teacher conference relating to a child's excused absences may be scheduled on the same day as another regularly scheduled conference day within 30 days.
- Directs WSIPP to evaluate the effectiveness of this act in increasing access to truancy boards and early intervention programs, increasing the quality of truancy intervention programs, and reducing the need for further court intervention.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, MENTAL HEALTH & HOUSING COMMITTEE (Recommended Substitute): Parent-teacher conferences following a series of excused absences must include school district personnel "such as" the specified professionals, including teachers. The conference need not be held if a doctor's note has been provided and an academic plan is in place. The conference may be combined

with another regularly scheduled conference within 30 days. The Office of the Superintendent of Public Instruction must develop recommendations as to how mandatory school attendance and truancy amelioration provisions should be applied to online schools, with a report date of November 1, 2016.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Original Bill (Human Services, Mental Health & Housing): PRO: Before the Becca Bill, truancy laws were not being enforced. The increase in truancy petitions in the 1990s coincided with a steep decline in the juvenile arrest rate. The population of JRA facilities has dropped, much more than the national average, even while the state population has risen. Becca is a part of this success. This bill improves truancy laws by allowing some kids to get their issues resolved through community truancy boards. Collaboration between the schools and courts is crucial to success. Use of assessments such as WARNS and evidence-based practices are crucial to successful intervention. Please amend the bill to give judges flexibility whether or not to automatically stay the truancy petition. Online schools are a good alternative for some kids who struggle to attend school. Online schools have truancy issues also; please help online schools address jurisdiction issues with the courts and provide guidance to adapt the attendance requirements to the online school environment. We need more crisis residential center beds around the state. Some provisions of this bill are consistent with Becca Task Force recommendations made in 2011. Early intervention and the use of best- and promising-practices is the best way to keep kids out of the courts and criminal justice system.

OTHER: Please adjust the section relating to elementary school excused absences to avoid over 100,000 parent-teacher conferences. Consider adding adverse childhood experiences training to the requirements for community truancy board members. Learning Assistance Program funds are for reading assistance; please don't reduce this funding.

Persons Testifying on Original Bill (Human Services, Mental Health & Housing): PRO: Senator Hargrove, prime sponsor; Tom McBride, Jim Madsen, WA Assn. of Juvenile Court Administrators; Carolyn Logue, K12, Inc; Steve Warning, Superior Court Judges Assn.; Gina Cumbo, Center for Children & Youth Justice, Becca Task Force.

OTHER: Jerry Bender, Assn. of WA School Principals.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): OTHER: The LAP funds are currently directed to remediation for K-4 students. The pot of money is not infinite, you cannot spend the money twice. The requirement that every school district create a truancy board should be revisited. Some costs could be reduced if a different model

allowing school districts that may not need a truancy board was visited. There is concern about the expanded definition of LAP given the finite dollars in the program that are being redirected without new funding.

CON: There concerns with fiscal provisions of the bill. This is an unfunded mandate by expanding LAP requirements without any new money. This bill expands the program of basic education. This bill would redirect \$4.3M a year from LAP currently directed toward reading, math, literacy, and behavioral interventions.

Persons Testifying on First Substitute (Ways & Means): CON: Paula Moore, OSPI, Director for Title I/LAP.

OTHER: Jerry Bender, Association of Washington School Principals; Jessica Vavrus, Wa State School Directors' Association.

Persons Signed In To Testify But Not Testifying on First Substitute: No one.