

## WHEN COMPULSORY SCHOOL ATTENDANCE LAWS FURTHER PUSH KIDS OUT OF SCHOOL: AN EQUITABLE REVIEW OF WASHINGTON'S TRUANCY LAWS AND PROPOSED REFORMS

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### I. INTRODUCTION

Truancy is generally understood as the action of K-12 students not attending school with a valid excuse (i.e. unexcused absences).<sup>1</sup> Government officials only recently have begun to understand truancy and its correlates, which historically were framed as direct causes for truancy in what was deemed a crisis nationwide.<sup>2</sup> This understanding, however, has not resulted in reduced court interventions<sup>3</sup> or improved attendance rates.<sup>4</sup> Rather, a range of punitive measures across school districts has resulted in an inconsistent response to truancy at both a national and state level. Often times, these responses fail to address the real-life factors that contribute to truancy and its impact on low-income and racial/ethnic

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<sup>1</sup> See, e.g., Farah Z. Ahmad & Tiffany Miller, *The High Cost of Truancy*, CENTER FOR AMERICAN PROGRESS (August 2015), <https://cdn.americanprogress.org/wp-content/uploads/2015/07/29113012/Truancy-report4.pdf>. (Discussing there is no national definition for truancy and state definitions for truancy vary widely.)

<sup>2</sup> See, e.g., Adriane Kayoko Peralta, *An Interrogation and Response to the Predominant Framing of Truancy*, 62 UCLA L. REV. DISC. 42, 44 (2014).

<sup>3</sup> See TEXAS APPLESEED, CLASS, NOT COURT: RECONSIDERING TEXAS' CRIMINALIZATION OF TRUANCY 47–58 (Mar. 2015), [https://www.texasappleseed.org/sites/default/files/TruancyReport\\_All\\_FINAL\\_SinglePages.pdf](https://www.texasappleseed.org/sites/default/files/TruancyReport_All_FINAL_SinglePages.pdf).

<sup>4</sup> See, e.g., KATIE MOSEHAUER, WASH. APPLESEED, RECLAIMING STUDENTS: THE EDUCATIONAL & ECONOMIC COSTS OF EXCLUSIONARY DISCIPLINE IN WASHINGTON STATE 10 (Nov. 2012), [http://www.teamchild.org/docs/uploads/Reclaiming\\_Students\\_a\\_report\\_by\\_WA\\_Appleseed\\_Team\\_Child.pdf](http://www.teamchild.org/docs/uploads/Reclaiming_Students_a_report_by_WA_Appleseed_Team_Child.pdf); see also HAMMOND, LINTON, SMINK, & DREW, NAT'L DROPOUT PREVENTION CTR., DROPOUT RISK FACTORS AND EXEMPLARY PROGRAMS: A TECHNICAL REPORT (May 2007), [http://www.doe.virginia.gov/support/prevention/dropout\\_truancy/resources/dropout\\_risk\\_factors.pdf](http://www.doe.virginia.gov/support/prevention/dropout_truancy/resources/dropout_risk_factors.pdf).

minorities. As a response to its high truancy rates, the state of Washington has made concerted efforts through the Becca Task Force to keep truant children in schools and out of the criminal justice system.<sup>5</sup> Nevertheless, Washington's truancy law (the "Becca Bill"), state truancy trends, and the 67th Legislature's bill proposals reveal our state's shortcomings in reaching the Becca Task Force mission. Most importantly though, Washington must consider other countervailing truancy factors if it truly intends to meet its constitutional *paramount* duty to provide *all* children residing within its borders with an *ample* provision for education.<sup>6</sup>

## II. A NATIONAL TREND IN PUNITIVE TRUANCY MEASURES

The breadth of truancy laws across the nation show not only the concern states have with low school attendance rates, but also their belief that punitive measures will resolve the root causes of classroom absences. Among the most punitive states is Michigan, where the state can remove a family from welfare cash assistance when a child aged six to sixteen is found truant.<sup>7</sup> Additionally, minors aged 16 or 17 can be removed from their homes and placed in foster care.<sup>8</sup> Local boards of education exercise control of compulsory attendance policies that may not distinguish between excused and unexcused absences.<sup>9</sup> This discretion may help to explain why half of

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<sup>5</sup> *Washington State Becca Task Force*, CENTER FOR CHILDREN AND YOUTH JUSTICE & WASHINGTON MODELS FOR CHANGE, <http://ccyj.org/wp-content/uploads/2015/04/Becca-Task-Force-Truancy-Recommendations-for-Reform-FINAL.pdf> (last visited Apr. 26, 2016).

<sup>6</sup> *See* Wash. Const. art. IX, § 1; *see also* *McCleary v. State*, 269 P.3d 227 (Wash. 2012).

<sup>7</sup> MICH. COMP. LAWS § 400.57b(6); *See also* Mike Espejo, *Michigan Families With Truant Children Can Lose Cash Assistance Welfare Benefits Under New Policy*, MetroParent For Southeast Michigan (Jan. 9, 2015), <http://www.metroparent.com/daily/education/school-issues/michigan-families-truant-children-can-lose-cash-assistance-welfare-benefits-new-policy/>.

<sup>8</sup> MICH. COMP. LAWS § 400.57b(6).

<sup>9</sup> MICH. DEP'T OF EDUC., *COMPULSORY SCHOOL ATTENDANCE: ATTENDANCE POLICIES AND GRADES 2* (Nov. 2011), [https://www.michigan.gov/documents/mde/compulsory\\_attendance\\_257944](https://www.michigan.gov/documents/mde/compulsory_attendance_257944)

Michigan public school students are considered chronically absent.<sup>10</sup> Notwithstanding these egregious sanctions, school districts may also consider a student's attendance in determining course grades.<sup>11</sup>

In certain states, truancy is even criminalized. Parents and students can face jail time and heavy fines if convicted of truancy. In California, for example, parents of first through eighth graders, ages six or older, can be found guilty of a misdemeanor truancy charge punishable by a fine up to \$2,000, imprisonment in a county jail not exceeding one year, or both.<sup>12</sup> Additionally, in some states like Texas, legal financial obligations (LFOs) include both truancy fines and court costs.<sup>13</sup> The high interest rates of LFOs are known to dramatically increase the amount a person owes and, thereby, extend an individual's repayment period.<sup>14</sup> Moreover, Texan children who are unable to pay these LFOs face possible incarceration when they turn seventeen or older.<sup>15</sup>

Even though states have not shied away from imposing harsh criminalization measures, some local laws and court practices go further.<sup>16</sup> For instance, some local daytime curfew laws impose penalties such as fines and community service on students who are found outdoors or in public places without a custodian.<sup>17</sup> Such laws are problematic because they can punish

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<sup>10</sup> Tom Gantert, *With Half of the Students Chronically Absent, New Truancy Law Would Strip Welfare From Families*, MICHIGAN CAPITOL CONFIDENTIAL (Oct. 16, 2015), <https://www.mackinac.org/21827>.

<sup>11</sup> See MICH. DEP'T OF EDUC., *supra* note 6.

<sup>12</sup> CAL. PENAL CODE § 270.1(a).

<sup>13</sup> See TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 13.

<sup>14</sup> Alexes Harris, *The Cruel Poverty of Monetary Sanctions*, SOCIETY PAGES (Mar. 4, 2014), <https://thesocietypages.org/papers/monetary-sanctions/>.

<sup>15</sup> See TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 13.

<sup>16</sup> See *Truancy Crackdown Lands OC Parents in Jail*, CBS LOS ANGELES (May 11, 2011, 7:46 AM), <http://losangeles.cbslocal.com/2011/05/11/truancy-crackdown-lands-oc-parents-in-jail/>; See also *Texas Decriminalizing Students' Truancy*, USA TODAY (June 20, 2015, 6:16 PM), <http://www.usatoday.com/story/news/nation/2015/06/20/texas-truancy-absent-students-criminalized/29047285/>.

<sup>17</sup> LOS ANGELES MUNICIPAL CODE (LAMC) § 45.04.

students on their first absence. Further, these laws impose a burden on students who are not old enough to work or provide their own transportation to community service locations. Court practices like those in Texas aggressively push students out of school by ordering students to drop out of school and take the GED.<sup>18</sup> School districts with high truancy rates or that are not in compliance with truancy measures often do not face consequences other than possible funding cuts.<sup>19</sup>

### III. REAL LIFE FACTORS

#### A. Reasons for Truancy

Many scholars and educators believed until recently that most truant students were simply skipping.<sup>20</sup> Truancy, however, is more often the result of serious underlying factors.<sup>21</sup> Studies show that truancy largely affects students living in poor or low socioeconomic communities.<sup>22</sup> As such, economic factors play a significant role in truancy, particularly in single-parent homes.<sup>23</sup> These underlying factors can generally be grouped into four categories: economic, family/home, school, and personal.<sup>24</sup>

There are several economic factors that may cause a student to become truant.<sup>25</sup> Financial problems may require parent(s) to work multiple jobs or students to work during school hours.<sup>26</sup> Economic problems can also make it difficult for students to get to school if they are not provided

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<sup>18</sup> See TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 14.

<sup>19</sup> See Teresa Watanabe, *Torlakson Wants To Tie Student Attendance, School Funding*, LOS ANGELES TIMES (Sept. 30, 2013), <http://articles.latimes.com/2013/sep/30/local/la-me-1001-truant-20131001>.

<sup>20</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 6.

<sup>21</sup> *Id.* at 14.

<sup>22</sup> *Id.* at 59. See also MARTHA YEIDE & MEL KOBRIN, DEV. SERVS. GRP., TRUANCY LITERATURE REVIEW 7 (Oct. 15, 2009), <http://www2.dsgonline.com/dso/truancy%20literature%20review.pdf>.

<sup>23</sup> See YEIDE & KOBRIN, *supra* note 68, at 7.

<sup>24</sup> See Michael A. Lindstadt, *Employing Mediation to Approach Truants*, 43 FAM. CT. REV. 303, 305 (2005).

<sup>25</sup> *Id.*

<sup>26</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 14.

transportation by the school district.<sup>27</sup> Financial problems also interact with other categorical barriers to student participation, exacerbating student difficulties.

There are several family and home factors that may affect a student’s ability to go to school.<sup>28</sup> Some school districts do not provide public transportation unless the student lives within a certain distance from the school.<sup>29</sup> Parent(s) may have to work, thus leaving them unable to provide transportation.<sup>30</sup> Poor students in urban districts may have to rely on public transportation—which is unreliable, at least in Seattle—resulting in students often being late to school.<sup>31</sup> Public transportation also costs money for most public school students.<sup>32</sup> A student may also feel unsafe on their way to or from school.<sup>33</sup> Older (“parentified”) students may be required to stay home and take care of their younger siblings while their parent(s) work.<sup>34</sup> Examples of other family and home factors truuant students may be facing include: homelessness, elevated levels of family conflict, abuse or neglect, lack of parental focus on the importance of education, or health issues of family

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<sup>27</sup> See Paige Cornwell, *Rainier Beach Students Call for Safer, Cheaper Ways to Get to School*, SEATTLE TIMES (Oct. 15, 2015, 5:02 AM), available at <http://www.seattletimes.com/education-lab/rainier-beach-students-to-call-for-equitable-transportation-by-sharing-own-experiences/>.

<sup>28</sup> See TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 6; see also Lindstadt, *supra* note 70, at 305; NATIONAL CENTER FOR SCHOOL ENGAGEMENT, TOOLKIT FOR CREATING YOUR OWN TRUANCY REDUCTION PROGRAM 9, available at <https://www.ncjrs.gov/pdffiles1/pr/217271.pdf> (last visited Mar. 9, 2016) [hereinafter NCSE TOOLKIT].

<sup>29</sup> See Cornwell, *supra* note 73.

<sup>30</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 14.

<sup>31</sup> See generally Gillian B. White, *Stranded: How America’s Failing Public Transportation Increases Inequality*, ATLANTIC (May 16, 2015), available at <http://www.theatlantic.com/business/archive/2015/05/stranded-how-americas-failing-public-transportation-increases-inequality/393419/>.

<sup>32</sup> 78 See Paige Cornwell, *Free ORCA Cards for Low-Income Students*, SEATTLE TIMES (Dec. 6, 2015 6:11 PM), <http://www.seattletimes.com/seattle-news/education/free-orca-cards-for-low-income-students-next-year/>.

<sup>33</sup> 79 See Cornwell, *supra* note 73.

<sup>34</sup> 80 TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 15.

members.<sup>35</sup> These issues are further complicated in single-parent households.

A school's environment may also affect its students' attendance. Students may choose to stay home if they perceive a negative school climate or an unsafe school environment.<sup>36</sup> This is particularly common with students who are bullied.<sup>37</sup> Schools often reduce attendance by using suspensions as punishment for truancy, leading to disengagement and poor academic performance, and ultimately causing a cycle of continued truancy.<sup>38</sup>

Another significant issue students face, particularly in urban schools, is a lack of transitional support from middle school to high school.<sup>39</sup> Researchers from Johns Hopkins University and the University of Pennsylvania conducted a study and found that students struggle in high school because of the impersonal setting and greater academic demands.<sup>40</sup> According to the researchers, "Students fall through the cracks in good part because no one is responsible for helping struggling students with the transition from middle school to high school...[I]t is not uncommon for hundreds of students to be without courses scheduled for the first two weeks or for students to be assigned to classes for which no permanent teacher exists."<sup>41</sup> Studies also suggest that inappropriate academic placement and failure to identify special education needs affect student attendance.<sup>42</sup>

There are several personal factors that may lead to truancy as well. Students who perform poorly in school may believe they are not capable of success in school and consequently will be disengaged or disconnected.<sup>43</sup> Truant

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<sup>35</sup> 81 *Id.* at 14-15.

<sup>36</sup> 82 NCSE TOOLKIT, *supra* note 74, at 9.

<sup>37</sup> *Id.*

<sup>38</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 14.

<sup>39</sup> CHILDREN'S DEFENSE FUND, AMERICA'S CRADLE TO PRISON PIPELINE 137 (2007), <http://www.childrensdefense.org/library/data/cradle-prison-pipeline-report-2007-full-lowres.pdf>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 14.

<sup>43</sup> *Id.*

students may also suffer from mental health, physical health or substance abuse problems.<sup>44</sup> Further, if students with disabilities do not receive the educational services to which they are entitled, they may become disengaged from school, making them less likely to attend school.<sup>45</sup> Truancy may also be caused by low self-esteem or difficulty in forming relationships with other students.<sup>46</sup>

*B. State & School Countervailing Considerations:*

Schools have several countervailing considerations. First, schools receive public funding based on student attendance.<sup>47</sup> Thus, they have an interest in preventing truancy. However, schools often lack resources—such as social workers—that could assist them with early signs of truancy or behavioral problems further down the pipeline.<sup>48</sup> In fact, schools with limited resources might prefer that the courts are responsible for truancy matters. Some schools decide to file truancy complaints against students in situations where there is no legal requirement to do so.<sup>49</sup> Further, schools must focus on student achievement.<sup>50</sup> Some advocates argue that the benefits

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<sup>44</sup> *Id.*

<sup>45</sup> NCSE TOOLKIT, *supra* note 74, at 9.

<sup>46</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 14.

<sup>47</sup> *See id.* at 13; *see Lindstadt, supra* note 70, at 306; *see also* ELISE GRIEF & JULIANA ROE, SENATE COMM. REPORT, AVERAGE DAILY ATTENDANCE (2011),

<http://leg.wa.gov/Senate/Committees/EDU/Documents/AverageDailyAttendance.pdf>.

<sup>48</sup> *See* NCSE TOOLKIT, *supra* note 74, at 5 (“Students with behavior problems are often assigned to a counselor, but school counselors have large caseloads. Public high schools employed one counselor for every 284 students in 2002. Large schools (1,200+ students) employed one counselor for every 335 students. Counselors in schools with over 50% minority enrollment were responsible for 22% more students than their colleagues in low minority enrollment schools - 313 compared to 256 students.”).

<sup>49</sup> *See* TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 42.

<sup>50</sup> WASH. REV. CODE § 28A.655.005 (“The legislature finds that the purpose of Washington’s accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability

received by students who are not disciplined outweigh the consequences of disciplining truant students through suspension or other means.<sup>51</sup> However, studies show that “high truancy rates affect the achievement of the class and school overall, since educators have to slow down the rate at which they cover curriculum, thereby harming students who are not truant.”<sup>52</sup>

Schools also have a priority to provide a safe environment. Civil rights advocates argue, however, that schools are increasing the “criminalization of student behaviors that in the past would have been addressed through a call to parents or after school detention.”<sup>53</sup> As such, advocates believe that schools’ “concerns about safety actually mask the true purpose of placing police in schools: to raise the stakes for student misconduct and exclude youth who do not conform to behavioral, attitudinal, or educational demands.”<sup>54</sup> This is particularly alarming when coupled with the disproportionality of truant students of color.

Truancy affects the state because the courts’ time and resources are used to handle truancy-related matters. Further, courts are unable to handle the complex underlying issues that are likely involved when a student is truant.<sup>55</sup> Not only are courts overburdened, but they also lack the information necessary to provide the attention and services that a truant

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system should be based on student achievement and continuous improvement at all levels of Washington’s education system and on a fundamental principle that all public school students have access to curriculum and instruction that is aligned to the standards.”).

<sup>51</sup> Luke Edwards & Allison Elgart, *The School to Prison Pipeline: How Implicit Bias Colors Discipline*, 1 WASH. J. EDUC. L. & POL’Y 1, 7 (2015). The authors advocate that this is not true. “Schools with high levels of student discipline are perceived as less interested in creating a positive climate, they receive worse evaluations of school governance, and have lower test scores.”

<sup>52</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 13.

<sup>53</sup> Lisa H. Thurau & Johanna Wald, *Controlling Partners: When Law Enforcement Meets Discipline in Public Schools*, 54 N.Y.L. SCH. L. REV. 977 (2010).

<sup>54</sup> *Id.*

<sup>55</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 53.

student may need on a case-by-case basis.<sup>56</sup> There is also a correlation between truancy and increased crime.<sup>57</sup> Thus, a state’s crime rate may also be affected.<sup>58</sup> Communities suffer as a result of truancy and are directly impacted when their schools lose federal or state funding as a result of truancy.<sup>59</sup> In addition, non-truant students are directly impacted by their school’s reduced funding.<sup>60</sup> Communities are also indirectly impacted by truancy because truant students are less likely to gain the education necessary to obtain a good job and contribute to the community’s economy.<sup>61</sup>

#### IV. IMPACT ON LOW-INCOME & RACIAL/ETHNIC MINORITIES

The school-to-prison pipeline refers to systemic policies and practices that push students out of the classroom and into the juvenile and criminal justice systems.<sup>62</sup> This pipeline disproportionately affects low-income students of color— they are the most likely to be declared truant, and are disproportionately suspended or expelled from school.<sup>63</sup> In Washington, schools are required by law to report truant students to the state once they pass a certain threshold.<sup>64</sup> These students are consequently handed over to the juvenile court system.<sup>65</sup>

The current system, however, ignores the fact that there are serious underlying causes to truancy—causes that are often out of the student’s control— and fails to address these

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<sup>56</sup> *Id.* at 54.

<sup>57</sup> *Lindstadt*, *supra* note 70, at 306.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at 6.

<sup>62</sup> See *Racial Justice*, N.Y. CIVIL LIBERTIES UNION, <http://www.nyclu.org/issues/racial-justice/school-prison-pipeline> (last visited Mar. 3, 2010).

<sup>63</sup> Dana Goldsetin, *Inexcusable Absences*, NEW REPUBLIC (Mar. 6, 2015), <https://newrepublic.com/article/121186/truancy-laws-unfairly-attack-poor-children-and-parents>.

<sup>64</sup> 110 WASH.REV.CODE§28A.225.030(4).

<sup>65</sup> WASH. REV. CODE § 28A.225.090; see also *OSPI Truancy Reports*, *supra* note 28.

underlying factors.<sup>66</sup> Rather than provide truant students the individualized attention they may need, schools pass the responsibility on to the courts.<sup>67</sup> However, as mentioned above, courts also lack resources and are ill equipped to provide the necessary individualized care and services that truant students often need.<sup>68</sup> Studies suggest that a judge will rarely even inquire as to the student's causes of truancy.<sup>69</sup> Rather, the court will issue fines and place the student on probation.<sup>70</sup> If the student does not attend school, he or she is likely to be found in violation of their probation and will be forced back into court.<sup>71</sup>

The current system is failing—students are forced to interact with the court system or juvenile justice system from a very young age. Truant students are often then placed on probation and required by law to attend school.<sup>72</sup> However, unless the schools or the courts address the underlying causes of a student's truancy, school attendance will not improve.<sup>73</sup> Furthermore, studies show that court-imposed fines on truant students actually exacerbate the problem.<sup>74</sup> Studies also show that court involvement, particularly for children who have no prior exposure to the criminal justice system, face an increased likelihood of dropping out.<sup>75</sup> Court involvement also increases the likelihood that children will be funneled into the juvenile justice system and eventually into the adult criminal justice system.<sup>76</sup> Moreover, court encounters can also lead students to develop negative feelings towards school, poor academic

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<sup>66</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 6–7.

<sup>67</sup> *Id.* at 6.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 7.

<sup>71</sup> *OSPI Truancy Reports*, *supra* note 28 (“If the student is not in compliance with a court order resulting from a tuition petition, the school is required to file a contempt motion.”).

<sup>72</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 7.

<sup>73</sup> *Id.* at 55 (citing SYDNEY MCKINNEY, VERA INST OF JUSTICE STATUS OFFENSE RESOURCE CTR., TRUANCY: A RESEARCH BRIEF 1 (2013)).

<sup>74</sup> TEXAS APPLESEED, CLASS, NOT COURT, *supra* note 2, at 7.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

performance, and stress within families.<sup>77</sup>

## V. CURRENT AUTHORITY IN WASHINGTON STATE

In 1995, the Washington State Legislature passed the state’s current truancy law as part of the “Becca Bill” in a rather sensationalized context following the tragic death of chronic runaway Rebecca Hedman.<sup>78</sup> During one of Becca’s runaway periods, a 35 year-old male offered Becca, a 13 year-old, \$50 in exchange for sex. The man, not satisfied, demanded a refund that Becca refused. He subsequently beat Becca to death with a bat and dumped her body in the Spokane river.<sup>79</sup>

The Legislature’s purpose in passing the Becca Bill was to provide increased protection for children who engage in harmful acts or behaviors while giving parents, the Department of Social and Health Services, schools, courts, and law enforcement additional tools to help children.<sup>80</sup> Rather than helping children, the new truancy law reduced discretion of the school districts to file truancy petitions. This resulted in an increase from 91 truancy petition filings in 1994 to over 15,000 in 1997.<sup>81</sup>

The law provides control through court intervention, detainment, and fines. The Becca Bill deals with four main areas including runaway youth, alternative placements for youth, chemical dependency and mental health treatment for minors, and students who are truant.<sup>82</sup> Of high concern is the criminalization of “status offenses” or actions not considered

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<sup>77</sup> *Id.*

<sup>78</sup> 1995 Wash. Laws 1319.

<sup>79</sup> Melissa Santos, *Washington No.1 For Jailing Noncriminal Kids, Spurred by Law Named for Tacoma Runaway*, NEWS TRIBUNE (July 13, 2015, 10:26 AM), <http://www.thenewstribune.com/news/politics-government/article27129946.html>.

<sup>80</sup> See S.B. 5439, 54th Leg., Reg. Sess. (Wash. 1995), available at <http://app.leg.wa.gov/dlr/billsummary/default.aspx?year=1995&bill=5439>; see also WASH. REV. CODE § 28A.225.

<sup>81</sup> KLIMA, MILLER, & NUNLIST, WASH. STATE INST. FOR PUB. POLICY, WASHINGTON’S TRUANCY LAWS: SCHOOL DISTRICT IMPLEMENTATION AND COSTS 1 (Feb. 2009), [http://www.wsipp.wa.gov/ReportFile/1037/Wsipp\\_Washingtons-Truancy-Laws-School-District-Implementation-and-Costs\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1037/Wsipp_Washingtons-Truancy-Laws-School-District-Implementation-and-Costs_Full-Report.pdf).

<sup>82</sup> See S.B. 5439, *supra* note 19; See also 1995 Wash. Laws 1319.

criminal when committed by adults, such as skipping school, running away, and coming home after curfew.<sup>83</sup> Not surprisingly, Washington leads the nation in juvenile incarceration for status offenses, accounting for more than one-third the nation's instances in 2011.<sup>84</sup>

Washington's compulsory attendance law requires children ages eight to sixteen who are enrolled in public schools to attend school, unless they have a valid excuse.<sup>85</sup> Even though six and seven year olds are not required to be enrolled in public school, the Becca Bill applies with minor exceptions to parents who choose to enroll a six or seven year-old in school.<sup>86</sup> As a result, rather than incentivize parents to enroll their child in school early, this mandate can have a discouraging effect on parents.

Generally, students are considered truant when they are absent and do not receive a valid excuse.<sup>87</sup> Valid excuses for not attending public school include attending an approved private school, receiving homeschooling, attending a certified education center devoted to teaching basic academic skills, or receiving an excuse by the school superintendent due to physical or mental inability to attend school.<sup>88</sup> Some valid excuses apply only to youth 16 years or older, such as legal emancipation, regular employment with a parent's agreement, completion of graduation requirements, or completion of a

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<sup>83</sup> See Alison G. Ivey, *Washington's Becca Bill: The Costs of Empowering Parents*, 20 SEATTLE U. L. REV. 125, 126 (1996); see also Melissa Santos, *supra* note 18.

<sup>84</sup> MELISSA SANTOS, *Washington No.1 for jailing noncriminal kids, spurred by law named for Tacoma runaway*, THE OLYMPIAN (July 12, 2015 9:39 AM), <http://www.theolympian.com/news/politics-government/article27020662.html>.

<sup>85</sup> WASH. REV. CODE § 28A.225.010(1).

<sup>86</sup> WASH. REV. CODE § 28A.225.015; See also ACLU OF WASH., PARENTS' GUIDE TO TRUANCY IN WASHINGTON 7 (May 2007), [https://aclu-wa.org/library\\_files/Truancy\\_guide\\_parents\\_5\\_07.pdf](https://aclu-wa.org/library_files/Truancy_guide_parents_5_07.pdf).

<sup>87</sup> WASH. STATE DEP'T OF EDUC. OMBUDSMAN, GUIDE TO PREVENTING TRUANCY AND UNDERSTANDING THE "BECCA BILL", <http://www.k12.wa.us/GATE/Truancy/pubdocs/Becca/BeccaBillinfoforparents.pdf> (last visited Mar. 5, 2016).

<sup>88</sup> WASH. REV. CODE § 28A.225.010(1); See also ACLU OF WASH., *supra* note 24.

“certificate of educational competence” and a GED.<sup>89</sup> These considerations tend to favor families with more means—particularly households with two parents, wealth, and access to health care. This is of particular concern because, as aforementioned, indigent communities are most affected by truancy laws.

The Becca Bill requires school districts to complete the following actions when children are truant:

- After **one** unexcused absence in a month, the school is required to inform the parent in writing or by phone of the potential consequences of additional unexcused absences.<sup>90</sup>
- After **two** unexcused absences in a month, the school is required to initiate a parent conference to improve the student's attendance.<sup>91</sup>
- After **five** unexcused absences in a month, the parent and school must enter an agreement to improve the student's attendance or the case can be referred to a Community Truancy Board.<sup>92</sup>
- After **seven** unexcused absences in a month or **ten** unexcused absences in an academic year, the school district may file truancy petitions with the juvenile court.<sup>93</sup>

If the student is not in compliance with a court order resulting from a tuition petition, the school is required to file a contempt motion.<sup>94</sup>

Although the authority of Washington’s compulsory attendance law resides within the state, school districts retain

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<sup>89</sup> *Id.*

<sup>90</sup> WASH. REV. CODE § 28A.225.020(1)(a); *see also* *Truancy (Becca Bill) and Compulsory Attendance*, WASH. OFFICE OF SUPERINTENDENT OF PUB. INSTRUCTION, <http://www.k12.wa.us/GATE/Truancy/> (last visited Mar. 5, 2016) [hereinafter *OSPI Truancy Reports*]

<sup>91</sup> WASH. REV. CODE § 28A.225.020(1)(b); *see also* *OSPI Truancy Reports*, *supra* note 28.

<sup>92</sup> WASH. REV. CODE § 28A.225.030(1)(a)-(b); *see also* *OSPI Truancy Reports*, *supra* note 28.

<sup>93</sup> WASH. REV. CODE § 28A.225.030(4); *see also* *OSPI Truancy Reports*, *supra* note 28.

<sup>94</sup> WASH. REV. CODE § 28A.225.090; *see also* *OSPI Truancy Reports*, *supra* note 28

discretion in defining unexcused and excused absences, resulting in local variations in how truancy is addressed.<sup>95</sup> Elected school boards sometimes attempt to create uniformity in these policies and procedures by following the guidelines developed by the Washington State School Director's Association.<sup>96</sup> Nonetheless, nothing prevents schools from adopting more restrictive unexcused absence policies than those outlined by the school district.<sup>97</sup> Similarly, "local juvenile courts address the petition process in a manner consistent with local county juvenile justice priorities and resources."<sup>98</sup> Given this local discretion, a student may fare different truancy consequences across the state.<sup>99</sup>

Children as young as eight years old can face a range of severe penalties if a juvenile court finds them to be truant or in violation of a court order. Upon hearing a truancy petition, a court may order a student to one or more of the following:

- Attend school and set minimum attendance requirements, including suspensions;<sup>100</sup>
- Attend another public school or type of school;<sup>101</sup>
- Attend a private nonsectarian school or program, including an education center, without a cost to the parent;<sup>102</sup>
- Refer the child to a community truancy board if available; or,<sup>103</sup>
- Submit to testing for the use of controlled substances or alcohol. If the testing results are positive, the court may order the child to abstain from the unlawful consumption of the substance.<sup>104</sup>

If a child fails to comply with a court order, the court

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<sup>95</sup> WASH. REV. CODE § 28A.225.020(2)(b); *see also OSPI Truancy Reports, supra* note 28; *see also* ACLU OF WASH., *supra* note 24, at 7.

<sup>96</sup> *OSPI Truancy Reports, supra* note 28.

<sup>97</sup> *See also* ACLU OF WASH., *supra* note 24, at 7.

<sup>98</sup> *OSPI Truancy Reports, supra* note 28.

<sup>99</sup> *Id.*

<sup>100</sup> WASH. REV. CODE § 28A.225.090(1)(a).

<sup>101</sup> WASH. REV. CODE § 28A.225.090(1)(b).

<sup>102</sup> WASH. REV. CODE § 28A.225.090(1)(c).

<sup>103</sup> WASH. REV. CODE § 28A.225.090(1)(d).

<sup>104</sup> WASH. REV. CODE § 28A.225.090(1)(e).

may order the child incarcerated in a juvenile detention facility for a maximum of seven days, or alternatives to detention may be imposed, such as community restitution.<sup>105</sup> If a child continues to be truant after entering into a court-approved order with a community truancy board, the juvenile court must find the child in contempt and the court may order the child detained, or may impose alternatives to detention.<sup>106</sup> In the event a child fails to appear for a truancy hearing, the court may issue a warrant for the child's arrest.<sup>107</sup> Despite clearly outlined procedures and consequences, some schools deprive students of the opportunity to negotiate the imposed penalties by asking students and parents to sign an "agreed court order."<sup>108</sup> By signing this agreement, parents and students essentially give up their right to a court hearing.<sup>109</sup>

The only time parents face penalties in Washington is if their child is six or seven years old. A judge can impose a fine of no more than \$25 for each day of unexcused absences, require community service, or require the parent to attend school conferences.<sup>110</sup> The fines are split between the child's school and the court, incentivizing districts to file truancy petitions instead of mitigating the consequences for parents.<sup>111</sup> Unlike students, parents do not face a detention penalty and can exercise a reasonable diligence defense when they can show an attempt to make their child to attend school.<sup>112</sup>

## VI. STATE CURRENT BILL PROPOSALS

As of the writing of this paper, there are six bill proposals relating to truancy matters, with three of them promising equitable reforms in the Washington Legislature.<sup>113</sup>

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<sup>105</sup> WASH. REV. CODE § 28A.225.090(2).

<sup>106</sup> WASH. REV. CODE § 28A.225.090(4).

<sup>107</sup> WASH. REV. CODE § 28A.225.090(2).

<sup>108</sup> See also ACLU OF WASH., *supra* note 24, at 35.

<sup>109</sup> *Id.*

<sup>110</sup> WASH. REV. CODE § 28A.225.090(3).

<sup>111</sup> See WASH. REV. CODE § 28A.225.010.

<sup>112</sup> See WASH. REV. CODE § 28A.225.090(3).

<sup>113</sup> See, e.g., S.B. 5745, S.B. 6497, S.B. 5745, H.B. 2513, S.B. 5658, S.B. 5651, H.B. 1243, 67th Leg., Reg. Sess. (Wash. 2016), available at <http://apps.leg.wa.gov/bills.B.ytopic/Results.aspx?year=2015>.

One of the most influential proposals for Washington is the elimination of detention requirements for truant students found in contempt of a court order.<sup>114</sup> However, this bill does not seem to have strong support.<sup>115</sup>

Currently, S.B. 6497 has made great strides in the legislature and seeks to reform court-based and school-based intervention and prevention efforts.<sup>116</sup> While not eliminating youth detention, the bill would require schools to provide more information beyond the consequences of truancy, including the benefits of school attendance and the resources available to parents.<sup>117</sup> Unfortunately, the bill gives schools the discretion to only provide this information online, which can be problematic for indigent, illiterate, and non-English speaking parents.<sup>118</sup>

Another highlight of S.B. 6497 is that instead of requiring schools to file a truancy petition with a court for elementary students who are absent five times within a month or ten times within a year, the school district must schedule a parent conference at a time that is reasonably convenient for all to attend.<sup>119</sup> The bill imposes training requirements for community truancy boards (CTB) to shift to a therapeutic and collaborative approach to solving truancy.<sup>120</sup> These new therapeutic truancy boards (TTB) must receive training in identification of barriers to school attendance, trauma-informed approaches to discipline, adverse childhood experiences, evidence-based treatments, culturally appropriate practices, and services available.<sup>121</sup> Regrettably, these reforms would not extend to middle school and high school students. S.B. 6497 also requires juvenile courts to report data on the extent to which courts order youth into detention for the violation of a

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<sup>114</sup> See S.B. 5651, 67th Leg., Reg. Sess. (Wash. 2016), *available at* <http://app.leg.wa.gov/billinfo/summary.aspx?bill=5651&year=2015>.

<sup>115</sup> *Id.*

<sup>116</sup> See S.B. 6497, 67th Leg., Reg. Sess. (Wash. 2016), *available at* <http://app.leg.wa.gov/billinfo/summary.aspx?bill=6497&year=2015>.

<sup>117</sup> *See id.*

<sup>118</sup> *See id.*

<sup>119</sup> *See id.*

<sup>120</sup> *See id.*

<sup>121</sup> *See id.*

court order related to a truancy petition.<sup>122</sup> This information is not currently reported in state truancy reports.<sup>123</sup>

Despite the positive reforms found in S.B. 6497, the state legislature fails to adequately address its paramount duty to adequately fund public education.<sup>124</sup> The bill does not expand funding for the execution of these initiatives and relies on the Learning Assistance Program (LAP) as a funding source.<sup>125</sup> This bill can only work if funding is provided, and it unfairly places districts in a difficult decision-making position. That is, districts are to either reduce academic support for reading, writing, and math for low-income students who regularly attend school, which is LAP's purpose, or to superficially implement the new mandates of S.B. 6497.<sup>126</sup>

However, not all current bill proposals provide equitable solutions. Recent amendments to S.B. 5658 changed the bill's elimination of truancy records in official juvenile court files available to the public.<sup>127</sup> Thus, employers can still view these records, which may inhibit employers from hiring truant youth, even when the child is no longer subject to school attendance laws.

## VII. A CLOSER LOOK AT WASHINGTON'S TRUANCY TRENDS

Although Washington law mandates school districts and the Washington Office of Superintendent of Public Instruction to report annually on truancy, there seems to be no

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<sup>122</sup> *See id.*

<sup>123</sup> *See* WASH. REV. CODE § 28A.225.151; *see also* LAURIE SHANNON, WASH. OFFICE OF SUPERINTENDENT OF PUB. INSTRUCTION, UPDATE: TRUANCY REPORT (2014), <http://www.k12.wa.us/LegisGov/2015documents/TruancyJan2015.pdf>.

<sup>124</sup> *See* S.B. 6497, *supra* note 54; *see also* *McCleary v. State*, 269 P.3d 227 (Wash. 2012).

<sup>125</sup> *See* S.B. 6497, *supra* note 54; *see also* WASH. REV. CODE § 28A.165.035.

<sup>126</sup> *See* WASH. REV. CODE § 28A.165.005; *see also* WASH. REV. CODE § 28A.150.260(9)(a).

<sup>127</sup> *See* S.B. 5658, 67th Leg., Reg. Sess. (Wash. 2016), *available at* <http://app.leg.wa.gov/billinfo/summary.aspx?year=2016&bill=5658>.

requirement for juvenile courts to do the same.<sup>128</sup> Thus, the Administrative Office of the Courts does not track which courts order youth into detention for violation of a truancy order, or other indicators.<sup>129</sup> According to the Washington State Becca Task Force, there are over 40,000 students each year considered chronic truants in Washington.<sup>130</sup> While 3.3% of enrolled students statewide in Washington had ten or more unexcused absences,<sup>131</sup> making them eligible for filing of a truancy petition in juvenile court, a petition was filed for only 29.7% of those students.<sup>132</sup> In addition, it was more likely for Black, Hispanic, and American Indian/Alaska Native students to receive truancy petitions over their White/Non-Hispanic and Asian peers.<sup>133</sup> This disproportionality was also seen in students who are homeless, eligible for free or reduced price lunch, or receiving special education services.<sup>134</sup>

## VIII. RECOMMENDATIONS

Washington's current truancy framework is failing our youth. The Washington legislature should prioritize eliminating court intervention to ensure kids stay in school and out of the criminal justice system. In the alternative, we recommend the initiatives of S.B. 6497—which adopts several of the Becca Task Force recommendations—but suggest a few amendments. An amended version of S.B. 6497 is in the appendix and shows amendments underlined. More specifically, S.B. 6497 should require schools to provide information on compulsory education requirements to all parents in writing—especially in

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<sup>128</sup> See WASH. REV. CODE § 28A.225.151; see also Shannon, *supra* note 61.

<sup>129</sup> H. R. Res. 2SSB 6479 (2016).

<sup>130</sup> ELIZABETHCOKER & CARLMCCURLEY, WASHINGTON STATE CENTER FOR COURT RESEARCH, TRUANCY IN WASHINGTON STATE: FILING TRENDS, JUVENILE COURT RESPONSES, AND THE EDUCATIONAL OUTCOMES OF PETITIONED TRUANT YOUTH 11 (Sept. 2015), <https://www.courts.wa.gov/wscrcr/docs/WSCCRTruancyUpdate2015.pdf>.

<sup>131</sup> *Id.* at 13.

<sup>132</sup> *Id.* at 14.

<sup>133</sup> *Id.* at 22.

<sup>134</sup> *Id.*

the language that is spoken at home. Another improvement to S.B. 6497 is to extend the modifications in excused absences to students beyond elementary school. While S.B. 6497 calls school districts to implement TTBs, it should make them mandatory and incentivize school districts to implement them effectively. Furthermore, addressing the root causes of truancy would require eliminating punitive responses, such as compulsory homework and community service requirements, as a prevention effort. If a judge must preside over a truancy hearing, which is not ideal, judges should determine its order alongside a social worker who is trained in responding effectively to the causes of truancy. Future reforms should eliminate youth detention for truant students as it sends the wrong message to students about where they belong. Perhaps the most problematic issue of S.B. 6497 is its lack of independent funding category as it is lumped into the general LAP. Finally, we recommend developing a common national and state definition for excused and unexcused absences and believe laws should prohibit schools from considering absences into course grades.

## Appendix

### Enhanced S.B. 6497

**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.

#### **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 (CTB), 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 CTB. If the court finds the student to be truant, the court may order the student to attend school, change schools, or appear before a CTB. 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.

***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 Amended 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 in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year. Students who were not reached must receive this information in the mail. A school district may reference additional online information in the written materials. ~~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 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.

#### ***Unexcused Absences.***

New requirements are put in place with respect to unexcused absences by ~~elementary~~ students. If a ~~elementary~~ student has five or more unexcused absences ~~in a single month during the current school year, or 10 or more unexcused 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 a MOU between a school district and a court to institute a new, or maintain an existing, TTB.

TTBs are made mandatory for all school districts and juvenile courts.

***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. Prevention efforts cannot consist compulsory homework or community service. If these efforts are unsuccessful, the stay shall be lifted, and the court must schedule a hearing along with a social worker to determine alternative steps focused on restorative justice principles, individualized services and academic remediation. ~~or take other steps specified under current law.~~

A child found to be in violation of a court order based on truancy may not be subject to detention. The court may impose alternatives to detention consistent with best practice models for re-engagement with school.

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 Educational Opportunity Gap Oversight and Accountability Committee (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.

***Funding: LAP II***

The LAP funding category is increased 100% and is divided into two subcategories. LAP I is restricted to provide 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. LAP II is restricted to provide eligible students with supports to reduce disruptive behavior, and 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). LAP II funding can be used for TTBs & restorative justice practices.

***Official Truancy Record Sealing***

Truancy records are sealed from official juvenile court files once the youth is no longer subject to school attendance laws.

[Omissions: Amended Bill Compared to Second Substitute Bill, Staff Summary of Public Testimony, Persons Testifying, and Persons Signed In To Testify But Not Testifying.]

**Appropriation:** Yes.

**Fiscal Note:** Requested.

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

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