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# A BILL FOR AN ACT

RELATING TO TRUANCY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that studies have shown  
2 truancy to be a serious problem, with societal implications that  
3 transcend diminished student attendance rates. Students who are  
4 truant are more likely to drop out of school, have fewer job  
5 prospects, receive lower salaries, and be unemployed. Truancy  
6 imposes a high cost on society by consuming valuable school and  
7 court resources, promoting academic failure, and producing  
8 juvenile delinquency that often leads to adult criminal  
9 behavior. Approximately five per cent of students across the  
10 nation drop out of school each year, and most of these students  
11 begin as truants. In Hawaii, the average truancy rate in 2005-  
12 2006 was 1.7 per cent, or two hundred and eighty-two students,  
13 but in 2006-2007 the rate increased to 2.4 per cent, or three  
14 hundred and ninety-five students.

15           The community must be involved in preventing truancy and  
16 increasing school attendance by forging collaborative  
17 relationships among schools, law enforcement, the judiciary, and  
18 other community members. Because truancy is a problem that has



1 roots at the elementary school level, early intervention is  
2 vital. To accomplish this, a community truancy board could both  
3 act as a buffer between students and the juvenile court system  
4 and help address the source of the truancy problem by taking  
5 advantage of the skills, expertise, and interest of the various  
6 members of local communities. A community truancy board could  
7 use, among other things, mediation to create agreements between  
8 students, parents, and the schools that can take the place of  
9 formal court proceedings. The agreements would be signed by all  
10 parties and would be monitored by the school district.

11 Mediation has proven to be effective against truancy. In  
12 separate studies performed by San Francisco District Attorney  
13 Kamala D. Harris and the Ohio Commission On Dispute Resolution  
14 and Conflict Management, both found that mediation, not punitive  
15 sanctions, proved to be the most effective means to reduce  
16 student truancy rates. In the San Francisco study, entitled  
17 "Pay Attention Now or Pay the Price Later: How Reducing  
18 Elementary School Truancy Will Improve Public Safety and Save  
19 Public Resources," mediation helped to contribute to a twenty  
20 per cent reduction in truancy over the span of one year. The  
21 Ohio study produced similar results, citing reductions in  
22 average number of days absent from 13.17 to 3.42 and 15.38 to



1 1.27 in Delaware and Ross counties, respectively, for the year  
2 that mediation was applied.

3 Accordingly, the purpose of this Act is to require the  
4 department of education to convene a working group to study  
5 methods to prevent or control the problem of truancy in  
6 elementary schools, research and develop guidelines for the  
7 establishment of a community truancy board, and assess the  
8 feasibility of other established truancy programs.

9 SECTION 2. (a) The superintendent of education shall  
10 convene a working group to study methods to prevent or control  
11 truancy in elementary schools. The superintendent shall invite  
12 the following individuals to serve as members of the working  
13 group:

14 (1) The chief justice of the supreme court, or the chief  
15 justice's designee;

16 (2) Representatives of elementary school education  
17 providers such as public, private, and charter  
18 institutions and home schooling providers;

19 (3) Representatives from law enforcement;

20 (4) Representatives of community youth service providers  
21 such as youth mental health specialists;



1 (5) Representatives from parent groups or community  
2 organizations focused on education or family support  
3 services; and

4 (6) Any other individuals the superintendent deems  
5 appropriate;

6 provided that the working group shall not exceed eleven members.  
7 The working group shall elect a chairperson from among its  
8 members.

9 (b) The working group shall be administratively attached  
10 to the department of education.

11 (c) No member of the working group shall be made subject  
12 to chapter 84, Hawaii Revised Statutes, solely because of that  
13 member's participation in the working group.

14 (d) The working group shall research and develop  
15 guidelines for establishing a community truancy board and shall  
16 review and use current research on truancy to inform guideline  
17 development. Where possible, the guidelines shall:

18 (1) Use existing systems, such as the student support  
19 system, peer review and quality assurance processes,  
20 and the school attendance program;



1 (2) Delineate programs that are presently available, such  
2 as positive behavior support, and how those programs  
3 may be integrated into a community truancy board;

4 (3) Not preempt programs that are presently available; and

5 (4) Focus specifically on the elementary school level and  
6 the transition to intermediate or middle school.

7 (e) The working group shall review how other states have  
8 implemented community truancy boards or other similar boards and  
9 determine how to effectively implement those strategies in  
10 Hawaii's unique cultural climate and shall assess the  
11 feasibility of programs already established in Washington  
12 (Revised Code of Washington section 28A.225.025), California  
13 (California Education Code section 48325), St. Louis County,  
14 Missouri (St. Louis County Truancy Court), and Rhode Island  
15 (Rhode Island Truancy Court).

16 (f) The working group shall consult with the program  
17 administrator of the department of education peer mediation  
18 program regarding school-based mediation alternatives that may  
19 assist the work of a community truancy board.

20 (g) The working group shall also:



- 1           (1) Define when a student becomes "chronically" or  
2           "habitually truant" and distinguish those terms from  
3           "excessive tardiness";
- 4           (2) Determine the membership of a community truancy board;
- 5           (3) Determine the situations that will trigger the  
6           involvement of a community truancy board;
- 7           (4) Determine the scope of review of a community truancy  
8           board; and
- 9           (5) Set forth any other guidelines that the working group  
10          deems necessary.
- 11          (h) Members of the working group shall serve without  
12          compensation but shall be reimbursed for expenses, including  
13          travel expenses, necessary for the performance of their duties.
- 14          (i) The working group shall report its findings and  
15          recommendations, including any proposed legislation, to the  
16          legislature no later than twenty days prior to the convening of  
17          the regular session of 2014 and shall be dissolved on June 30,  
18          2014.
- 19          SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Truancy Working Group; Department of Education

**Description:**

Establishes a working group administratively attached to the department of education to study methods to prevent or control truancy in elementary schools, including the creation of a community truancy board. (HB190 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

