
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 doubled 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 the schools, law enforcement, the judiciary,
18 and other community members. Because truancy is a problem that



1 has 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 the students and the juvenile court
4 system and help address the source of the truancy problem by
5 taking advantage of the skills, expertise, and interest of the
6 various members of local communities. A community truancy board
7 could use, among other things, mediation to create agreements
8 between students, parents, and the schools that can take the
9 place of formal court proceedings. The agreements would be
10 signed by all parties privy to it, and would be monitored by the
11 school district.

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



1 average number of days absent from 13.17 to 3.42 and 15.38 to
2 1.27 in Delaware and Ross counties, respectively, for the year
3 that mediation was applied.

4 The purpose of this Act is to task the judiciary with
5 convening a working group to study methods to prevent or control
6 the problem of truancy in elementary schools and to assess the
7 feasibility of establishing and implementing a community truancy
8 board.

9 SECTION 2. (a) The chief justice of the supreme court
10 shall designate a senior family court judge to convene a working
11 group to study methods to prevent or control the problem of
12 truancy in elementary schools. The senior family court judge
13 shall invite the following individuals to serve as members of
14 the working group:

- 15 (1) The chief justice of the supreme court, or the chief
16 justice's designee;
- 17 (2) Representatives of elementary school education
18 providers such as public, private, and charter
19 institutions and home schooling providers;
- 20 (3) Representatives from law enforcement;
- 21 (4) Representatives of community youth service providers
22 such as youth mental health specialists; and



1 (5) Any other individuals whom the senior family court
2 judge deems appropriate;
3 provided that the working group shall not exceed eleven members.
4 The working group shall elect a chairperson from among its
5 members.

6 (b) The working group shall be administratively attached
7 to the judiciary.

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

11 (d) The working group shall research and develop
12 guidelines for establishing a community truancy board; provided
13 that, where possible, the guidelines shall:

14 (1) Use existing systems, such as the student support
15 system, the peer review and quality assurance
16 processes, and the school attendance program;

17 (2) Delineate programs that are presently available, such
18 as positive behavior support, and how those programs
19 may be integrated into the community truancy board;

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

21 (4) Focus specifically on the elementary school level.



1 (e) The working group shall review how other states have
2 implemented community truancy boards or other similar boards and
3 determine how to effectively implement those strategies in
4 Hawaii's unique cultural climate.

5 (f) The working group shall assess the feasibility of
6 programs already established in Washington (Revised Code of
7 Washington section 28A.225.025), California (California
8 Education Code section 48325), St. Louis County, Missouri (St.
9 Louis County Truancy Court), and Rhode Island (Rhode Island
10 Truancy Court).

11 (g) The working group shall also:

12 (1) Define when a student becomes "chronically" or
13 "habitually truant" and distinguish those terms from
14 "excessive tardiness";

15 (2) Determine the membership of the community truancy
16 board;

17 (3) Determine the situations that trigger the involvement
18 of the community truancy board;

19 (4) Determine the scope of review of the community truancy
20 board; and

21 (5) Set forth any other guidelines that the working group
22 deems necessary.



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1 (h) Members of the working group shall serve without
 2 compensation but shall be reimbursed for expenses, including
 3 travel expenses, necessary for the performance of their duties.

4 (i) The working group shall report its findings and
 5 recommendations, including any proposed legislation, to the
 6 legislature no later than twenty days before the convening of
 7 the regular session of 2014 and shall be dissolved on June 30,
 8 2014.

9 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Cindy Evans

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Report Title:

Truancy Working Group; Judiciary

Description:

Establishes a working group administratively attached to the judiciary to study methods to prevent or control truancy in elementary schools, including the creation of a community truancy board.

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