

SENATE BILL REPORT

SB 6519

As of February 2, 2010

Title: An act relating to streamlining the Becca bill process for middle and high school students.

Brief Description: Streamlining Becca bill provisions for middle and high school students.

Sponsors: Senators McAuliffe, King, Oemig, Kauffman and Hobbs.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/01/10.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Juliana Roe (786-7438)

Background: Public schools, in which a six- or seven-year-old child is enrolled full-time and has unexcused absences, must inform and request a conference with the child's custodial parent, parents, or guardian and must take steps to eliminate or reduce the child's absences. Notice may be given in writing or by telephone. A school district must file a petition for civil action if the six- or seven-year-old child has seven unexcused absences in a month or ten unexcused absences in a school year.

Public schools must inform, and schedule a conference with, the custodial parent, parents, or guardian of children who fail to attend school without valid justification. The public schools must also take steps to eliminate or reduce the child's absences. These steps must include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, if available, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absences.

If the actions taken by the school district are not successful in reducing the student's absences, the school district must file a petition for civil action not later than the seventh unexcused absence within one school month or not later than the tenth unexcused absence in one school year. If the school district fails to file a petition, the parent may file a violation petition with the court. The school district must, not later than the fifth unexcused absence in

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one month, enter into an attendance agreement with the student and the parent, refer a student to a community truancy board, if available, or file a petition for civil action.

Summary of Bill: Public schools, in which a six- or seven-year-old child is enrolled full-time and has unexcused absences, may inform and request a conference with the child's custodial parent, parents, or guardian and take steps to eliminate or reduce the child's absences. Notice may be given by writing, email, or telephone. Conferences may be conducted by telephone or in person. A school district may file a petition for civil action if the six- or seven-year-old child has seven unexcused absences in a month or ten unexcused absences in a school year.

Public schools must inform, and schedule a conference with, the custodial parent, parents, or guardian of middle or high school students who fail to attend school without valid justification. The public schools may take steps to eliminate or reduce the middle or high school student's absences. If the school district chooses to take action for unexcused absences, it may also file a petition for a civil action. If the school district chooses to take any action, it must document the actions taken and report this information to the school district superintendent.

Nine-hundred-thousand dollars is appropriated for the fiscal year ending June 30, 2011, for incentive grants to school districts electing to participate in the petition process.

Appropriation: \$900,000.

Fiscal Note: Requested on January 15, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony: PRO: This bill allows administrators to exercise discretion and independent judgment. It also helps foster cooperation with parents. The filing of petitions will still be available as a tool for school districts, but it will no longer be required in all cases. There still exists an appropriation in the bill.

Becca is an unfunded mandate that should be suspended. Schools currently spend more money than is allotted for Becca. While the policy works well in some parts of the state, it does not work well everywhere. This bill allows the process to continue for those schools that wish to continue, but it is not required. Flexibility is helpful and provides a way to mitigate the costs attached to Becca.

The current Becca process is cumbersome and burdensome. It requires a large percentage of staff time, the result of which is often disappointing due to poor returns. Oftentimes, the Becca process interrupts an ongoing process between a school and its student that is more harmful than helpful.

It is very helpful to allow for email or phone communications rather than in-person conferences, as it saves time and money.

CON: This will allow schools to decide whom to file a petition against, and therefore allow for discrimination. Further, it tells us that by not filing, the school has given up on the student. There is especially a concern about the elementary school students. Many times the younger children miss school because of their parents, and Becca keeps those parents accountable.

This system has been proven to work. When the amount of petitions filed increased, the number of juvenile arrests dropped. This shows that if you keep kids in school where they are supervised and off the streets, they will get a better education and be a more productive part of society.

Funding should be maintained at the current level and not decreased. If we fail to properly fund Becca, we will pay a higher price later because those students will be in prison or on welfare.

Conferences between the school, the student, and the parents should be done in person and not by telephone. More responsible adult face to face time is more effective.

OTHER: We struggle with the ruling of the Bellevue case. The number of attorneys needed for these types of cases has increased greatly.

Persons Testifying: PRO: Senator McAuliffe, prime sponsor; Jerry Bender, Assoc. of Washington School Principals; Ben Talbert, Auburn School District Principal; Phil Brockman, Ballard High School Principal; Barbara Mertens, Washington Assoc. of School Administrators; Dan Steele, Washington State School Directors' Assoc.

CON: Deb Axtman, Marysville School District; Karen Ebil, Mukilteo School District; Linda Ellis, Edmonds School District; Lucinda Young, Washington Education Assoc.; Judge Godfrey, Grays Harbor County Superior Court; Judge Steve Warning, Cowlitz County Superior Court; Sharon Paradis, Benton-Franklin County Juvenile Court Administrator; Mike Merringer, Island County Court Administrator.

OTHER: Travis Stearns, Washington Assoc. of Criminal Defense Lawyers.