

HOUSE BILL REPORT

ESHB 2640

As Amended by the Senate:

Title: An act relating to school attendance.

Brief Description: Changing truancy provisions.

Sponsors: By House Committee on Education (originally sponsored by Representatives Clements, Brumsickle, Radcliff, Poulsen, Hatfield, Linville, Dickerson, Basich and Cole).

Brief History:

Committee Activity:

Education: 1/26/96, 2/1/96 [DPS].

Floor Activity:

Passed House: 2/13/96, 98-0.

Senate Amended.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Clements; Fuhrman; Hatfield; Linville; McMahan; Pelesky; Poulsen; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Staff: Robert Butts (786-7111).

Background: Legislation was passed during the 1995 legislative session changing the compulsory attendance laws. Starting with the 1995-96 school year, school districts are required to file petitions with the courts if students have five unexcused absences in one month or ten unexcused absences in one year.

In 1995, the Governor vetoed sections of a bill which would have required compliance with compulsory attendance laws as a condition for obtaining a driver's license. In the veto message, the Governor urged that a work group be formed to develop recommendations regarding compulsory attendance and truancy. During the past interim, work groups from the Senate and House met jointly to study the issue of truancy and to develop recommendations. Issues raised included the effect of the

requirement to file petitions on school districts and courts; changes in truancy rates; definitions of unexcused absence; the age of compulsory attendance; the time needed to work with a student to reduce unexcused absences; and how the petition process was working in different counties.

As of December 1996, truancy petitions had been filed in 29 counties, for a state-wide total of 2,235 petitions.

Summary of Bill: The requirements for both schools and courts in enforcing the compulsory attendance laws are modified.

Age of Compulsory Attendance: The age when students can leave school if certain conditions are met is raised from 15 to 16. Students under 18 can no longer leave school simply because they complete the first nine grades. Students under 18 who are gainfully employed can leave school only with parental consent or if the student is emancipated.

School's Duty to Notify Parents and Hold Conference: School districts must inform parents of the consequences of unexcused absences. The required conference after the second unexcused absence may be conducted without the parent, but the parent must be notified.

Steps Taken to Reduce Absences: In addition to required steps to reduce absences, schools may require the student to attend an alternative school or program.

Definition of Unexcused Absence: An unexcused absence means not meeting a school district's definition of an excused absence and failing to attend the majority of hours or periods in a school day or failing to meet a more restrictive school attendance policy.

Filing Petitions: After five unexcused absences in a month or 10 in a year, the school district must (a) file a truancy petition; (b) enter into an agreement with the student and parent establishing attendance requirements; or (c) refer the student to a community truancy board or other board. If the district chooses to enter into an agreement or use a community truancy board, the district must file a petition within five school days if the agreement is broken.

A truancy action is a civil action. School districts, at the discretion of the court, may be represented by a person other than an attorney. The court may hold initial hearings without requiring the district, child, or parent to be represented by legal counsel, or to have a guardian ad litem appointed for the child. Courts and truancy boards are required to coordinate truancy proceedings with "At-risk youth" and "Child in need of services" petitions.

Court's Duties: The court must schedule a hearing when a petition is filed unless other actions taken by the court would substantially reduce the child's unexcused absences. The actions that may be ordered by the courts are increased to include requiring the child to enroll in a variety of public and private education programs. If a court orders enrollment of the child in a non-public school or program, the child's school district must contract with the school or program. The Administrator for the Courts must report to the Legislature annually on the number of petitions filed and the number of contempt orders issued.

School District Reports: Reporting requirements for school districts are simplified, eliminating requirements to report the number of excused and unexcused absences, the steps taken after an unexcused absence, the steps taken to reduce absences, and the disposition of cases by the court.

Incentive Program for Alternative Schools: A grant program is created, subject to funding, to provide incentives for districts to plan and develop alternative schools or programs.

Funds for Educational Services: The Superintendent of Public Instruction, subject to funding, is directed to allocate funds for the provision of educational services for children who have been referred to community truancy boards and the courts. The amount of funds to be allocated per child is to be determined in the budget.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment requires truancy petitions to be filed to the courts on the seventh unexcused absence in the month even if the child has been referred to a truancy board or entered into an attendance agreement with the school and parent. The House version requires a petition to be filed if the student fails to meet the school attendance requirements in the attendance agreement. The Senate amendment removes a requirement that the court hearings be open. The Senate amendment adds reporting requirements for school districts. It adds procedural requirements that must be met before a court considers a non-public school placement. It removes the null and void clause.

Appropriation: None.

Fiscal Note: Requested on January 15, 1996. Requested on substitute bill on February 2, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget. In addition, the truancy petition process is made discretionary if funding for the bill is not provided in the budget.

Testimony For: The truancy provisions in the "Becca Bill" last year have resulted in much more paperwork, are inflexible, and have been extremely expensive for the courts and schools to implement. This bill will give school districts more flexibility without taking the pressure off children to attend school. It also will reduce paperwork and administrative costs. The grant program to provide incentives for school districts to create alternative programs for these students is essential. Intervention in the middle grades is vital.

Testimony Against: The way to solve the truancy problem is through "educational choice." Put the parents in charge, not the bureaucracy. Forcing a child to attend school is not the answer.

Testified: Representative Clements, prime sponsor; Representative Poulsen, sponsor; Sharon Case, Association of Education Centers (concerns); Henry Beauchamp and students, Yakima Valley OIC; Walter Ball, Association of Washington School Principals (pro); Roger Valdez, Washington State School Directors' Association (pro); Bob Maier, Washington Education Association (pro); Barbara Mertens, Washington Association of School Administrators (pro); Leonard Costello, Superior Court Judge (pro); John Kvamme, Tacoma Public Schools (pro); and Rob Tabor, Parents for School Choice (con).