

HOUSE BILL REPORT

HB 1818

As Reported By House Committee On:

Education
Appropriations

Title: An act relating to school attendance.

Brief Description: Changing truancy provisions.

Sponsors: Representatives Clements, Quall, Talcott, Carlson, Keiser and Carrell.

Brief History:

Committee Activity:

Education: 2/18/99, 2/24/99 [DPS];

Appropriations: 3/4/99, 3/6/99 [DP2S(w/o sub ED)].

Brief Summary of Second Substitute Bill

- If a 6- or 7-year old becomes truant, any petitions are to be filed against the parent, not the student.
- When a truancy petition is filed, the court requires a truancy board to work out an agreement and if this fails, the court uses civil contempt and detention to get the truant child back in school.
- When a child transfers from one school district to another, attendance records follow; when a child moves from one county to another, the truancy petition can be transferred to the new county.
- If funds are available, the Office of the Superintendent of Public Instruction (OSPI) studies truancy issues and also provides grants for alternative education programs and services.
- The juvenile court is to establish community truancy boards and may delegate that responsibility to a school district if the district agrees to operate a truancy board.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Staff: Charlie Gavigan (786-7340).

Background:

The compulsory attendance law requires children at least 8 years old and under 18 years old to attend public school unless the child is receiving home-based instruction, is attending an approved private school, is attending an education center, is excused by the school district, or is 16 years old and is emancipated.

If a child has the responsibility but fails to attend school without justification, the school must take certain actions, including notifying the parent, scheduling a parent conference, and other steps to reduce the child's absences. If the efforts of the school and the parents do not reduce the child's absences, the school district must file a truancy petition with the juvenile court no later than the seventh unexcused absence in a month or the 10th unexcused absence during a school year. The petition may be filed against the child, the parent, or both. If the juvenile court schedules a hearing on the petition, it must notify the child and the parent that the hearing will take place, that the child and parent can present evidence at the hearing, and that the child and parent have options under the Family Reconciliation Act.

If the court finds that actions of the school district have not reduced the child's absences and that court intervention is necessary to reduce the absences, the court must grant the petition and assume jurisdiction over the child for the remainder of the school year. The court may order the child to attend school or an alternative school or education program.

Public schools must provide access to a basic education for children beginning at age 5 (age 3 for special education) through age 20.

School districts may contract with alternative educational service providers to provide services to eligible students. These service providers include other schools, alternative educational service programs not operated by the school district, education centers, skills centers, dropout prevention programs, and other public and private organizations. Eligible students include students who are likely to be expelled, present disciplinary problems, or are academically at risk.

Summary of Substitute Bill:

The parent of a child aged 6 or 7 who has enrolled the child in a public school has the responsibility of ensuring the child attends for the full time the school is in session unless the child is enrolled part-time for the purpose of receiving ancillary services. The child also has the responsibility to attend school; therefore, unless one of the exceptions apply, the truancy provisions apply to a 6- or 7-year-old who enrolls full time in a public school.

When a truancy petition is filed by the school district, the juvenile court must require the child, a parent, and the school district to appear before a truancy board and work out an agreement to resolve the problem, unless it is clear to the court that the truancy board would not be effective. The agreement is then presented to the court for approval. If the child does not enter into or violates the agreement, the child is sent back to court and, after an order is issued and the child continues to be truant, the court holds the child in civil contempt and issues sanctions to immediately get the child back in school; the sanctions include detention.

When a child transfers from one school district to another, the receiving school district must honor the attendance record, including unexcused absences, accumulated at the previous district. If a child who is subject to a truancy petition on one county moves to another county, the court in the receiving county, upon request of a school district or parent, assume jurisdiction of the truancy petition.

School districts determine who represents them at truancy petition hearings; it need not be an attorney. Court discretion is removed.

The Superintendent of Public Instruction, to the extent funds are available, provides start-up grants for alternative programs and services that provide instruction for truant, at-risk, and expelled children. The grant applications must contain proposed performance indicators and an evaluation plan to measure the success of the program, and the applicant's plan for maintaining the program and services after the grant period.

The Superintendent of Public Instruction, if funds are appropriated, is to contract for an evaluation to be done by the Institute of Public Policy or a similar agency. The evaluation examines the effectiveness of the petition process and community truancy boards in reducing truancy, how children who have been subject to court action for truancy do when they return to school, and the costs imposed on school districts by the truancy provisions. The cost analysis is to be submitted to the appropriate committees in the Legislature by December 15, 1999, and the rest of the evaluation is to be submitted by December 15, 2000.

Substitute Bill Compared to Original Bill: The substitute bill: (1) adds provisions increasing the use of truancy boards and providing for civil contempt; (2) adds provisions that have attendance records and truancy petitions follow a juvenile who

changes school districts or moves to another county; and (3) allows the school district to choose its representative before the court on truancy provisions and removes court discretion.

Appropriation: None.

Fiscal Note: Requested on February 10, 1999.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original Bill) When 6-and 7-year-olds enroll in public school and then do not attend regularly, it significantly disrupts the classroom and develops bad habits that generally are continued when the child gets older. Making these children subject to the truancy provisions gives schools a mechanism to deal with these issues. Truancy boards should be utilized more by the courts as a cheaper and often effective way to deal with truancy. More resources are needed for alternative learning programs to address the needs of children who do not fit into the traditional classroom structure; meeting their needs would reduce their absences.

Testimony Against: None.

Testified: (Support) Representative Clements, prime sponsor; Natalie Reed, Nancy McCaleb, and Joann Maynard, Port Angeles School District; Martha Harden, Superior Court Judges Association; Judy Hartmann, Tacoma Public Schools; Gary King, Washington Education Association; Barbara Mertens, Washington Association of School Administrators; and Rainer Houser and Alison Olzendam, Association of Washington School Principals.

(With concerns) Pricilla Scheldt and Bob Butts, Superintendent of Public Instruction.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Jack Daray (786-7178).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Education: Truancy petitions resulting from too many absences from school by 6-and 7-year-olds can only be filed against the parent, not the student.

Juvenile courts are given the responsibility to operate community truancy boards and, if the school district agrees, the court may delegate that responsibility to the school district.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested for substitute bill on March 4, 1999.

Effective Date of Second Substitute: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Substitute bill) It will take the leverage of schools in addition to the courts to successfully deal with parents who are delinquent in allowing their children to be truant. Constructive program alternatives are needed to keep these students interested in school.

Testimony Against: None.

Testified: Representative Clements, prime sponsor; Representative Quall, sponsor; Martha Harden, Superior Court Judges Association; Daniel Erker, Washington Association of Juvenile Court Administrators; and Khaki Dimock, King County Superior Court.