

SENATE BILL REPORT

SB 5988

As Reported By Senate Committee On:
Education, March 3, 1999

Title: An act relating to revising judicial truancy provisions.

Brief Description: Changing provisions relating to truancy.

Sponsors: Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen.

Brief History:

Committee Activity: Education: 3/1/99, 3/3/99 [DPS, DNP].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5988 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Sellar.

Minority Report: Do not pass substitute.

Signed by Senators Benton, Hochstatter and Swecker.

Staff: William Bridges (786-7424)

Background: Children aged eight to 17 years old must attend public schools unless they: (1) attend state-approved private schools; (2) receive home-based instruction; (3) attend a state-approved education center; (4) are excused by the school district superintendent under certain circumstances; or (5) are 16 years old and meet certain criteria.

If a child attending a public school has up to five unexcused absences in a month, the school district must try to reduce the absences. Among other things, the district may file a truancy petition or refer the child to a community truancy board. A community truancy board is a group of community members selected by the local school board to resolve truancy issues through an informal process. A truancy board may: (1) recommend methods for improving school attendance; (2) make agreements with truant and parents, or (3) suggest to a school district that truant attend another school.

If a child attending a public school has seven unexcused absences in a month, or ten unexcused absences during the school year, the school district must file a truancy petition. If the juvenile court schedules a hearing on the petition, it must notify the child, the child's parents, and the school district.

If the court finds that the school district has been unable to reduce the child's absences and that court intervention is necessary to reduce the absences, the court must grant the truancy

petition and assume jurisdiction over the child. The court may order the child to attend school, an alternative school, or another education program. The court may also order a student to submit to testing for the use of controlled substances or alcohol. If the child fails to comply with the truancy order, the court may impose detention or community service on the child. The court may also impose a fine or community service on the child's parents.

Summary of Substitute Bill: Clarifying Service Requirements of Truancy Petitions. Truancy petitions may be served by certified mail, return receipt requested. But if such service is unsuccessful, or the return receipt is not signed by the addressee, the petition must be personally served. In addition, the court, not the school district or parent of the truant, must notify the parties if a truancy hearing will be held.

Expanding the Juvenile Court's Options. Once a court assumes jurisdiction over a child, it may adopt all or part of an agreement previously entered into by a community truancy board and a child. The court may, if the school district and the community truancy board agree, permit the truancy board to provide continued supervision over the student and to report compliance with the order to the court.

Substitute Bill Compared to Original Bill: It is clarified that service by mail applies to all truancy petitions filed under this section and that return receipt must be signed by the addressee to be considered successful service. It is also clarified that the court, not the school district or parent of the truant, must notify the parties of the truancy hearing.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The truancy petition process sends a message to children and parents that being in school is important. The threat of detention is especially effective against repeat truants. Under the bill, truancy boards and juvenile courts can work together to help children. The greater use of truancy boards will allow more efficient use of court time. Truancy boards are more flexible than courts in dealing with the individual problems of truants. In dealing with truants, the Legislature should keep in mind that compulsory education is just as important as compulsory attendance. The Legislature should also know that some schools are not fair in classifying unexcused absences. For example, unexcused absences are used to unfairly lower the grades of "A" students. The bill should be amended so that the return receipt must be signed by the addressee in order for service to be considered successful. More money is needed to study the cost of truancy. OSPI estimates the cost of filing petitions at \$844 per petition; the Legislature has only appropriated \$90 per petition.

Testimony Against: None.

Testified: PRO: Senator McAuliffe; Karen Davis, OSPI; Martha Hardin, Superior Court Judges Association; Judy Hartman, Tacoma Public Schools; Joanne Lawson, Tacoma Public Schools; Elaine Sozberg, LaNita Wacker, Shoreline.