
Education Committee

ESSB 5426

Brief Description: Providing procedures for decreasing truancy and dropouts.

Sponsors: Senators Carrell, Hargrove, Benson and Sheldon.

Brief Summary of Bill

- Directs the Office of the Superintendent of Public Instruction to convene a work group to review and evaluate laws and rules related to school attendance, truancy, and dropout.
- Requires a report to the Legislature, the Governor, and the State Board of Education by January 2006.

Hearing Date: March 17, 2005.

Staff: Sydney Forrester (786-7120).

Background:

Compulsory Attendance

State law regarding school attendance requires children ages eight to 17 years to 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 other specified criteria.

Children six and seven years old who are enrolled full-time in a public school also must attend school unless temporarily excused by the district superintendent. This attendance requirement does not apply to children under the age of eight years if a parent has not enrolled the child in school or if the parent formally removes the child from enrollment.

Unexcused Absences and School District Duties

A child's absence from school is unexcused if the child is absent for the majority of hours in an average school day and the reason for the absence fails to meet the school district's policy for excused absences. School districts must excuse children who are physically or mentally unable to attend school. Absences for other reasons at the request of a parent can be excused only if the absence does not create a serious adverse effect on the child's educational progress. School

districts are strongly encouraged to excuse up to five absences per school year for students participating in state-recognized search and rescue activities.

When a child who is required to attend a public school has unexcused absences, the school district must take steps to eliminate or reduce the child's absences and:

- (1) After one unexcused absence in a month, contact the child's parent by telephone or in writing;
- (2) After two unexcused absences in a month, request a conference with the child's parent; and
- (3) After seven unexcused absences in a month or 10 unexcused absences in a school year, file a truancy petition in juvenile court requesting intervention and supervision.

An additional rule applies to children ages eight to 17 years who are required to attend school.

After five unexcused absences in one month, the school district must either:

- (1) Enter into a school attendance agreement with the student and parent;
- (2) Refer the student to a community truancy board; or
- (3) File a truancy petition requesting court intervention or supervision.

Parents of children ages eight to 17 years also may file a truancy petition if the school district does not file a petition after five unexcused absences in one month or after 10 unexcused absences in a school year.

Truancy Petitions

A truancy petition is filed in juvenile court and alleges the child has unexcused absences, the school district has been unsuccessful in substantially reducing the child's unexcused absences, and court intervention and supervision is necessary. Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or refer the case to a community truancy board.

If a hearing is scheduled, notice must be provided to the child, the parent, and the school district. If the allegations in the petition are established, the court must assume jurisdiction to intervene for a period of time that can not be shorter than through the end of the current school year. The court may order the child to attend his or her current school, to attend another public school, or to attend an alternative school or another educational program. The court may order the child to submit to testing for the use of controlled substances or alcohol. If the child fails to comply with a truancy order, the court may impose detention or community service on a child who is age eight or older. The court also may impose a fine or community service on the child's parents.

Community Truancy Board and

A community truancy board is a group of community members selected by the local school board to resolve truancy issues through an informal process. Truancy boards may recommend methods for improving school attendance, make agreements with truants and parents, and suggest to a school district that truants attend another school.

When the juvenile court refers a case to the local truancy board, the board must within 30 days of the referral meet with the child, the parent, and the school district and develop an agreement regarding the expectations and actions necessary to reduce the child's unexcused absences. In the case of a child under the age of eight years, the board may not require the child to attend school. An agreement developed by the truancy board must be submitted to the juvenile court for review. If no agreement is reached, the case must be returned to juvenile court for a hearing unless the court finds other actions by the court would substantially reduce the child's unexcused absences.

Dropout Reporting

School districts are required to report annually to the Office of the Superintendent of Public Instruction (OSPI) regarding the number of high school students who drop out in each of the grades nine through 12, including the dropout rates of students according to ethnicity, gender, socioeconomic status, and disability status. Districts also must report regarding the causes and reasons attributed to students dropping out.

Summary of Bill:

The OSPI, in conjunction with the Administrative Office of the Courts, must convene a work group to evaluate, and as needed, recommend modifications and additions to state statutes and administrative rules pertaining to:

- (1) Truancy;
- (2) The definitions of excused and unexcused absences;
- (3) Attendance; and
- (4) Data collection requirements for school dropouts, student transfers, and student attendance.

The work group must include representation from the following groups:

The OSPI;
The Legislature;
The State Board of Education (SBE);
The Office of the Attorney General;
The Administrative Office of the Courts;
School administrators, counselors, and teachers;
Truancy officers and truancy board members;
Judges and prosecuting attorneys;
Higher education institutions; and
Other interested education organizations.

The OSPI must report the work group's findings not later than January 10, 2006, to the Governor, the SBE, and the Legislature. The work group expires January 31, 2006.

Appropriation: None.

Fiscal Note: Requested on March 14, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.