

HOUSE BILL REPORT

HB 3039

As Reported by House Committee On:
Judiciary

Title: An act relating to streamlining the truancy process to reduce the costs to courts and school districts.

Brief Description: Streamlining the truancy process to reduce the costs to courts and school districts.

Sponsors: Representatives Pedersen, Ross, Darneille, Rodne and Johnson.

Brief History:

Committee Activity:

Judiciary: 1/27/10, 2/1/10 [DPS].

Brief Summary of Substitute Bill

- Modifies the truancy petition and other requirements that apply to schools and school districts in responding to students who have unexcused absences.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts and Ross.

Staff: Edie Adams (786-7180).

Background:

State law regarding school attendance requires children 8 to 17 years old to attend public schools unless they fall within certain exceptions. If a parent enrolls a 6- or 7-year-old child in school, the child is required to attend school and the parent is responsible for ensuring the child attends.

Duties of Schools and School Districts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When a child who is over age 7 and required to attend school has unexcused absences, the school must provide notice and request a conference with the parent, and take other steps to eliminate or reduce the child's absences. The following specific actions are imposed on schools and school districts:

- After one unexcused absence in one month, the school must inform parents in writing or by phone of potential consequences of continuing absences.
- After two unexcused absences in one month, the school must schedule a conference with the parents and take steps to reduce absences.
- After five unexcused absences in a month, the district must enter into an attendance agreement with the student and parent, refer the student to a community truancy board, *or* file a truancy petition with the court.
- After seven unexcused absences in a month or 10 unexcused absences in a year, the district must file a truancy petition with the court.

Similar requirements apply to 6- and 7-year-old children who are enrolled in school, although the school district is not required to take specific action after the fifth unexcused absence in a month.

Truancy Petitions.

A truancy petition is filed in juvenile court and may be filed against the child, the parent, or both. Truancy petitions regarding 6- and 7-year-old students are filed against the parent. 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 the court finds the student to be truant, the court may order the student to attend school, change schools, or appear before a community truancy board. If the student continues to be truant, the school or the court may file a contempt of court motion and various sanctions may be imposed, including detention or community service. Throughout the process, students and their families may be referred to other services.

Costs Associated With Truancy Petitions.

In 2009 the Washington State Institute for Public Policy (WSIPP) issued two reports analyzing the costs associated with truancy petitions for school districts and juvenile courts.

The WSIPP estimates that the statewide average cost to school districts per truancy case filed is \$183. This figure does not include indirect or overhead costs such as telephone calls and conferences. In the 2007-08 school year, the WSIPP estimates that school districts spent \$2.7 million for personnel to file petitions and contempt motions and to attend hearings. In that same year, the Legislature appropriated \$1.8 million to reimburse school districts for truancy petition costs.

With respect to court costs, the WSIPP estimates that the statewide average cost to courts is \$475 per truancy case (with the average cost across courts ranging from less than \$200 to almost \$1,500 per case). According to the WSIPP, courts incurred \$15.4 million in estimated costs for truancy petitions filed during the 2007-09 biennium. In that same biennium, the state reimbursement to the courts for truancy cases was \$8.9 million.

Summary of Substitute Bill:

The requirements that a school provide notice, schedule conferences, and take other steps when a student over age 7 has unexcused absences are limited to students in the sixth grade or above. Schools may take these actions for students in the fifth grade or below.

The duties of a school district in responding to a student who has five or more unexcused absences are made discretionary rather than mandatory. A school district may, but is not required to: take certain steps when a student has five unexcused absences in a month; and file a truancy petition after seven unexcused absences in a month or 10 in a year.

The duties of a school and a school district when a 6- or 7-year-old child has unexcused absences, including the duty to file a truancy petition, are made discretionary rather than mandatory.

A school may provide notice of an unexcused absence to a parent by electronic mail, and may conduct parent conferences concerning unexcused absences by telephone or in person.

Substitute Bill Compared to Original Bill:

The substitute bill provides that a school's duty to notify a parent after a student has one unexcused absence and schedule a parent conference after a second unexcused absence applies to students who are in the sixth grade or above (rather than middle school and high school students) and clarifies that a school may take these actions for a student who is in the fifth grade or below. The substitute bill also changes a reference from "shall" to "may" for consistency.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) School personnel are spending huge amounts of time filling out mountains of paperwork relating to unexcused absences instead of doing their jobs of educating our students. The BECCA law was in response to a tragic situation, but it has turned into a monster in terms of the costs to our system. There is not much evidence that BECCA is producing great results for our kids. In these times when we are making dramatic reductions in our education system and court system, we need to reassess whether this is the best use of scarce resources.

The BECCA requirements are clearly underfunded. A report by the WSIPP says that schools are spending around \$1 million per year beyond what the state provides, and this is for a filing rate of only 32 percent. The BECCA law works well in some parts of the state, and

that can still happen under this bill. The bill provides flexibility for schools to use this tool when it will be helpful, but not when it will interfere with school efforts to work with families to address a variety of issues and needed services related to unexcused absences.

(Opposed) None.

Persons Testifying: Representative Pedersen, prime sponsor; Jerry Bender, Association of Washington Principals; and Barbara Mertens, Washington Association of School Administrators.

Persons Signed In To Testify But Not Testifying: None.