

FINAL BILL REPORT

ESHB 2640

C 134 L 96

Synopsis as Enacted

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).

House Committee on Education
Senate Committee on Education

Background: Compulsory attendance laws were changed during the 1995 legislative session. A school district is required to file a truancy petition with the court if a student has five unexcused absences in one month or ten unexcused absences in one year.

The Governor vetoed sections of the bill that would have required compliance with compulsory attendance laws as a condition for obtaining a driver's license. The Governor urged in the veto message that a work group be formed to develop recommendations regarding compulsory attendance and truancy. Work groups from the Senate and House met jointly during the past interim 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 were filed in 29 counties, for a statewide total of 2,235 petitions.

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

Age of Compulsory Attendance: The age when students may leave school if certain conditions are met is raised from 15 to 16. Students under 18 may no longer leave school simply because they complete the first nine grades. Students who are age 16 through 18 and who are gainfully employed may 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 the steps schools are required to take to reduce absences, schools may require the student to attend an alternative school or program. It is clarified that these actions and the petition process must be taken only with students enrolled in a public school district.

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 unexcused absences 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. However, the school district must file a truancy petition upon the seventh unexcused absence in a month even if it chooses to enter into an agreement or to refer a student to a truancy board.

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" petitions and "child in need of services" petitions.

Court's Duties: The court must schedule a hearing when a truancy 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 nonpublic school or program, the child's school district must contract with that school or program for services. The school district may not be required to contract at a rate that exceeds the amount received by the state for general apportionment. Before ordering a child to attend a private school or program, the court must consider available programs and determine that the child will be accepted at the school or program. The Administrator for the Courts is required to report to the Legislature annually on the number of truancy petitions filed and the number of contempt orders issued.

School District Reports: Reporting requirements for school districts are modified, eliminating requirements to report the number of excused absences and the disposition of cases by the court. The requirement to document steps taken to reduce absences is modified. A sample of districts must report on the steps taken to reduce truancy, and other districts may also be required to report. Districts must submit reports about programs developed to serve truant youth.

Incentive Program for Alternative Schools: A grant program is created, subject to funding, to provide incentives for school districts to plan and develop alternative schools or programs. The grant program expires June 30, 1997.

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.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	89	0	(House concurred)

Effective: June 6, 1996