

# SENATE BILL REPORT

## ESHB 2640

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As Reported By Senate Committee On:  
Education, February 22, 1996

**Title:** An act relating to school attendance.

**Brief Description:** Changing truancy provisions.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Clements, Brumsickle, Radcliff, Poulsen, Hatfield, Linville, Dickerson, Basich and Cole).

**Brief History:**

**Committee Activity:** Education: 2/20/96, 2/22/96 [DPA].

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended.

Signed by Senators McAuliffe, Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

**Staff:** Leslie Goldstein (786-7424)

**Background:** Legislation was passed during the 1995 session changing the compulsory attendance laws. Starting with the 1995-96 school year, school districts are required to file petitions with the courts if students have five unexcused absences in one month or ten unexcused absences in one year.

In 1995, the Governor vetoed sections of a bill which would have required compliance with compulsory attendance laws as a condition for obtaining a driver's license. In the veto message, the Governor urged that a work group be formed to develop recommendations regarding compulsory attendance and truancy. During the past interim, work groups from the Senate and House met jointly 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 had been filed in 29 counties, for a statewide total of 2,235 petitions.

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

Age of Compulsory Attendance: The age when students can leave school if certain conditions are met is raised from 15 to 16. Students under 18 can no longer leave school

simply because they complete the first nine grades. Students under 18 who are gainfully employed can 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 required steps to reduce absences, schools may require the student to attend an alternative school or program.

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 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 upon the seventh unexcused absence if it chooses to enter into an agreement or 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" and "Child in need of services" petitions.

Court's Duties: The court must schedule a hearing when a 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 the school or program for services. The contract rate cannot exceed the general apportionment dollars. 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 must report to the Legislature annually on the number of petitions filed and the number of contempt orders issued. The truancy board does not have the authority to order a school district to enter into a contract.

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 document success is modified. A sample of districts must report on the steps taken to reduce truancy and others may also be required to report. Districts must submit reports about programs serving truant youth.

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

**Amended Bill Compared to Substitute Bill:** The provisions changing the work laws for teenagers are deleted.

The school district must file upon the student's seventh unexcused absence if a student has had five unexcused absences in a month and was referred to a community truancy board or the district entered into an agreement.

The requirement that the court must hold open hearings is deleted. Standards are added to help the court determine when to place a child in a private school or program. The court can only order a district to pay a rate equal to the general apportionment dollars generated by the student calculated on a weekly basis. The truancy board does not have the authority to order a district to enter into a contract.

The expiration date on the alternative school grant program is extended to June 30, 1997.

School district reporting requirements are modified. Districts must still report unexcused absences, the requirement to report steps taken is restored but limited to ten districts a year and those required to report by the Superintendent of Public Instruction. Instead of eliminating the requirement to document success, the requirement is clarified.

The null and void provisions are deleted.

**Appropriation:** None.

**Fiscal Note:** Requested on January 15, 1996. Requested on substitute bill on February 2, 1996.

**Effective Date:** Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget. In addition, the truancy petition process is made discretionary if funding for the bill is not provided in the budget.

**Testimony For:** This has been a bipartisan effort and will help the truancy laws work better. Education is important, and children who are truant are not receiving an education. Flexibility is provided and reporting requirements are reduced. An open hearing will speed up the process for courts. Funding for alternative programs is important.

**Testimony Against:** None.

**Testified:** PRO: Representatives Clements, Poulsen and Dickerson, original sponsors; Walter Ball, AWSP; Roger Valdez, WSSDA; John Kvamme, Tacoma Public Schools;

Barbara Mertens, WASA; Harold Delia, Juvenile Court Administrators; Judge Gordy Godfry, Superior Court Judges; Judy Hartmann, WEA.