

HOUSE BILL REPORT

SHB 1283

As Passed House:
March 8, 2013

Title: An act relating to changing compulsory school attendance requirements for children six and seven years of age.

Brief Description: Changing compulsory school attendance requirements for children six and seven years of age.

Sponsors: House Committee on Education (originally sponsored by Representatives Maxwell, Stonier, Johnson, Hunt, Reykdal, Bergquist, Sawyer, Pollet, Cody, Kagi, Roberts, Orwall, Lytton, Jinkins and Ryu).

Brief History:

Committee Activity:

Education: 1/31/13, 2/8/13, 2/14/13 [DPS];

Appropriations Subcommittee on Education: 2/25/13 [DPS(ED)].

Floor Activity:

Passed House: 3/8/13, 74-23.

Brief Summary of Substitute Bill

- Reduces compulsory school attendance from age 8 to age 6.
- Eliminates the requirement that school districts take certain actions, including filing a civil action against parents, when enrolled 6- and 7-year-olds have a certain number of unexcused absences.
- Specifies that parents whose children receive home-based instruction must only perform certain duties for children 8 years old and older.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 20 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fagan, Haigh, Hargrove, Hawkins, Hayes, Hunt, Klippert, Lytton, Maxwell, McCoy, Orwall, Pike, Pollet, Seaquist and Warnick.

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.

Staff: Luke Wickham (786-7146).

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Haigh, Chair; Fagan, Ranking Minority Member; Carlyle, Dahlquist, Haler, Maxwell, Pettigrew, Seaquist, Sullivan and Wilcox.

Staff: Jessica Harrell (786-7349).

Background:

Washington's compulsory attendance law states that the parents of any child from 8 to 17 years of age must cause the child to attend public school. There are exceptions to this law:

- for children who are enrolled in an approved private school;
- for children receiving home-based instruction where the parent has filed an intent to provide home-based instruction with the school district as provided by law;
- if the school district superintendent excuses the child from attendance due to a physical or mental inability to attend, attendance at a residential or correctional facility, or temporary absence; or
- if the student is at least 16 years old and has already completed a GED, or is working and the parent agrees that the student should not be required to attend.

School districts must make educational programs available to all students aged 5 through 21 until they complete a high school diploma. If parents enroll students who are aged 6 or 7 in public school, those students must attend school on the basis for which they are enrolled, either full time or part time. A student who is required to attend public school and has unexcused absences is considered truant. The truancy laws require a series of parent notifications and interventions by the district, including that truancy petitions be filed with the juvenile court alleging that the parent, the student, or both are violating the compulsory attendance law.

Parents whose children receive home-based instruction have certain duties, including the duty to file a declaration of intent to provide home-based instruction, to prevent school districts from taking actions against either the child or parent based on the truancy laws.

The minimum age of compulsory attendance in Washington has been age 8 since 1901.

As of 2010 the minimum ages of compulsory attendance in other states were as follows:

- age 8: two states including Washington;
- age 7: 16 states;
- age 6: 24 states; and
- age 5: nine states.

Summary of Substitute Bill:

Compulsory school attendance is lowered from age 8 to age 6.

School districts are no longer required to perform certain duties related to 6- and 7-year-olds who are enrolled in school and have unexcused absences. One of the duties no longer required is for school districts to file a civil action against parents after seven unexcused absences in a month or 10 unexcused absences in a year of an enrolled 6- or 7-year-old.

School districts are still required to inform the parents or guardians of 6- or 7-year-old students, request a conference with parents or guardians, and take steps to eliminate or reduce the child's absences.

Parents whose children receive home-based instruction must sign a declaration of intent to provide home-based instruction when their child is age 6 or older. Parents whose children receive home-based instruction must ensure that any records necessary for transferring into a public or private school are forwarded to that school and that their children receive a standardized achievement test annually when their children are 8 years or older.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Education):

(In support) Most families do bring children to school in kindergarten. Families who choose to wait until a child is 8 years old are making it difficult for these children to fit in. Children who are educated at young ages get better jobs and have better lives, yet the laws do not require children to attend school until 8 years old. The compulsory attendance law should change. The importance of early learning is substantiated by evidence. Washington's attendance law does not require attendance until age 8. Children who do not get this education tend to struggle. Early education is important, but we need to make this clear in law. School districts are required to provide programs at age 5, while children are not required to attend until age 8; that does not make any sense. We know that the ages from birth to third grade are important learning years. Data shows that this is an incredibly formative time. However, Washington sends the message that parents do not have to send their children to school until third grade. Learning starts at a young age in the home. There is always a balance between learning at home and school, and self-directed and instructional learning. As society we have embraced first grade as a starting point, but state law just has not caught up with that message. Age 8 is too late. Research shows the importance of early learning and Washington is not emphasizing early learning. Children that start late are more apt to struggle in later years. It is difficult for them and it is costly to society. Kids need to be in school before 8 years old. The laws should be updated and made consistent.

(With concerns) I am concerned about special needs children, who are not quite ready to start at age six, but may be required to attend.

(Opposed) We are here to confirm that parents who provide home-based instruction are exempt from this bill. We want to be clear that exams are not required for 6- and 7-year-olds. In Washington, there are three separate forms of education: public, private, and home-based. The compulsory education law requires that all children attend public school unless they are in a private school or receiving home-based instruction. A lot of states do not have a separate home-based education law like we have. This is part of the reason why it has taken so long to change the compulsory attendance age. We rank in the top 12 states for regulations related to home-based instruction. For example, parents have to qualify to provide home-based education for their children, they have to file a notice of intent to provide home-based education, and assessments are still required. Home education is completely funded by the parents. If testing was required earlier, that would be an additional cost. I thank the sponsor for listening to my concerns.

Staff Summary of Public Testimony (Appropriations Subcommittee on Education):

(In support) Schools work hard to prepare kids for the current knowledge and skill needs of this century. Reducing the compulsory age to 6 will help to make sure that children receive the education that they need. Washington is one of only two states in the country that have a compulsory age of 8. Most other states have compulsory ages of 6 or 7 and a few have compulsory ages as low as 5 years of age. Changing the compulsory age from 8 to 6 aligns state statutes with Washington's stated educational goals. As children get into school earlier, intervention costs that would otherwise be incurred are reduced.

(Opposed) None.

Persons Testifying (Education): (In support) Representative Maxwell, prime sponsor; Lucinda Young, Washington Education Association; Jerry Bender, Association of Washington School Principals; Connie Fletcher, State Board of Education; Ramona Hattendorf, Washington State Parent Teacher Association; and Dan Steele, Washington Association of School Administrators.

(With concerns) DiAnna Brannan, Christian Homeschool Network.

(Opposed) Christine Wood; and Suzie Hanson, Washington Federation of Independent Schools.

Persons Testifying (Appropriations Subcommittee on Education): Representative Maxwell, prime sponsor; Andrea Cobb, Office of the Superintendent of Public Instruction; and Bob Douthitt, Spokane Public Schools.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations Subcommittee on Education): None.