

# SENATE BILL REPORT

## SB 5537

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, January 28, 2022

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

**Brief Description:** Changing compulsory school attendance requirements for children five, six, and seven years of age. [**Revised for 1st Substitute:** Changing compulsory school attendance requirements for children six and seven years of age.]

**Sponsors:** Senators Wellman, Wilson, C., Cleveland, Dhingra, Kuderer and Nobles.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/14/22, 1/28/22 [DPS-WM, DNP].

**Brief Summary of First Substitute Bill**

- Lowers the minimum age for compulsory school attendance from eight to six years old.
- Amends truancy provisions to align with this change.
- Requires parents who intend to have their children receive home-based instruction to file an annual declaration of intent and keep certain records beginning when a child is six instead of eight years old.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt, Mullet and Pedersen.

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

**Minority Report:** Do not pass.

Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

**Staff:** Ailey Kato (786-7434)

**Background:** School Attendance. Current state law requires each school district's K-12 program of basic education to be accessible to all students who are five years old and less than 21. The Office of the Superintendent of Public Instruction (OSPI) and school districts have authority to establish uniform entry qualifications, including birth date requirements, for admission to kindergarten and first grade. An OSPI rule provides that generally a child must be five years old as of midnight of August 31st of the year of entry to be entitled to enter kindergarten.

Parents of children who are eight and under 18 years old must cause their children to attend a public school of the district in which the child resides unless the child is:

- attending an approved private school;
- receiving home-based instruction; or
- meets other exceptions provided by law.

The beginning age for compulsory school attendance varies by state, ranging from five to eight years old. Washington State is the only state with the beginning age of eight.

Truancy. If a child fails to attend school without valid justification, public schools must take certain actions including informing the parents, scheduling a conference, and taking data-informed steps to eliminate or reduce the child's absences. If these actions are not successful, the school district must file a truancy petition after a certain number of absences if the child is under 17 years old.

If a parent enrolls a child who is six or seven years old, the child must attend school even though the child is below eight. Current state law includes separate truancy provisions for these younger ages that are similar to the truancy provisions for older children.

Home-Based Instruction. Home-based instruction requires a parent to annually file a declaration of intent to provide their child with home-based instruction beginning when the child is eight years old until 18. Parents must also keep certain records and annually administer a standardized achievement test.

**Summary of Bill (First Substitute):** School Attendance. The minimum age for compulsory school attendance is lowered from eight to six years old.

The child may attend either the public school of the district in which the child resides or another public school in the state unless the child meets one of the exceptions provided by law.

Truancy. The separate truancy provision that addresses children who are six and seven years old is repealed because children who are six and seven years old are included under the main truancy law. The differences in the way children who are six and seven years are treated under current truancy law are maintained.

School districts must file a truancy petition if a child is required to attend school and is under 18 instead of 17 years old.

Home-Based Instruction. Parents must annually file a declaration of intent to provide their child with home-based instruction and keep certain records beginning when the child is six years old instead of eight. The annual administration of a standardized achievement test remains at eight years old.

The act takes effect August 1, 2022. However, certain school district requirements related to absences and truancy take effect August 1, 2023, if a local school board district board of directors determines it is unable to comply with the August 1, 2022 date. School districts that make this determination and consequently delay the effective date of the new requirements must inform OSPI.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):**

- Changes the minimum age for compulsory school attendance to six instead of five years old.

**Appropriation:** None.

**Fiscal Note:** Partial fiscal note available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Education greatly impacts children's future, and it is the great leveler. Most of a child's brain is fully formed by eight years old. Starting young children with quality education is important given this fact. Washington is the only state that has the late starting age of eight. Lowering this starting age would help ensure that our state's children are competitive with the rest of the country and world. Some communities are considered early childhood education deserts, and children's first exposure to education is in kindergarten and many are not ready. The late starting age of eight does not help prepare students for school. Under this bill, families can still choose the type of education that works best for their children. This bill does not have any material impact on homeschooling. Parents would need to file a declaration of intent at

age five instead of eight.

CON: Not starting compulsory education until age eight has greatly benefited some students because it allows them to learn at their own rate and pace. Parents can determine what is best for their children and when their children are ready to begin their formal education based on their developmental stage. This bill impacts homeschooling because filing the declaration of intent earlier is a burden and requires parents to choose between homeschooling and school too early. This bill would require parents to qualify as able to home school, begin to cover 11 subjects, and keep records. Starting compulsory education at age five is taking away homeschooling freedom and does not put trust in families. Some families have engaged in group schooling for younger ages, which is not allowed under home school law. If this bill were to pass, group schooling for younger children would no longer be allowed.

**Persons Testifying:** PRO: Senator Lisa Wellman, Prime Sponsor; Martha Rice; Roz Thompson, Association of Washington School Principals.

CON: Amy Buchmeyer, Home School Legal Defense Association; Ann Marie Henninger; Leah Houser; Jennifer Heine-Withee; Jen Garrison Stuber, Washington Homeschool Organization; Heidi Fair; Brianna Daley.

**Persons Signed In To Testify But Not Testifying:** No one.