

HOUSE BILL ANALYSIS

ESSB 5988

Title: An act relating to revising judicial truancy provisions.

Brief Description: Changing provisions relating to truancy.

Sponsors: Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen).

HOUSE COMMITTEE ON EDUCATION

Meeting Date: March 25, 1999.

Analysis Prepared by: Charlie Gavigan (786-7340).

Background: Children aged eight to 17 years old must attend public schools unless they: (1) attend state-approved private schools; (2) receive home-based instruction; (3) attend a state-approved education center; (4) are excused by the school district superintendent under certain circumstances; or (5) are at least 16 years old and meet certain criteria.

If a child attending a public school has up to five unexcused absences in a month, the school district must try to reduce the absences. Among other things, the district may file a truancy petition or refer the child to a community truancy board. A community truancy board is a group of community members selected by the local school board to resolve truancy issues through an informal process.

If a child attending a public school has seven unexcused absences in a month, or ten unexcused absences during the school year, the school district must file a truancy petition. If the juvenile court schedules a hearing on the petition, it must notify the child, the child's parents, and the school district. If the court finds that the school district has been unable to reduce the child's absences and that court intervention is necessary to reduce the absences, the court must grant the truancy petition and assume jurisdiction over the child. The court may order the child to attend school, an alternative school, or another education program. The court may also order a student to submit to testing for the use of controlled substances or alcohol. If the child fails to comply with the truancy order, the court may impose detention or community service on the child. The court may also impose a fine or community service on the child's parents.

Summary of Bill: The compulsory attendance exception for those at least 16 year olds under certain circumstances is lowered to 15 years old. The current requirements for this exception must still be followed: (1) regularly and lawfully employed and either have their parents' agreement to leave school or are legally emancipated; (2) have already met graduation requirements; or (3) have received a certificate of educational competence (GED).

Truancy petitions may be served by certified mail, return receipt requested. However, if such service is unsuccessful, or the return receipt is not signed by the addressee, the petition must be personally served. The court, not the school district or parent, must notify the parties if a truancy hearing will be held.

Once a court assumes jurisdiction over a child, it may adopt all or part of an agreement previously entered into by a community truancy board and a child. The court may, if the school district and the community truancy board agree, permit the truancy board to provide continued supervision over the student and to report compliance with the order to the court.

Appropriation: None.

Fiscal Note: Requested on March 16, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

2SHB 1818 compared with ESSB 5988

2SHB 1818	ESSB 5988
If a 6- or 7-year-old enrolls full-time in public school, the child is required to attend school regularly and the truancy provisions apply if the child does not attend regularly. If a 6- or 7-year old becomes truant, any petitions are to be filed against the parent, not the student.	No similar provision.

<p>The juvenile court is to establish community truancy boards and may delegate that responsibility to a school district if the district agrees to operate a truancy board. When a truancy petition is filed, the court requires a truancy board to work out an agreement and if this fails, the court uses civil contempt and detention to get the truant child back in school.</p>	<p>Once a court assumes jurisdiction over a child, it may adopt all or part of an agreement previously entered into by a community truancy board and a child. The court may, if the school district and the community truancy board agree, permit the truancy board to provide continued supervision over the student and to report compliance with the order to the court.</p>
<p>When a child transfers from one school district to another, attendance records follow; when a child moves from one county to another, the truancy petition can be transferred to the new county.</p>	<p>No similar provision.</p>
<p>If funds are available, the Office of the Superintendent of Public Instruction (OSPI) studies truancy issues and also provides grants for alternative education programs and services.</p>	<p>No similar provision.</p>
<p>No similar provision.</p>	<p>The compulsory attendance exception under certain circumstances is lowered to the age of 15 from age 16.</p>
<p>No similar provision.</p>	<p>Truancy petitions may be served by certified mail, return receipt requested. But if such service is unsuccessful, or the return receipt is not signed by the addressee, the petition must be personally served. In addition, the court, not the school district or parent of the truant, must notify the parties if a truancy hearing will be held.</p>

