

SENATE BILL REPORT

E2SHB 3054

As Reported By Senate Committee On:
Education, February 27, 1998

Title: An act relating to truant, expelled, and suspended students.

Brief Description: Augmenting provisions affecting truant, expelled and suspended students.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Clements, Huff and Delvin).

Brief History:

Committee Activity: Education: 2/24/98, 2/27/98 [DPA-WM].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Staff: William Bridges (786-7424)

Background: With certain exceptions, parents of children aged eight to 17 years old must send their children to public school. If a child has unexcused absences, the school must try to reduce the absences.

If the school and the parents fail in reducing the child's absences, the school district must file a truancy petition with the juvenile court no later than the seventh unexcused absence in a month or the 10th unexcused absence during a school year. 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 Amended Bill: Lowering the Age of Compulsory Attendance. The compulsory attendance law applies to children if they are regularly enrolled in their local public school. However, parents of children under eight years of age may withdraw their children from the public schools for any reason by informing the children's school. In

addition, this provision does not apply to part-time students who are enrolled for ancillary services.

Clarifying Notice Requirements of Truancy Hearings. School districts may serve truancy petitions on parents in any manner reasonably likely to provide adequate notice. But if such service is unsuccessful, then service must be by personal service.

Creating Uniform Truancy Petitions. The Office of the Administrator of the Courts must develop uniform statewide petitions by June 1, 1998, and all parties must use the petition by July 1, 1998.

Expanding the Juvenile Court's Options. Once a court assumes jurisdiction over a child, it may order the child to attend a replacement school program for suspended or expelled students, an alternative educational service program, or other public educational programs. The court may also order a child to be evaluated for substance abuse. After considering the results, the court may order the child to participate in a substance abuse program if the parents agree to pay for the treatment or other resources are available. Furthermore, the court may order the child to refrain from actions that may result in suspension or expulsion and order the child to submit to an assessment to find the cause of the child's truancy.

Expanding the Juvenile Court's Contempt Powers. If a child does not comply with a truancy order, the court may find the child in contempt and order detention or electronic home monitoring. If a court orders electronic home monitoring, the court must specify the agency that will conduct the monitoring and the rules the child must observe while being monitored. The court cannot order electronic monitoring for more than five days.

The Juvenile Rehabilitation Administration may contract with counties to operate a pilot electronic monitoring program. The pilot project must be operated in three counties, one of which must be Yakima County and another in western Washington. The Juvenile Rehabilitation Administration must contract with the Institute for Public Policy or a similar agency to evaluate the pilot program.

In addition to electronic home monitoring, the court may suspend the child's driver's license for 90 days. The Department of Licensing must list the reason for this suspension on the child's driving record.

Finally, the court may order the Department of Social and Health Services to file a child in need of services petition under the Family Reconciliation Act, which authorizes a court to impose conditions of supervision if a juvenile is found to be "at risk." An "at risk youth" is a child that is dangerous and beyond parental control.

The act is null and void if not funded in the budget.

Amended Bill Compared to Substitute Bill: It is clarified that a parent may withdraw a child under eight from the public schools so that the child is no longer subject to compulsory attendance law. The provision that does not require school officials to attend truancy hearings is removed. It is clarified that the court may require treatment if other resources are available. It is also clarified that the court may sanction contempt, not punish.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed, except sections 2-7 which take effect immediately.

Testimony For: The bill helps the public schools keep habitually truant students in school; it does not apply to home schoolers or part-time students. The bill also gives juvenile courts more options when dealing with truants who have violated court orders. The bill is intended to ease the local administrative burden of implementing the "Becca" bill provisions dealing with truant students or in jeopardy of dropping out of school. New innovations in the use of electronic monitoring can save substantial funds by avoiding the unnecessary cost of confinement in government institutions.

Testimony Against: None.

Testified: Representative Clements, prime sponsor; Martha Hardin (pro with amendments), Superior Court Judges' Association; Rainer Houser, Assoc. of Wash. School Principals; Barbara Mertens, Washington Assoc. of School Administrators.