

# HOUSE BILL REPORT

## ESSB 5988

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**As Reported By House Committee On:**  
Education

**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).

**Brief History:**

**Committee Activity:**

Education: 3/25/99, 4/1/99 [DPA].

**Brief Summary of Engrossed Substitute Bill  
(As Amended by House Committee)**

- 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.
- 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, unless the court feels it would not be effective or a court hearing is requested. The court uses civil contempt and detention to get the truant child back in school. Truancy petitions may be served by certified mail.
- 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.
- 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.

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**HOUSE COMMITTEE ON EDUCATION**

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

**Staff:** Charlie Gavigan (786-7340).

**Background:**

The compulsory attendance law requires children at least 8 years old and under 18 years old to attend public school unless the child is receiving home-based instruction, is attending an approved private school, is attending an education center, is excused by the school district, or is 16 years old and is emancipated.

Public schools must provide access to a basic education for children beginning at age 5 (age 3 for special education) through age 20.

If a child has the responsibility but fails to attend school without justification, the school must take certain actions, including notifying the parent, scheduling a parent conference, and other steps to reduce the child's absences. If the efforts of the school and the parents do not reduce 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. The petition may be filed against the child, the parent, or both. If the juvenile court schedules a hearing on the petition, it must notify the child and the parent that the hearing will take place, that the child and parent can present evidence at the hearing, and that the child and parent have options under the Family Reconciliation Act.

If the court finds that actions of the school district have not reduced the child's absences and that court intervention is necessary to reduce the absences, the court must grant the petition and assume jurisdiction over the child for the remainder of the school year. The court may order the child to attend school or an alternative school or education program.

School districts may contract with alternative educational service providers to provide services to eligible students. These service providers include other schools, alternative educational service programs not operated by the school district, education centers, skills centers, dropout prevention programs, and other public and private organizations. Eligible students include students who are likely to be expelled, present disciplinary problems, or are academically at risk.

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### **Summary of Amended Bill:**

The parent of a child aged 6 or 7 who has enrolled the child in a public school has the responsibility of ensuring the child attends for the full time the school is in session unless the child is enrolled part-time for the purpose of receiving ancillary services or unless one of the exceptions applies. The child also has the responsibility to attend school; therefore, unless one of the exceptions apply, the truancy provisions apply to a 6- or 7-year-old who is enrolled full time in a public school. For 6- and 7-year-olds, the truancy petition is filed against the parent, not the child.

When a truancy petition is filed by the school district, the juvenile court must require the child (if 8 or older), a parent, and the school district to appear before a truancy board and work out an agreement to resolve the problem, unless it is clear to the court that the truancy board would not be effective or unless a court hearing is requested. The agreement is then presented to the court for approval. The court may allow the truancy board to supervise the agreement and report back to the court. If

the child does not enter into or violates the agreement, the child is sent back to court and, after an order is issued and the child continues to be truant, the court holds the child in civil contempt and issues sanctions to immediately get the child back in school; the sanctions include detention.

Juvenile courts are given the responsibility to operate community truancy boards and, if the school district agrees, the court may delegate that responsibility to the school district.

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.

When a child transfers from one school district to another, the receiving school district must honor the attendance record, including unexcused absences, accumulated at the previous district. If a child who is subject to a truancy petition on one county moves to another county, the court in the receiving county, upon request of a school district or parent, assume jurisdiction of the truancy petition.

School districts determine who represents them at truancy petition hearings; it need not be an attorney. Court discretion is removed.

The Superintendent of Public Instruction, to the extent funds are available, provides start-up grants for alternative programs and services that provide instruction for truant, at-risk, and expelled children. The grant applications must contain proposed performance indicators and an evaluation plan to measure the success of the program, and the applicant's plan for maintaining the program and services after the grant period.

The Superintendent of Public Instruction, if funds are appropriated, is to contract for an evaluation to be done by the Institute of Public Policy or a similar agency. The evaluation examines the effectiveness of the petition process and community truancy boards in reducing truancy, how children who have been subject to court action for truancy do when they return to school, and the costs imposed on school districts by the truancy provisions. The cost analysis is to be submitted to the appropriate committees in the Legislature by December 15, 1999, and the rest of the evaluation is to be submitted by December 15, 2000.

**Amended Bill Compared to Engrossed Substitute Bill:** The striking amendment: (1) adds a requirement that if a 6- or 7-year-old child enrolls full-time in public school, unless an exception applies, 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); (2) adds a requirement that juvenile courts establish community truancy boards and the court may delegate that responsibility to a school district if the district agrees to operate a truancy board; (3) amends and clarifies the truancy petition process and the roles of the court and the truancy board; (4) provides that 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; (5) provides for a study of truancy issues by SPI and an alternative education grant program if funds are appropriated for them; and (6) restores the exception to the compulsory attendance law for those who work, are emancipated, meet graduation requirements, or have a GED to those at least 16 years old (current law), rather than 15.

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**Appropriation:** None.

**Fiscal Note:** Requested on March 16, 1999.

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

**Testimony For:** Truancy provisions should be modified to improve the process. Truancy boards should be utilized more by the courts as a cheaper and often effective way to deal with truancy. Serving petitions by certified mail will save money. Provisions should be added to the bill to address issues associated with 6- and 7-year-olds who enroll in public school and then do not attend regularly; other provisions of 2SHB 1818 should be added. The age exception to the compulsory attendance requirements under certain circumstances should be 16, not 15.

**Testimony Against:** None.

**Testified:** Martha Hardin, Superior Court Judges Association; Catherine Ahl, League of Women Voters; and Joe Pope, Association of Washington School Principals.