

SENATE BILL REPORT

2SHB 1818

As Reported By Senate Committee On:
Human Services & Corrections, April 1, 1999

Title: An act relating to school attendance.

Brief Description: Changing truancy provisions.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Clements, Quall, Talcott, Carlson, Keiser and Carrell).

Brief History:

Committee Activity: Human Services & Corrections: 3/30/99, 4/1/99 [DPA-WM].
Ways & Means: 4/5/99.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Lynn Hale (786-7430)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Risa Sandler (786-7708)

Background: Under the compulsory attendance law, the parent of a child aged eight through 17 years old must send the child to a public school, and the child has a duty to attend the school, unless the child meets a statutory exception.

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.

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 parent, 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. 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 parent.

Summary of Amended Bill: Juvenile courts may establish and operate community truancy boards. A juvenile court may delegate this responsibility to a school district if the district agrees.

School districts alone are to determine who represents them at truancy hearings; their representatives need not be attorneys. Court discretion in permitting nonattorney representation is removed.

When a child transfers from one school district to another district, the receiving school district must honor the attendance record, including unexcused absences, of the previous district.

Truancy petitions may be served by certified mail, return receipt requested. If service by certified mail is unsuccessful personal service is required.

When a truancy petition is filed, the juvenile court may refer the case to a community truancy board if available. The community truancy board must meet and reach an agreement with the child within 30 days of the referral to the truancy board. The agreement must be presented to the juvenile court for approval.

If a child fails to comply with a court approved order from the truancy board, the juvenile court must find the child in contempt and may order the child to be subject to detention or community service.

If a parent enrolls a child who is six or seven years of age in the public school system and that child has unexcused absences, the public school must: inform the parents that the child has failed to attend school; request a conference with the parents to analyze the cause of the absences; and take steps to eliminate the absences. A child whose parents formally remove the child from enrollment in public school are not subject to this provision.

If a child who is subject to a truancy petition in one county moves to another county, the juvenile court in the receiving county, upon request of a school district or parent, must assume jurisdiction of the truancy petition.

To the extent funds are available, the Superintendent of Public Instruction must provide start-up grants for alternative programs and services that provide instruction for truant, at-risk, and expelled children.

If specific funds are appropriated, the Superintendent of Public Instruction must contract for an evaluation of the effectiveness of the petition process and community truancy boards in reducing truancy.

Amended Bill Compared to Second Substitute Bill: The provisions requiring that the parents of a six or seven year-old child enrolled in public school must ensure that the child attend school have been removed. A six or seven year-old child who is removed from public school no longer needs to meet an exception to the compulsory attendance law.

Truancy petitions may be served by certified mail, return receipt requested. If service by certified mail is unsuccessful personal service is required.

When a truancy petition is filed, the juvenile court may refer the case to a community truancy board if available. The community truancy board must meet and reach an agreement with the child within 30 days of the referral to the truancy board. The agreement must be presented to the juvenile court for approval.

If a child fails to comply with a court approved order from the truancy board the juvenile court must find the child in contempt and may order the child to be subject to detention or community service.

If a parent enrolls a child who is six or seven years of age in the public school system and that child has unexcused absences, the public school must: inform the parents that the child has failed to attend school; request a conference with the parents to analyze the cause of the absences; and take steps to eliminate the absences. A child whose parents formally remove the child from enrollment in public school is not subject to this provision.

The establishment and use of community truancy boards is discretionary. All parties must agree to the use of a community truancy board before a referral is made.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The need to educate six and seven year-old children is great because that is when the foundation for learning is laid. Starting the education process at age eight is too late.

Community truancy boards allow for and create powerful partnerships between schools, courts and communities. Community truancy boards will reduce court costs. Truancy boards will hold parents accountable and get the community involved.

Concern exists over the mandatory referral to community truancy boards because not every county has an existing truancy board.

Testimony Against: Parents know what is best for their children, including what age they should start school. The home-based instruction law does not take into account those children under eight; therefore, six and seven year-old children who are disenrolled will be unable to use the homeschool exception. This would be an unfair penalty on homeschoolers.

Testified: PRO: Representative Clements, prime sponsor; Joe Pope, Principal's Association; Martha Harden, Association of Superior Court Judges; Daniel Erker, Association of Juvenile Court Administrators; Khaki Dimock, King County Superior Court; Shannon Anderson, King County Prosecutor's Office; Linda Lillevick, Washington Defender's Association; Robert Butts, Office of the Superintendent of Public Instruction;

Judy Hartman, Tacoma Public Schools; CON: Mia Anderson, Washington Homeschool Organization; Janice Hedin, Homeschooler's Support Association.