

# SENATE BILL REPORT

## ESSB 5988

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As Passed Senate, March 10, 1999

**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: 3/1/99, 3/3/99 [DPS, DNP].  
Passed Senate, 3/10/99, 47-1.

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5988 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Sellar.

**Minority Report:** Do not pass substitute.

Signed by Senators Benton, Hochstatter and Swecker.

**Staff:** William Bridges (786-7424)

**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 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. A truancy board may: (1) recommend methods for improving school attendance; (2) make agreements with truants and parents, or (3) suggest to a school district that truants attend another school.

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:** Changing an Exception to Compulsory Attendance. The compulsory attendance exception for 16 year olds is lowered to 15 years old to match the age for employment permits in RCW 28A.225.080. Fifteen year olds must still satisfy the current requirements: (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).

Clarifying Service Requirements of Truancy Petitions. 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.

Expanding the Juvenile Court's Options. 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:** Not requested.

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

**Testimony For:** The truancy petition process sends a message to children and parents that being in school is important. The threat of detention is especially effective against repeat truants. Under the bill, truancy boards and juvenile courts can work together to help children. The greater use of truancy boards will allow more efficient use of court time. Truancy boards are more flexible than courts in dealing with the individual problems of truants. In dealing with truants, the Legislature should keep in mind that compulsory education is just as important as compulsory attendance. The Legislature should also know that some schools are not fair in classifying unexcused absences. For example, unexcused absences are used to unfairly lower the grades of A- students. The bill should be amended so that the return receipt must be signed by the addressee in order for service to be considered successful. More money is needed to study the cost of truancy. OSPI estimates the cost of filing petitions at \$844 per petition; the Legislature has only appropriated \$90 per petition.

**Testimony Against:** None.

**Testified:** PRO: Senator McAuliffe; Karen Davis, OSPI; Martha Hardin, Superior Court Judges Association; Judy Hartman, Tacoma Public Schools; Joanne Lawson, Tacoma Public Schools; Elaine Sozberg, LaNita Wacker, Shoreline.

**House Amendment(s):** Compulsory Attendance. Six- and seven-year-old children are not required to enroll in school or to receive home-based instruction. But if a six- or a seven-year-old child is enrolled in a public school, the child's parent must ensure that the child attends the school, and the child has a duty to attend the school, for the full time the school is in session. Compulsory attendance does not apply to the following six- or seven-year-olds: (1) part-time students receiving ancillary services; (2) students who are formally removed from enrollment and whose parents have not been served with a truancy petition; and (3) students who have been temporarily excused by the school district.

Truant Six- and Seven-Year-Olds. If an enrolled six- or seven-year-old has unexcused absences, the school must take the following actions: (1) inform the parents that the child has failed to attend school; (2) request a conference with the parents to analyze the cause of the absences; (3) take steps to eliminate the absences; and (4) file a truancy petition after seven unexcused absences in a month or ten unexcused absences in a school year. Any truancy petition concerning a six- or a seven-year-old may only be filed against the parent. Six- and seven-year-olds are not required to attend hearings held by the court or a community truancy board. Furthermore, any board agreement concerning six- or seven-year-olds may only include the parent and the school district.

Community Truancy Boards. Juvenile courts may establish and operate community truancy boards. A juvenile court may delegate this responsibility to a school district if the district agrees. When a school district files a truancy petition, the juvenile court may refer the case to a community truancy board. If the board receives a referral, it must meet the parties and work out an agreement within 30 days of the referral. The juvenile court may approve the agreement or schedule a hearing. The court may permit the community truancy board to supervise the case. If the community truancy board cannot reach an agreement, the case must be returned to the court. Courts may enforce board agreements by detention or other alternatives, such as community service. However, in the case of a truant six- or seven-year-old, the court may only enforce an order by fining the parent.

Truancy Petitions. Truancy petitions may be served by certified mail, return receipt requested. But personal service is required if service by mail is unsuccessful or the return receipt is not signed by the addressee.

School District Representation at Truancy Hearings. School districts alone are to determine who represents them at truancy hearings; their representatives need not be attorneys. Court discretion in permitting non-attorney representation is removed.

School Transfers. When a child transfers from one school district to another district, the receiving school district must count the unexcused absences accumulated in the previous district. 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.

Grants for Alternative Education Programs. 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. 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.

Study of Truancy Process. If funds are appropriated, the Superintendent of Public Instruction must contract for an evaluation to be done by the Institute of Public Policy or a similar agency. The evaluation must examine the following: (1) the effectiveness of the petition process and community truancy boards in reducing truancy; (2) the effects of juvenile court action on truants who return to school; and (3) the costs imposed on school districts by the truancy provisions. The cost analysis is to be submitted to the appropriate legislative committees by December 15, 1999, and the remaining evaluation is to be submitted by December 15, 2000.