

# SENATE BILL REPORT

## ESSB 5426

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As Passed Senate, March 10, 2005

**Title:** An act relating to decreasing truancy and dropouts.

**Brief Description:** Creating a work group to review laws governing school attendance.

**Sponsors:** Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Carrell, Hargrove, Benson and Sheldon).

**Brief History:**

**Committee Activity:** Early Learning, K-12 & Higher Education: 2/28/05, 3/2/05 [DPS].  
Passed Senate: 3/10/05, 47-0.

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### SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5426 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Benton, Berkey, Carrell, Delvin, Eide, Mulliken, Pflug, Rasmussen, Rockefeller and Schoesler.

**Staff:** Brian Jeffries (786-7422)

**Background:** Children aged eight to seventeen 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. A child who is six or seven years old must attend public school if the parent enrolls the child in school.

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.

Under current state law, each school district's high school program is required to report the number of students in grades nine through twelve who drop out of school over a four-year period. Additionally, school districts must report the dropout rates of students in each of the grades nine through twelve, disaggregated by ethnicity, gender, socioeconomic status, and disability status, and the causes and reasons attributed to students for having dropped out of school.

**Summary of Bill:** The Office of the Superintendent of Public Instruction (OSPI) in conjunction with the Administrative Office of the Courts is required to convene a work group to evaluate, and as needed, recommend modifications and additions to state statutes and administrative rules that issues pertaining to student truancy, the definition of excused and unexcused absences, attendance, and data collection requirements for school dropouts, student transfer, and student attendance.

The work group is comprised of representatives of the following:

- 1) Office of the Superintendent of Public Instruction;
- 2) State Board of Education;
- 3) teachers;
- 4) school administrators;
- 5) school counselors;
- 6) truancy officers and truancy board members;
- 7) Administrator of the Courts;
- 8) court judges;
- 9) prosecuting attorneys;
- 10) Office of Attorney General;
- 11) institutions of higher education;
- 12) members of the Legislature; and
- 13) other interested education organizations and personnel.

OSPI must report the findings of the work group to the Governor, the State Board of Education, and the Legislature no later than January 10, 2006.

The work group expires by January 31, 2006.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** Yes.

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

**Testimony For:** It has been since 1995 since the Becca Law has passed. Truancy reports have declined. The laws have been effective; however, truancy and student dropouts are still an issue in schools. This bill intends to re-evaluate the current rules and laws pertaining to

school attendance. OSPI is supportive of this bill but needs to emphasize that, given the scope of the workgroup, funds would be necessary.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Michael Carrell, prime sponsor; Martin Mueller, OSPI.