

HOUSE BILL REPORT

HB 1530

As Reported by House Committee On: Ways & Means

Title: An act relating to limiting government responsibilities under provisions of the Becca bill.

Brief Description: Limiting government responsibilities under provisions of the Becca bill.

Sponsors: Representatives Pedersen, Ross, Dammeier, Darneille, Hunter, Rodne, Maxwell, Reykdal and Goodman.

Brief History:

Committee Activity:

Ways & Means: 1/31/11, 2/10/11 [DPS].

Brief Summary of Substitute Bill

- Modifies the truancy petition and other requirements that apply to schools and school districts in responding to students who have unexcused absences, making them discretionary rather than mandatory.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

Staff: Alex MacBain (786-7288).

Background:

State law regarding school attendance requires children 8 to 17 years old to attend public schools unless they fall within certain exceptions. If a parent enrolls a 6 or 7-year-old child

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in school, the child is required to attend school and the parent is responsible for ensuring the child attends.

Duties of Schools and School Districts.

When a child who is over age 7 and required to attend school has unexcused absences, the school must provide notice and request a conference with the parent, and take other steps to eliminate or reduce the child's absences. The following specific duties are imposed on schools and school districts:

- After one unexcused absence in one month, the school must inform parents in writing or by phone of potential consequences of continuing absences.
- After two unexcused absences in one month, the school must schedule a conference with the parents and take steps to reduce absences.
- After five unexcused absences in a month, the district must enter into an attendance agreement with the student and parent, refer the student to a community truancy board, or file a truancy petition with the court.
- After seven unexcused absences in a month or 10 unexcused absences in a year, the district must file a truancy petition with the court.

Similar requirements apply to 6 and 7-year-old children who are enrolled in school, although the school district is not required to take specific action after the fifth unexcused absence in a month.

Truancy Petitions.

A truancy petition is filed in juvenile court and may be filed against the child, the parent, or both. Truancy petitions regarding 6 and 7-year-old students are filed against the parent. Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or refer the case to a community truancy board. If the court finds the student to be truant, the court may order the student to attend school, change schools, or appear before a community truancy board. If the student continues to be truant, the school or the court may file a contempt of court motion and various sanctions may be imposed, including detention or community service. Throughout the process, students and their families may be referred to other services.

Costs Associated With Truancy Petitions.

In 2009 the Washington State Institute for Public Policy (WSIPP) issued two reports analyzing the costs associated with truancy petitions for school districts and juvenile courts.

The WSIPP estimates that the statewide average cost to school districts per truancy case filed is \$183. This figure does not include indirect or overhead costs such as telephone calls and conferences. In the 2007-08 school year, the WSIPP estimates that school districts spent \$2.7 million for personnel to file petitions and contempt motions and to attend hearings. In that same year, the Legislature appropriated \$1.8 million to reimburse school districts for truancy petition costs.

With respect to court costs, the WSIPP estimates that the statewide average cost to courts is \$475 per truancy case (with the average cost across courts ranging from less than \$200 to almost \$1,500 per case). According to the WSIPP, courts incurred \$15.4 million in estimated

costs for truancy petitions filed during the 2007-09 biennium. In that same biennium, the state reimbursement to the courts for truancy cases was \$8.9 million.

Summary of Substitute Bill:

The duties of a school and a school district when a 6 or 7 year-old child has unexcused absences, including the duty to file a truancy petition, are made discretionary rather than mandatory.

The duties of a school district in responding to a student over age 7 who has five or more unexcused absences are made discretionary rather than mandatory. A school district may, but is not required to: take certain steps when a student has five unexcused absences in a month; and file a truancy petition after seven unexcused absences in a month or 10 in a year.

Substitute Bill Compared to Original Bill:

The substitute bill makes the duties of school districts in responding to students with unexcused absences discretionary rather than mandatory, including the duty to file a truancy petition. The original bill suspended the duties of school districts in responding to unexcused absences, including the requirement to file truancy petitions, for four months, between March 1, 2011, and July 1, 2011.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) A lengthy four-part study by the WSIPP found no evidence that the Becca truancy process has an effect on student outcomes. Another recent evaluation by the Center for State Courts concluded that the program has negative outcomes for school attendance, grade point average, and future criminality. This is an expensive program, costing the state over \$20 million per biennium with additional costs to courts and school districts. Rather than spending this money on a program that is not working, leave the resources with the schools. The bill makes the program voluntary so school districts that want to continue to use the program can. The bill recognizes that the Becca program can be a financial burden on school districts.

(Opposed) Juvenile court administrators believe strongly in the Becca mandate. The program is not perfect but it does work. When petitions are filed it brings parents and administrators

together and positive results occur. Local courts have pledged to make the program as effective as possible and will work with the Legislature to make the program a success.

Persons Testifying: (In support) Representative Pedersen, prime sponsor; Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers; and Marie Sullivan, Washington State School Directors' Association.

(Opposed) Tom McBride, Washington Association of Juvenile Court Administrators; and Dave Douglass, Aberdeen School District.

Persons Signed In To Testify But Not Testifying: None.