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## Education Committee

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### HB 2199

**Brief Description:** Changing compulsory school attendance requirements for children six and seven years of age.

**Sponsors:** Representatives Kelley, Dahlquist, Maxwell and Kenney.

**Brief Summary of Bill**

- Changes the compulsory age of school attendance from eight to six years of age.
- Repeals the truancy law specific to six and seven year old children.
- Clarifies that a declaration of intent to provide home-based instruction is only required of parents of children eight years and older who are receiving home-based instruction.

**Hearing Date:** 1/26/12

**Staff:** Cece Clynch (786-7195).

**Background:**

*Compulsory school attendance.* School districts must make educational programs available to all students ages five through 21 until they complete a high school diploma. Washington's compulsory attendance law states that all parents of any child eight years of age and under 18 years of age must cause the child to attend public school. There are exceptions to this law:

1. for children who are enrolled in an approved private school;
2. for children receiving home-based instruction where the parent has filed an intent to provide home-based instruction with the school district as provided by law;
3. if the school district superintendent excuses the child from attendance due to a physical or mental inability to attend, attendance at a residential or correctional facility, or temporary absence; or
4. if the student is at least 16 years old and has already completed a GED, or is working and the parent agrees that the student should not be required to attend.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The minimum age of compulsory attendance in Washington has been eight since 1901. The minimum age in other states is as follows:

- age eight: two states including Washington;
- age seven: 16 states;
- age six: 24 states; and
- age five: eight states.

*Truancy.* If parents enroll students who are age six or seven in public school, those students must attend school on the basis for which they are enrolled, either full-time or part-time. A student who is required to attend public school and has unexcused absences is considered truant. The truancy laws, often referred to as the Becca Bill, specify the process to be followed.

When a child who is over age seven 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:

1. After one unexcused absence in one month, the school must inform parents in writing or by phone of potential consequences of continuing absences.
2. After two unexcused absences in one month, the school must schedule a conference with the parents and take steps to reduce absences.
3. 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. (Not applicable to six and seven-year-olds.)
4. After seven unexcused absences in a month or 10 unexcused absences in a year, the district must file a truancy petition with the court.

A truancy petition is filed in juvenile court and may be filed against the child, parent, or both. Truancy petitions regarding six and seven-year-old students are filed only 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.

### **Summary of Bill:**

The minimum age of compulsory attendance in public school is lowered from age eight to age six.

The truancy law specific to six and seven-year-olds is repealed and the other truancy laws amended to specifically exclude six and seven-year-olds from the specific steps to be taken after five, seven, and ten unexcused absences. School districts must still call and confer with parents in the event of unexcused absences by six and seven-year-olds and take steps to eliminate or reduce the child's absences.

The law with respect to home-based instruction is amended to specifically provide that the signed declaration of intent is only required of parents of children age eight and older who are receiving home-based instruction.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.