

HOUSE BILL REPORT

HB 1477

As Reported by House Committee On:
Judiciary
Appropriations

Title: An act relating to providing flexibility for how school districts address truancy of students.

Brief Description: Providing flexibility for how school districts address truancy of students.

Sponsors: Representatives Magendanz, Pedersen, Dahlquist, Lytton, Hargrove, Fagan, Santos and Nealey.

Brief History:

Committee Activity:

Judiciary: 2/5/13, 2/12/13 [DPS];

Appropriations: 2/19/13, 2/27/13 [DPS(JUDI)].

Brief Summary of Substitute Bill

- Modifies truancy petitions and other requirements that apply to schools and school districts in responding to students who have unexcused absences.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Edie Adams (786-7180).

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

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.

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 actions 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 if the student is under the age of 17, and may file the petition for a student who is 17 years of age.

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.

Summary of Substitute Bill:

The requirements that a school provide notice, schedule conferences, and take other steps when a student over age 7 has one or two unexcused absences in a month are limited to students in the sixth grade or above. Schools may take these actions for students in the fifth grade or below. A school may provide notice of an unexcused absence to a parent by electronic mail, and may conduct parent conferences concerning unexcused absences by telephone or in person.

The duties of a school district in responding to a student 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 unexcused absences in a year.

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.

Substitute Bill Compared to Original Bill:

The substitute bill removed the requirement that school districts must file a truancy petition when a student who is 6 or 7 years old has seven unexcused absences in a month or 10 unexcused absences in a year.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 14, 2013.

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

Staff Summary of Public Testimony:

(In support) The truancy laws are at the top of the list of unfunded mandates we need to address. State funding does not cover the costs of the truancy mandates on school districts or the courts. Several studies have shown that the impact of filing truancy petitions is questionable at best. Less than one-third of cases that should be filed are actually filed. School districts should have flexibility so they can best determine the appropriate tools to address truancy. The court system is a blunt and expensive tool.

The Becca Task Force recommendation supports a revamp of the truancy process, but not necessarily eliminating the process. The truancy petition requirements can set up a process of collaboration, allowing the parties to work towards getting the student back in school. There should be increased data collection and increased reporting back to the school when students are not complying.

(Opposed) The Becca law is an important component of services for at-risk youth in the state. The petition requirement only applies in limited circumstances. The procedures schools are required to follow before a petition is filed are an important part of the process. The parent notification and conference requirement has value in addressing problems leading to truancy. Filing a truancy petition promotes diversion options, which can lead to getting a plan in place to get kids back in school.

Persons Testifying: (In support) Representative Magendanz, prime sponsor; Tom George, Center for Court Research, Administrative Office of the Courts; and Marie Sullivan, Washington State School Directors Association.

(Opposed) Tom McBride, Washington Association of Juvenile Court Administrators.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Dahlquist, Dunshee, Fagan, Green, Haigh, Haler, Harris, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Parker, Pedersen, Pettigrew, Pike, Ross, Schmick, Seaquist, Springer, Sullivan and Taylor.

Staff: Alex MacBain (786-7288).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Judiciary:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) In the last decade truancy has increased from 8.8 percent to 13.6 percent for high school kids. Only a third of cases are being handled in compliance with the law. This bill would provide \$18 million a year in cost savings for states, school districts, and courts.

(Opposed) We believe that the mandate applies rarely and we believe that it works. The mandate to file a truancy petition promotes alternative and less costly options like diversion agreements. This program along with other efforts, has helped decrease the juvenile arrest rates. Examine the efficacy of the program before throwing it all out.

Persons Testifying: (In support) Representative Magendanz, prime sponsor.

(Opposed) Tom McBride, Washington Association of Juvenile Court Administrators.

Persons Signed In To Testify But Not Testifying: None.