

SENATE BILL REPORT

SB 5537

As of January 12, 2022

Title: An act relating to changing compulsory school attendance requirements for children five, six, and seven years of age.

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

Sponsors: Senators Wellman, Wilson, C., Dhingra and Kuderer.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/14/22.

Brief Summary of Bill

- Lowers the minimum age for compulsory school attendance from eight to five years old.
- Amends truancy provisions to align with this change.
- Requires parents who intend to have their children receive home-based instruction to file an annual declaration of intent and keep certain records beginning when a child is five instead of eight years old.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: School Attendance. Current state law requires each school district's K-12 program of basic education to be accessible to all students who are five years old and less than 21. The Office of the Superintendent of Public Instruction (OSPI) and school districts have authority to establish uniform entry qualifications, including birth date requirements, for admission to kindergarten and first grade. An OSPI rule provides that generally a child must be five years old as of midnight of August 31st of the year of entry to be entitled to

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enter kindergarten.

Parents of children who are eight and under 18 years old must cause their children to attend a public school of the district in which the child resides unless the child is:

- attending an approved private school;
- receiving home-based instruction; or
- meets other exceptions provided by law.

The beginning age for compulsory school attendance varies by state, ranging from five to eight years old. Washington State is the only state with the beginning age of eight.

Truancy. If a child fails to attend school without valid justification, public schools must take certain actions including informing the parents, scheduling a conference, and taking data-informed steps to eliminate or reduce the child's absences. If these actions are not successful, the school district must file a truancy petition after a certain number of absences if the child is under 17 years old.

If a parent enrolls a child who is six or seven years old, the child must attend school even though the child is below eight. Current state law includes separate truancy provisions for these younger ages that are similar to the truancy provisions for older children.

Home-Based Instruction. Home-based instruction requires a parent to annually file a declaration of intent to provide their child with home-based instruction beginning when the child is eight years old until 18. Parents must also keep certain records and annually administer a standardized achievement test.

Summary of Bill: School Attendance. The minimum age for compulsory school attendance is lowered from eight to five years old. This requirement does not apply to a child who turns five years old while enrolled in a school district based on an individual exception for earlier entry, an Early Childhood Education and Assistance Program, a Head Start program, or other prekindergarten programs.

The child may attend either the public school of the district in which the child resides or another public school in the state unless the child meets one of the exceptions provided by law.

Truancy. The separate truancy provision that addresses children who are six and seven years old is repealed because children who are five, six, and seven years old are included under the main truancy law. The differences in the way children who are six and seven years are treated under current truancy law are maintained and includes children who are five years old.

School districts must file a truancy petition if a child is required to attend school and is under 18 instead of 17 years old.

Home-Based Instruction. Parents must annually file a declaration of intent to provide their child with home-based instruction and keep certain records beginning when the child is five years old instead of eight. The annual administration of a standardized achievement test remains at eight years old.

The act takes effect August 1, 2022. However, certain school district requirements related to absences and truancy take effect August 1, 2023, if a local school board district board of directors determines it is unable to comply with the August 1, 2022 date. School districts that make this determination and consequently delay the effective date of the new requirements must inform OSPI.

Appropriation: None.

Fiscal Note: Requested on January 5, 2022.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.