

Truancies and School Attendance

Must children go to school?

All children between the ages of 8 and 18 must go to school, unless:

- They attend an approved private school
- They are home schooled
- They attend a certified education center devoted to teaching basic academic skills, or
- They are excused by the school superintendent because they are physically or mentally unable to attend school

Youth who are 16 or older may be excused from attending public school if:

- They are regularly and lawfully employed *and* the parent agrees that the child should not be required to attend school *or* the child is legally emancipated
- They have already met graduation requirements, or
- They have received a “certificate of educational competence” by meeting certain requirements, including passing the GED

Children who are 6 or 7 years old are not required to be enrolled in school. If a parent chooses to enroll them, they must attend regularly unless:

- The student is temporarily excused by the school district
- The child is formally removed from enrollment before a truancy petition is served, or
- The child attends school part-time to receive supplemental services

A child may miss school for a valid excuse, such as an illness. If there is no valid excuse, the school district can bring a truancy action against the child and his or her parents.

What happens if my child is missing school?

Before the school district can bring a truancy action, it must first:

- Notify the parents of the child’s unexcused absences;
- Schedule a conference with the parents after unexcused absences;
- Take steps necessary to eliminate or reduce the child’s absences.

What happens in a truancy action?

In a truancy action, the school district files the case in court. If the school district brings a truancy action, the school must prove at the factual hearing that:

- the student missed all the days that they claim he/she missed;

- the absences were unexcused;
- the school district has taken the necessary steps to eliminate or reduce the absences.

It is important to appear at all court hearings related to the truancy. At these hearings you will be allowed to tell your side of the story and to challenge the school district's claims about you or your child. You have the right to explain why the child is missing school and what you think would help the child. You also have the right to show how the school failed to take steps to keep the child in school.

Can I ask the school to help get my child to attend?

The law requires that before bringing a truancy action, the school must take the necessary steps to eliminate or reduce the child's absences. This means that the school must find out why the child is not coming to school and must try to find a solution.

For example, if the child needs special education because of a disability, the school district must provide appropriate special education and other services such as counseling, therapy and medical services (for diagnosis or evaluation).

Another example would be where a child is afraid to attend school because another child is threatening, harassing, or bullying them. Here, the school district must take steps to stop the harassment, such as transferring the child to another school.

If your child is not going to school, it is important to contact the school principal or a teacher to request help with the child's attendance. If you do nothing, the school may file a truancy action in court. If the parents ask the school for help with attendance problems, but the school won't provide the help needed, the parents can file a truancy action.

What can the court do?

If the court finds that you or your child has not properly attended school, it may order the child to attend school and will monitor his/her attendance. If the child fails to follow the court's order, the child or the parent may be found in contempt (found to have violated the order).

In cases of contempt, the court could:

- Fine the parent \$25 per day;
- Order the child to perform community service hours;
- Sentence the child to secure detention in the juvenile jail for up to seven days at a time.

At the factual hearing in a truancy case, neither the child nor the parent has a right to an attorney, but the child has a right to an attorney if he/she is charged with contempt. To contact a free attorney call your local juvenile court (go to www.courts.wa.gov for a directory).

What if I can't communicate with the school in English?

Notices to the parents must be given in their language, if practical. You may have a friend or family member call the school to request an oral translation. You should also ask for an interpreter to accompany you to any meetings and you have a right to an interpreter at any court hearings. It is not your responsibility to find or pay for the interpreter.

Where can I get help?

If you have a truancy problem or if you have any questions, you can call:

- Northwest Justice Project: 1-888-201-1014 (outside King County)
- Northwest Justice Project: (206) 464-1519 (King County)

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, July 2007.

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