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ABSTRACT

A review of state laws in Washington state was conducted to determine how compulsory attendance laws for schools apply to the students of Renton Vocational-Technical Institute. It was found that the compulsory attendance laws of the state do not apply to vocational-technical institutes. The attendance policy of the local school board does apply, however. Vocational technical institutes are part of the common school system and are governed by the board of directors of the school district in which the institute is located. Institutes have as their main role and mission the training of persons for the work force. They do this as far as possible by replicating the world of work in classroom and laboratory settings of the institute. The attendance policy is established by the school board and enforced by the institute. This policy is explained to the students upon enrollment and exceptions to its provisions may be made upon request by the students. The policy is perceived by the institute as part of a contract between the student and the institute. The review concludes that the policy is fair and equitable, the rights of students are protected, and the role and mission of the institute is furthered by adherence to its provisions.  
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Attendance Policy as a Means to Achieve  
Instructional Training Goals at a  
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## Compulsory Attendance

The notion that states had the authority to establish compulsory attendance requirements for students has gradually evolved during the first half of this century. The need was seen as the interest of society being served by having an educated citizenry and achieved by requiring parents to send their children to school. Even when opposed by parents, as it was in a 1901 Illinois<sup>1</sup> case, the need of the state was seen as more important than that of the rights of the parents. The first challenge to this authority at the Supreme Court level occurred in the state of Oregon 1925 in *Pierce v Society of Sisters*.<sup>2</sup> In that decision it was established that while it was the appropriate province of the state to be concerned about the education of its citizens, it was not an appropriate use of its power to require that this education occur in the public school system only.

An exception to the Wisconsin compulsory attendance law was granted by the Supreme Court of that state in *State v Yoder*.<sup>3</sup> This involved a case of religious belief which was counter to compulsory attendance requirements. The Supreme Court of the United States later affirmed this decision.<sup>4</sup> Subsequent to *Yoder*, States have tended to allow exceptions to the compulsory attendance requirement provided that it was established that the student was receiving comparable education in a parochial, private or home tutor setting.

In the state of Washington the compulsory attendance requirements are contained in RCW 28A.27. These statutes state in part that the

parents who have children between the ages of 8 and 18 have an obligation to insure that the student attends public school in the district in which the child resides. A number of exceptions are noted in the statute<sup>5</sup> and include the following: (a) the student is enrolled in a private school or instruction program (b) the student is receiving home based instruction (c) the student is excused from attendance because of mental or physical inability or (d) the student is 15 and has mastered the appropriate skills and concepts, is employed, has met graduation requirements or has received a G.E.D. The last provision means that for all practical purposes the compulsory attendance requirement ceases at 15 years of age. Home based education must be supervised by a certificated person and there are further stipulations relative to the qualifications of the home based teacher. The 28A.27 section also has regulations on juveniles who fail to attend school, required census data, reporting of training and various penalties attached to same.

The previous chapter of the RCW, (chapter 28A.26) has a section which states that a student should not be required to attend a school other than one geographically near his home.<sup>6</sup> Some exceptions to this rule are referenced in the statute. It should be noted that this statute, which came about because of a statewide initiative, (Initiative 350), was declared unconstitutional by the U.S. Supreme Court in *Washington v Seattle School District No.1*<sup>7</sup>

No references are made to compulsory attendance at vocational technical institutes in the state of Washington. It seems clear however that the compulsory attendance laws of the state do not apply to vocational technical institutes in so far as the majority of the student body is concerned in that the average age is 30. The laws however do apply to the younger students it would appear.

#### Vocational Technical Institutes as Part of the Common Schools

The legal status of vocational technical institutes is unusual in that while it serves mostly adults (as had been noted by the Temporary Committee on Educational Policies, Structure and Management)<sup>8</sup> they are part of the common school system as the following references will show. This committee has recognized this in its extensive report and has recommended that the governance of VTIs be removed from the jurisdiction of the local school boards and the SPI and be placed with the Higher Education Board as a separate system. They have also recommended that the age of 18 be the determiner between secondary and post secondary education in the state.

Article 9 and 2 of the State Constitution states that "the public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established." As is clear from RCW 28A.01.055 the description of public school includes both common schools and institutions of

learning having a curriculum below the college and university level. This would presumably include the community college system. A subsequent code (RCW 28 A.03.030) states that the Superintendent of Public Instruction has supervision over all matters pertaining to the public schools of the state. The view then that the Superintendent of Public Instruction has jurisdiction over the community college system has at least face validity. The common schools are defined in RCW 28A.01.060 and include vocational education courses. Voc Tech Institutes are defined in RCW 28C.04.025 as educational facilities which offer comprehensive courses primarily oriented to the job market for individuals 16 years of age and older. It goes on to reference the vocational technical institutes within the context of the common school system. As is clear from RCW 28C.04.020 the existing vocational technical institutes, which operate within the secondary school system are to remain within the common school system. This is notwithstanding the 28B section, the higher education portion of RCW which states that each board of community college trustees shall operate all existing community colleges and vocational technical institutes within its district.

There does appear to be some confusion within the law when the state Constitution, the 28A, 28B, and 28C sections of RCW are compared, and it may require a Supreme Court decision at some

future time for clarification.

### Vocational Education in General

Vocational education means a planned series of learning experiences which has as its primary objective the gaining of employment in recognized occupations including homemaking and occurs at a level below that of a baccalaureate degree.<sup>9</sup> It differs from vocational exploration which focuses not on specific job preparation but on developing an understanding of and an appreciation for work in general and seeks to provide instruction to individuals so that they can make informed career choices.<sup>10</sup>

Vocational education has advisory committees<sup>11</sup> made up of employers and employees engaged in that specific occupation and advise school authorities in matters related to curriculum, job trends and employment opportunities. In planning for new program offerings it is important that such proposed programs have the endorsement of the Advisory Committee which substantiates the fact that there is a program need in that particular job area.

### Vocational Technical Institutes

Vocational Technical Institutes program offerings are primarily vocational in nature although they offer a number of other programs and courses not related to vocational education. The vocational programs at a voc. tech institute<sup>12</sup>

(a) provide for the interest of students and the needs of



industry

- (b) are flexibly related to employment opportunities
- (c) are determined by the needs, aptitudes and interests of students
- (d) are designed to develop the skills , understanding and attitudes needed by a worker in his/her occupation.
- (e) provide opportunities for training and retraining for employment
- (f) are designed for continuous enrollment when applicable.

The role and mission of vocational technical institute<sup>13</sup> is to provide training, retraining and upgrading for occupations not requiring a baccalaureate or higher degree for entry level employment. To accomplish this mission it has become increasingly necessary to provide remedial or developmental education so that individuals who lack the required competencies in language and computation receive the appropriate remediation.

Individuals who are in need of training are a heterogeneous group with respect to ability, interest achievement and socio economic status. The enrollees in a program may include a recent high school graduate side by side with a middle age career changer, an early retiree or an individual who has been made redundant by a changing world economy. What they have in common is a need to acquire a job skill so that they are employable. The institute assumes the

responsibility of determining that the program offerings are relevant to needs of the labor market. Through the use of craft advisory committees, as referenced above, prospective labor force needs are analyzed and worker replacements and new job openings are determined.

A deliberate effort is made to ensure that training includes only that which is relevant to the job for which the training is being offered. The trainee is then held accountable for mastering the skills and conceptual knowledge essential for seeking, gaining, and holding a job. An attempt is made by the institute to replicate in the school setting the actual job setting. This includes attitude, emphasis on performance, productivity and profit, emphasis on time clocks punctuality and attendance.

#### Institutes' Attendance Policy

Attendance policy is determined by the school board. As part of the Renton School District the attendance policy for the Renton VTI has been set by the Renton School Board. Although the following policy was developed in cooperation with school administration and instructors its authority comes from the fact that it was set by the board. The policy is as follows:

**ATTENDANCE - DISTRICT POLICY 5100:** Because attendance is absolutely necessary for the attainment of occupational skills and because the attendance factor is critical in the successful placement of trained students in entry-level employment, the following attendance policy applies:

Students are expected to attend each school day for the regularly scheduled time. Attendance records will be maintained in half-hour increments. A student who is tardy and/or absent in excess of twenty-four (24) hours during an enrollment period shall be placed on probation for twenty school days by the instructor. Further attendance violations while on probation may lead to suspension.

Students who achieve perfect attendance during each enrollment period will be eligible for a perfect attendance award. The record as kept by the instructor will be considered the official record for computing attendance.

The procedure relative to the implementation of the policy goes on to state the absent time may be made up and outlines a number of ways in which this can be done. This includes attending another class section, using an individualized self instructional unit, or by an site or off site assignment. It should be noted that no distinction is made between excused absences and unexcused absences. This is in keeping with the institutes position that employers expect employees to report for work each day.

Attendance is learned behavior and is an important part of the training process. Attendance, it is felt, is an important factor in the student's future employability. Prospective employers, advisory committee members, assign so much importance to attendance that many assume that school attendance presages job attendance and make hiring

decisions on the basis of this.<sup>14</sup> The overriding factor in establishing an attendance policy is the expectancy employers have that employees will ordinarily report for work each day. The societal changes of the 70's have had some impact in terms of the role of work in society. Some employers have responded by offering such alternatives as flex time and the use of company computers in the home of the worker. The recent public discussion in government and business about the need for increased productivity and competitiveness in a world market place has heightened the public's awareness of the importance of a dedicated work force. The traditional work ethic may have changed somewhat but it is still alive and well in corporate America.

It is within this broad context that the institute's attendance policy may be seen to be reasonable and appropriate. The policy can be seen as part of the contract between the student and the institute. What is offered by the institution is training (consideration) in exchange for tuition.

This activity is freely entered into by both parties, the institute and the student. When the student registers by filling out the registration form and signing their name they have agreed to accept the training. The attendance requirements are part of that training and can be enforced by agents of the school district who are acting on behalf of the legally constituted school board. A copy of this attendance policy is given to each student upon registration. At

the beginning of each academic period this policy is explained to the students in class by the instructional staff as well as periodically throughout the semester.

The students are reminded that violations of the attendance policy may lead to probation and suspension. Suspension is progressive, short term first, and then if violations continue long term. Students are aware that in both business and industry non attendance on the job is punished by loss of pay for a few days and, if the infractions continue, by termination. In a setting like a vocational technical institute the closest parallel to the work world that is available, is to deny the benefit of training for an attendance infraction. Provision is made at the institute to grant leaves of absence, upon request, to students who need to be absent because of medical and legal reasons or need to be absent because of unusual circumstances that are specific to an individual student.

While attendance policies are strictly enforced the rights of students are protected by the grievance and hearing processes. Although training at a vocational technical institute is not a right in the same sense that the term is used by the Supreme Court in *Seattle School District v State of Washington*,<sup>15</sup> students do have, once accepted and enrolled, a property interest in continuing their training. That property interest should not be denied without due process of law.<sup>16</sup> The students therefore, once enrolled, have the same rights as that of others in the common school system. The vocational

technical institutes take the position that as far as discipline and suspension of students is concerned the common school procedures are to be followed.

In summary, the compulsory attendance laws of the state do not apply to vocational technical institutes. The attendance policy of the local school board however does. Vocational technical institutes are part of the common school system and are governed by the board of directors of the school district where the institute is located. Institutes have as their main role and mission the training of individuals for the work force. They do this as far as possible, by replicating the world of work in classroom and lab settings of the institute. The attendance policy is established by the school board and enforced by the institute. This policy is explained to the students upon enrollment and exceptions to its provisions may be made upon request by the students. The policy is perceived by the institute as part of a contract between the student and the institute. It is fair and equitable, the rights of students are protected and the role and mission of the institute is furthered by adherence to its provisions.

## References

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