

HOUSE BILL REPORT

SSB 6494

As Reported by House Committee On: Judiciary

Title: An act relating to improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case.

Brief Description: Improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala and Carrell).

Brief History:

Committee Activity:

Judiciary: 2/16/12, 2/20/12 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Provides that a school district is not required to file truancy petitions for truant students who are 17 years old.
- Requires a truancy petition to include information relating to the child's current academic status and revises school district reporting requirements once the court assumes jurisdiction over a child.
- Provides that a court may not issue a bench warrant for a child who fails to appear at an initial truancy petition hearing.

HOUSE COMMITTEE ON JUDICIARY

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.

Majority Report: Do pass as amended. Signed by 12 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Hansen, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Edie Adams (786-7180).

Background:

State law regarding school attendance requires children ages 8 to 17 years 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.

Duties of Schools and School Districts.

When a child who is required to attend school has unexcused absences, the school must take steps to eliminate or reduce the child's absences and must also notify and request a conference with the parent. After five unexcused absences in one month the school district must either: enter into a school attendance agreement with the student and parent; refer the student to a community truancy board; or file a truancy petition requesting court intervention or supervision.

If the efforts of the school and the parents do not reduce the child's absences, the school district must file a truancy petition with the juvenile court no later than the seventh unexcused absence in a month or the tenth unexcused absence during a school year.

Truancy Petitions.

A truancy petition is filed in juvenile court and may be filed against the child, the parent, or both. The truancy petition must include specified information about the parents and child, including any individualized education program for the child. Truancy petitions may be served by certified mail, return receipt requested, but if such service is unsuccessful or the return receipt is not signed, personal service of the petition is required.

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. The court may require the attendance of the child, the parents, and the school district at any hearing on the truancy petition.

If the court finds the student to be truant, the court assumes jurisdiction over the child and 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 Amended Bill:

The requirement that a school district file a truancy petition after a student's seventh unexcused absence in a month, or tenth in a year, does not apply to a student who is 17 years old. A school district has discretion to file a truancy petition with respect to a child who is 17 years old, and a court is not required to terminate jurisdiction over a child when the child turns age 17.

A truancy petition must include information relating to the child's current academic status. The court may not issue a bench warrant for a child who fails to appear at a hearing on an initial truancy petition.

When a court assumes jurisdiction over a child, the school district must report periodically, rather than regularly, any additional unexcused absences by the child. In addition, the school district must periodically report the actions taken by the school district and provide an update on the child's academic status in school at a schedule specified by the court. The school district's first report to the court must be given no later than three months from the date the court assumes jurisdiction.

Amended Bill Compared to Substitute Bill:

The original bill included a provision stating that the court may enter a default order assuming jurisdiction over a child who fails to attend the initial hearing if there has been proper service.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.