

# SENATE BILL REPORT

## SSB 6494

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As Amended by House, March 6, 2012

**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:** Human Services & Corrections: 2/02/12 [DPS, w/oRec].

Passed Senate: 2/13/12, 31-17.

Passed House: 3/06/12, 91-2.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Harper and McAuliffe.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Carrell and Padden.

**Staff:** Kevin Black (786-7747)

**Background:** Any child in the state of Washington who is at least eight years and under the age of 18 must attend school unless the child is receiving home-based instruction or qualifies for a lawful excuse. A child who is 16 years of age or older may be exempted from mandatory attendance requirements if the child is regularly and lawfully employed and is

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either emancipated or has the agreement of the child's parents, or may be exempted if the child has already met graduation requirements or obtained a certificate of educational competence.

If a child is required to attend school and is absent from school without excuse, the school district must inform the parents and take steps to eliminate or reduce the child's absences. If these efforts are unsuccessful, no later than the seventh unexcused absence within a month or tenth unexcused absence within a school year, the district must file a petition in juvenile court alleging a violation of mandatory attendance laws and asking the court to assume jurisdiction over the child. If the allegations in the petition are proven by a preponderance of the evidence, the court must grant the petition and enter an order assuming jurisdiction to intervene for the purpose of causing the juvenile to return and remain in school.

**Summary of Substitute Bill:** The maximum age of a child at which a school district may be legally required to file a truancy petition is lowered from 17 to 16 years of age. Court jurisdiction is not required to terminate when a child turns 17, nor is a school district precluded from filing a truancy petition. The truancy petition must include information describing the child's current academic status in school. A court may not issue a bench warrant for a child for failure to appear at an initial truancy hearing, but may enter a default order assuming jurisdiction over the child. After the court assumes jurisdiction, the school district must periodically update the court about the child's academic status in school at a schedule to be determined by the court, with the first report to be received no later than three months from the date at which the court assumes jurisdiction.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: We support this bill but would like to clarify that the limitation on bench warrants only applies to the initial truancy petition hearing. There is a cost savings. This will help us focus on younger children in the truancy system and refer older children to other services. Education is important so that we have skilled workers in Washington. We want tools to be in place to keep kids in school and reengage them. Courts should have information about the student's academic progress to help them work smarter to reduce truancy.

**Persons Testifying:** PRO: Pete Petersen, WA Assn. of Juvenile Court Administrators; Donna Steward, Assn. of WA Business.

**House Amendment(s):** Eliminates language authorizing a court to enter a default order assuming jurisdiction over a child who fails to appear for an initial truancy hearing.