

SENATE BILL REPORT

HB 1075

As of March 17, 1997

Title: An act relating to court jurisdiction.

Brief Description: Providing concurrent jurisdiction for certain courts dealing with compulsory school attendance.

Sponsors: Representatives Hickel, Mitchell, Keiser and Delvin.

Brief History:

Committee Activity: Law & Justice: 3/20/97.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Dick Armstrong (786-7460)

Background: Children who are of the age of eight years old to 17 years old are required to attend school. If a child fails to attend school without valid justification, the school must take certain actions, including notifying the parent, scheduling a parent conference, and other steps to reduce the child's absences. No later than the fifth unexcused absence, the school must enter into an agreement with the student and parent requiring school attendance, refer the student to a community truancy board, or file a truancy petition with the juvenile court.

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 10th unexcused absence during a school year. The petition may be filed against the child, the parent, or the child and parent.

If the court finds that actions of the school district have not reduced the child's absences and that court intervention is necessary to reduce the absences, the court must grant the petition and assume jurisdiction over the child for the remainder of the school year. The court may order the child to attend school or an alternative school or education program. If the child fails to comply with the court order, the court may impose a sanction of detention or community service. If the court finds that a parent failed to exercise reasonable diligence in requiring the child to attend school, the court may fine the parent up to \$25 for each day of unexcused absences, or may impose a requirement of community service.

Prior to 1995, truancy petitions could be filed in juvenile court, which is part of superior court, or in district or municipal courts. In 1995, the Legislature repealed the authority of district and municipal courts to hear truancy petitions and required the petitions to be filed in juvenile court. The Legislature also expanded the circumstances under which a truancy petition must be filed.

Summary of Bill: District and municipal courts are granted original concurrent jurisdiction with the juvenile court over all proceedings involving truancy petitions. District and municipal courts may agree to exercise that jurisdiction but are not required to exercise it.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.