
Judiciary Committee

SSB 6494

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 Summary of Substitute Bill

- 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.

Hearing Date: 2/16/12

Staff: Edie Adams (786-7180).

Background:

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.

State law regarding school attendance requires children ages eight to 17 years to attend public schools unless they fall within certain exceptions. If a parent enrolls a six or seven 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 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 of age. 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 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. Instead, the court may enter a default order assuming jurisdiction over the child if there has been proper service.

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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.