

# SENATE BILL REPORT

## SB 5651

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As of February 13, 2015

**Title:** An act relating to eliminating detention for truant students found in contempt of a court order.

**Brief Description:** Eliminating detention for truant students found in contempt of a court order.

**Sponsors:** Senators Darneille, Kohl-Welles, Frockt, Jayapal, Keiser and Hasegawa.

**Brief History:**

**Committee Activity:** Human Services, Mental Health & Housing: 2/16/15.

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### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Staff:** Alison Mendiola (786-7444)

**Background:** In 1995 the Legislature passed a comprehensive act, known as the Becca Bill, addressing concerns about at-risk and runaway youth. The Becca Bill dealt with four main subject areas including runaway youth, alternative placements for youth, chemical dependency and mental health treatment for minors, and students who are truant.

The goal of the legislation was to provide increased protection for children who engage in harmful acts or behaviors, and to give parents, the Department of Social and Health Services, schools, courts, and law enforcement additional tools to help children.

Compulsory Education. State law regarding school attendance requires children 8 to 17 years of age 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 must attend school and the parent is responsible for ensuring the child attends. After seven unexcused absences in one month or ten unexcused absences in one year, the district must file a truancy petition with the court.

Truancy Petitions. A truancy petition is filed in juvenile court and may be filed against the child, the parent, or both. Truancy petitions regarding six and seven-year-old students are filed against the parent. 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. If the court finds the student to be truant, the court 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,

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including detention or community service. Throughout the process, students and their families may be referred to other services.

Court Orders. Upon hearing a truancy petition, a court may order a child to do one or more of the following:

- attend school and set forth minimum attendance requirements;
- order the child to attend another public school or type of school;
- order the child to attend a private nonsectarian school or program, including an education center, without a cost to the parent;
- refer the child to a community truancy board if available, or
- submit to testing for the use of controlled substances or alcohol. If the testing results are positive, the court may order the child to abstain from the unlawful consumption of the substance.

If a child fails to comply with a court order, the court may order the child to be detained in a juvenile detention facility for a maximum of seven days, or may impose alternatives to detention such as community restitution. If a child continues to be truant after entering into a court-approved order with a community truancy board, the juvenile court must find the child in contempt and the court may order the child to be detained, or may impose alternatives to detention.

**Summary of Bill:** A child found to be in violation of a court order based on truancy may not be subject to detention. The court may impose alternatives to detention consistent with best practice models for reengagement with school.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

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