
HOUSE BILL 1283

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Maxwell, Stonier, Johnson, Hunt, Reykdal, Bergquist, Sawyer, Pollet, Cody, Kagi, Roberts, Orwall, Lytton, Jinkins, and Ryu

Read first time 01/22/13. Referred to Committee on Education.

1 AN ACT Relating to changing compulsory school attendance
2 requirements for children six and seven years of age; amending RCW
3 28A.225.010, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035,
4 28A.225.090, and 28A.200.010; and repealing RCW 28A.225.015.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
7 read as follows:

8 (1) All parents in this state of any child (~~eight~~) six years of
9 age and under eighteen years of age shall cause such child to attend
10 the public school of the district in which the child resides and such
11 child shall have the responsibility to and therefore shall attend for
12 the full time when such school may be in session unless:

13 (a) The child is attending an approved private school for the same
14 time or is enrolled in an extension program as provided in RCW
15 28A.195.010(4);

16 (b) The child is receiving home-based instruction as provided in
17 subsection (4) of this section;

18 (c) The child is attending an education center as provided in
19 chapter 28A.205 RCW;

1 (d) The school district superintendent of the district in which the
2 child resides shall have excused such child from attendance because the
3 child is physically or mentally unable to attend school, is attending
4 a residential school operated by the department of social and health
5 services, is incarcerated in an adult correctional facility, or has
6 been temporarily excused upon the request of his or her parents for
7 purposes agreed upon by the school authorities and the parent:
8 PROVIDED, That such excused absences shall not be permitted if deemed
9 to cause a serious adverse effect upon the student's educational
10 progress: PROVIDED FURTHER, That students excused for such temporary
11 absences may be claimed as full time equivalent students to the extent
12 they would otherwise have been so claimed for the purposes of RCW
13 28A.150.250 and 28A.150.260 and shall not affect school district
14 compliance with the provisions of RCW 28A.150.220; or

15 (e) The child is sixteen years of age or older and:

16 (i) The child is regularly and lawfully employed and either the
17 parent agrees that the child should not be required to attend school or
18 the child is emancipated in accordance with chapter 13.64 RCW;

19 (ii) The child has already met graduation requirements in
20 accordance with state board of education rules and regulations; or

21 (iii) The child has received a certificate of educational
22 competence under rules and regulations established by the state board
23 of education under RCW 28A.305.190.

24 (2) A parent for the purpose of this chapter means a parent,
25 guardian, or person having legal custody of a child.

26 (3) An approved private school for the purposes of this chapter and
27 chapter 28A.200 RCW shall be one approved under regulations established
28 by the state board of education pursuant to RCW 28A.305.130.

29 (4) For the purposes of this chapter and chapter 28A.200 RCW,
30 instruction shall be home-based if it consists of planned and
31 supervised instructional and related educational activities, including
32 a curriculum and instruction in the basic skills of occupational
33 education, science, mathematics, language, social studies, history,
34 health, reading, writing, spelling, and the development of an
35 appreciation of art and music, provided for a number of hours
36 equivalent to the total annual program hours per grade level
37 established for approved private schools under RCW 28A.195.010 and
38 28A.195.040 and if such activities are:

1 (a) Provided by a parent who is instructing his or her child only
2 and are supervised by a certificated person. A certificated person for
3 purposes of this chapter and chapter 28A.200 RCW shall be a person
4 certified under chapter 28A.410 RCW. For purposes of this section,
5 "supervised by a certificated person" means: The planning by the
6 certificated person and the parent of objectives consistent with this
7 subsection; a minimum each month of an average of one contact hour per
8 week with the child being supervised by the certificated person; and
9 evaluation of such child's progress by the certificated person. The
10 number of children supervised by the certificated person shall not
11 exceed thirty for purposes of this subsection; or

12 (b) Provided by a parent who is instructing his or her child only
13 and who has either earned forty-five college level quarter credit hours
14 or its equivalent in semester hours or has completed a course in home-
15 based instruction at a postsecondary institution or a vocational-
16 technical institute; or

17 (c) Provided by a parent who is deemed sufficiently qualified to
18 provide home-based instruction by the superintendent of the local
19 school district in which the child resides.

20 (5) The legislature recognizes that home-based instruction is less
21 structured and more experiential than the instruction normally provided
22 in a classroom setting. Therefore, the provisions of subsection (4) of
23 this section relating to the nature and quantity of instructional and
24 related educational activities shall be liberally construed.

25 **Sec. 2.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to
26 read as follows:

27 (1) If a child required to attend school under RCW 28A.225.010
28 fails to attend school without valid justification, the public school
29 in which the child is enrolled shall:

30 (a) Inform the child's custodial parent, parents, or guardian by a
31 notice in writing or by telephone whenever the child has failed to
32 attend school after one unexcused absence within any month during the
33 current school year. School officials shall inform the parent of the
34 potential consequences of additional unexcused absences. If the
35 custodial parent, parents, or guardian is not fluent in English, the
36 preferred practice is to provide this information in a language in
37 which the custodial parent, parents, or guardian is fluent;

1 (b) Schedule a conference or conferences with the custodial parent,
2 parents, or guardian and child at a time reasonably convenient for all
3 persons included for the purpose of analyzing the causes of the child's
4 absences after two unexcused absences within any month during the
5 current school year. If a regularly scheduled parent-teacher
6 conference day is to take place within thirty days of the second
7 unexcused absence, then the school district may schedule this
8 conference on that day; and

9 (c) Take steps to eliminate or reduce the child's absences. These
10 steps shall include, where appropriate, adjusting the child's school
11 program or school or course assignment, providing more individualized
12 or remedial instruction, providing appropriate vocational courses or
13 work experience, referring the child to a community truancy board, if
14 available, requiring the child to attend an alternative school or
15 program, or assisting the parent or child to obtain supplementary
16 services that might eliminate or ameliorate the cause or causes for the
17 absence from school. If the child's parent does not attend the
18 scheduled conference, the conference may be conducted with the student
19 and school official. However, the parent shall be notified of the
20 steps to be taken to eliminate or reduce the child's absence.

21 (2) For purposes of this chapter, an "unexcused absence" means that
22 a child:

23 (a) Has failed to attend the majority of hours or periods in an
24 average school day or has failed to comply with a more restrictive
25 school district policy; and

26 (b) Has failed to meet the school district's policy for excused
27 absences.

28 (3) If a child transfers from one school district to another during
29 the school year, the receiving school or school district shall include
30 the unexcused absences accumulated at the previous school or from the
31 previous school district for purposes of this section((7)) and RCW
32 28A.225.030(~~(7 and 28A.225.015)~~).

33 **Sec. 3.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to
34 read as follows:

35 (1) For purposes of this chapter, "community truancy board" means
36 a board composed of members of the local community in which the child
37 attends school. Juvenile courts may establish and operate community

1 truancy boards. If the juvenile court and the school district agree,
2 a school district may establish and operate a community truancy board
3 under the jurisdiction of the juvenile court. Juvenile courts may
4 create a community truancy board or may use other entities that exist
5 or are created, such as diversion units. However, a diversion unit or
6 other existing entity must agree before it is used as a truancy board.
7 Duties of a community truancy board shall include, but not be limited
8 to, recommending methods for improving school attendance such as
9 assisting the parent or the child to obtain supplementary services that
10 might eliminate or ameliorate the causes for the absences or suggesting
11 to the school district that the child enroll in another school, an
12 alternative education program, an education center, a skill center, a
13 dropout prevention program, or another public or private educational
14 program.

15 (2) The legislature finds that utilization of community truancy
16 boards, or other diversion units that fulfill a similar function, is
17 the preferred means of intervention when preliminary methods of notice
18 and parent conferences and taking appropriate steps to eliminate or
19 reduce unexcused absences have not been effective in securing the
20 child's attendance at school. The legislature intends to encourage and
21 support the development and expansion of community truancy boards and
22 other diversion programs which are effective in promoting school
23 attendance and preventing the need for more intrusive intervention by
24 the court. Operation of a school truancy board does not excuse a
25 district from the obligation of filing a petition within the
26 requirements of RCW ((~~28A.225.015(3)~~)) 28A.225.030.

27 **Sec. 4.** RCW 28A.225.030 and 2012 c 157 s 1 are each amended to
28 read as follows:

29 (1) If a child under the age of seventeen is required to attend
30 school under RCW 28A.225.010 and is eight years old or older and if the
31 actions taken by a school district under RCW 28A.225.020 are not
32 successful in substantially reducing ((~~an~~)) the enrolled student's
33 absences from public school, not later than the seventh unexcused
34 absence by such a child within any month during the current school year
35 or not later than the tenth unexcused absence during the current school
36 year the school district shall file a petition and supporting affidavit
37 for a civil action with the juvenile court alleging a violation of RCW

1 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent
2 and the child. Except as provided in this subsection, no additional
3 documents need be filed with the petition. Nothing in this subsection
4 requires court jurisdiction to terminate when a child turns seventeen
5 or precludes a school district from filing a petition for a child that
6 is seventeen years of age.

7 (2) The district shall not later than the fifth unexcused absence
8 in a month by a child eight years old or older:

9 (a) Enter into an agreement with ((a)) the student and parent that
10 establishes school attendance requirements;

11 (b) Refer ((a)) the student to a community truancy board, if
12 available, as defined in RCW 28A.225.025. The community truancy board
13 shall enter into an agreement with the student and parent that
14 establishes school attendance requirements and take other appropriate
15 actions to reduce the child's absences; or

16 (c) File a petition under subsection (1) of this section.

17 (3) The petition may be filed by a school district employee who is
18 not an attorney.

19 (4) If the school district fails to file a petition under this
20 section, the parent of a child who is eight years old or older with
21 five or more unexcused absences in any month during the current school
22 year or upon the tenth unexcused absence during the current school year
23 may file a petition with the juvenile court alleging a violation of RCW
24 28A.225.010.

25 (5) Petitions filed under this section may be served by certified
26 mail, return receipt requested. If such service is unsuccessful, or
27 the return receipt is not signed by the addressee, personal service is
28 required.

29 **Sec. 5.** RCW 28A.225.035 and 2012 c 157 s 2 are each amended to
30 read as follows:

31 (1) A petition for a civil action under RCW 28A.225.030 ((~~or~~
32 ~~28A.225.015~~)) shall consist of a written notification to the court
33 alleging that:

34 (a) The child has unexcused absences during the current school
35 year;

36 (b) Actions taken by the school district have not been successful
37 in substantially reducing the child's absences from school; and

1 (c) Court intervention and supervision are necessary to assist the
2 school district or parent to reduce the child's absences from school.

3 (2) The petition shall set forth the name, date of birth, school,
4 address, gender, race, and ethnicity of the child and the names and
5 addresses of the child's parents, and shall set forth whether the child
6 and parent are fluent in English, whether there is an existing
7 individualized education program, and the child's current academic
8 status in school.

9 (3) The petition shall set forth facts that support the allegations
10 in this section and shall generally request relief available under this
11 chapter and provide information about what the court might order under
12 RCW 28A.225.090.

13 (4) When a petition is filed under RCW 28A.225.030 (~~or~~
14 ~~28A.225.015~~)), the juvenile court shall schedule a hearing at which the
15 court shall consider the petition, or if the court determines that a
16 referral to an available community truancy board would substantially
17 reduce the child's unexcused absences, the court may refer the case to
18 a community truancy board under the jurisdiction of the juvenile court.

19 (5) If a referral is made to a community truancy board, the truancy
20 board must meet with the child, a parent, and the school district
21 representative and enter into an agreement with the petitioner and
22 respondent regarding expectations and any actions necessary to address
23 the child's truancy within twenty days of the referral. (~~If the~~
24 ~~petition is based on RCW 28A.225.015, the child shall not be required~~
25 ~~to attend and the agreement under this subsection shall be between the~~
26 ~~truancy board, the school district, and the child's parent. The court~~
27 ~~may permit the truancy board or truancy prevention counselor to provide~~
28 ~~continued supervision over the student, or parent if the petition is~~
29 ~~based on RCW 28A.225.015.~~)

30 (6) If the truancy board fails to reach an agreement, or the parent
31 or student does not comply with the agreement, the truancy board shall
32 return the case to the juvenile court for a hearing.

33 (7)(a) Notwithstanding the provisions in subsection (4) of this
34 section, a hearing shall not be required if other actions by the court
35 would substantially reduce the child's unexcused absences. When a
36 juvenile court hearing is held, the court shall:

37 (i) Separately notify the child, the parent of the child, and the

1 school district of the hearing. If the parent is not fluent in
2 English, the preferred practice is for notice to be provided in a
3 language in which the parent is fluent;

4 (ii) Notify the parent and the child of their rights to present
5 evidence at the hearing; and

6 (iii) Notify the parent and the child of the options and rights
7 available under chapter 13.32A RCW.

8 (b) If the child is not provided with counsel, the advisement of
9 rights must take place in court by means of a colloquy between the
10 court, the child (~~((if eight years old or older))~~), and the parent.

11 (8)(a) The court may require the attendance of the child (~~((if eight
12 years old or older))~~), the parents, and the school district at any
13 hearing on a petition filed under RCW 28A.225.030.

14 (b) The court may not issue a bench warrant for a child for failure
15 to appear at a hearing on an initial truancy petition filed under RCW
16 28A.225.030. If there has been proper service, the court may instead
17 enter a default order assuming jurisdiction under the terms specified
18 in subsection (12) of this section.

19 (9) A school district is responsible for determining who shall
20 represent the school district at hearings on a petition filed under RCW
21 28A.225.030 (~~((or 28A.225.015))~~).

22 (10) The court may permit the first hearing to be held without
23 requiring that either party be represented by legal counsel, and to be
24 held without a guardian ad litem for the child under RCW 4.08.050. At
25 the request of the school district, the court shall permit a school
26 district representative who is not an attorney to represent the school
27 district at any future hearings.

28 (11) If the child is in a special education program or has a
29 diagnosed mental or emotional disorder, the court shall inquire as to
30 what efforts the school district has made to assist the child in
31 attending school.

32 (12) If the allegations in the petition are established by a
33 preponderance of the evidence, the court shall grant the petition and
34 enter an order assuming jurisdiction to intervene for the period of
35 time determined by the court, after considering the facts alleged in
36 the petition and the circumstances of the juvenile, to most likely
37 cause the juvenile to return to and remain in school while the juvenile

1 is subject to this chapter. In no case may the order expire before the
2 end of the school year in which it is entered.

3 (13)(a) If the court assumes jurisdiction, the school district
4 shall periodically report to the court any additional unexcused
5 absences by the child, actions taken by the school district, and an
6 update on the child's academic status in school at a schedule specified
7 by the court.

8 (b) The first report under this subsection (13) must be received no
9 later than three months from the date that the court assumes
10 jurisdiction.

11 (14) Community truancy boards and the courts shall coordinate, to
12 the extent possible, proceedings and actions pertaining to children who
13 are subject to truancy petitions and at-risk youth petitions in RCW
14 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

15 (15) If after a juvenile court assumes jurisdiction in one county
16 the child relocates to another county, the juvenile court in the
17 receiving county shall, upon the request of a school district or
18 parent, assume jurisdiction of the petition filed in the previous
19 county.

20 **Sec. 6.** RCW 28A.225.090 and 2009 c 266 s 4 are each amended to
21 read as follows:

22 (1) A court may order a child subject to a petition under RCW
23 28A.225.035 to do one or more of the following:

24 (a) Attend the child's current school, and set forth minimum
25 attendance requirements, including suspensions;

26 (b) If there is space available and the program can provide
27 educational services appropriate for the child, order the child to
28 attend another public school, an alternative education program, center,
29 a skill center, dropout prevention program, or another public
30 educational program;

31 (c) Attend a private nonsectarian school or program including an
32 education center. Before ordering a child to attend an approved or
33 certified private nonsectarian school or program, the court shall: (i)
34 Consider the public and private programs available; (ii) find that
35 placement is in the best interest of the child; and (iii) find that the
36 private school or program is willing to accept the child and will not
37 charge any fees in addition to those established by contract with the

1 student's school district. If the court orders the child to enroll in
2 a private school or program, the child's school district shall contract
3 with the school or program to provide educational services for the
4 child. The school district shall not be required to contract for a
5 weekly rate that exceeds the state general apportionment dollars
6 calculated on a weekly basis generated by the child and received by the
7 district. A school district shall not be required to enter into a
8 contract that is longer than the remainder of the school year. A
9 school district shall not be required to enter into or continue a
10 contract if the child is no longer enrolled in the district;

- 11 (d) Be referred to a community truancy board, if available; or
- 12 (e) Submit to testing for the use of controlled substances or
13 alcohol based on a determination that such testing is appropriate to
14 the circumstances and behavior of the child and will facilitate the
15 child's compliance with the mandatory attendance law and, if any test
16 ordered under this subsection indicates the use of controlled
17 substances or alcohol, order the minor to abstain from the unlawful
18 consumption of controlled substances or alcohol and adhere to the
19 recommendations of the drug assessment at no expense to the school.

20 (2) If the child fails to comply with the court order, the court
21 may order the child to be subject to detention, as provided in RCW
22 7.21.030(2)(e), or may impose alternatives to detention such as
23 community restitution. Failure by a child to comply with an order
24 issued under this subsection shall not be subject to detention for a
25 period greater than that permitted pursuant to a civil contempt
26 proceeding against a child under chapter 13.32A RCW. Detention ordered
27 under this subsection may be for no longer than seven days. A warrant
28 of arrest for a child under this subsection may not be served on a
29 child inside of school during school hours in a location where other
30 students are present.

31 (3) Any parent violating any of the provisions of either RCW
32 28A.225.010(~~(7, 28A.225.015,)~~) or 28A.225.080 shall be fined not more
33 than twenty-five dollars for each day of unexcused absence from school.
34 The court shall remit fifty percent of the fine collected under this
35 section to the child's school district. It shall be a defense for a
36 parent charged with violating RCW 28A.225.010 to show that he or she
37 exercised reasonable diligence in attempting to cause a child in his or
38 her custody to attend school or that the child's school did not perform

1 its duties as required in RCW 28A.225.020. The court may order the
2 parent to provide community restitution instead of imposing a fine.
3 Any fine imposed pursuant to this section may be suspended upon the
4 condition that a parent charged with violating RCW 28A.225.010 shall
5 participate with the school and the child in a supervised plan for the
6 child's attendance at school or upon condition that the parent attend
7 a conference or conferences scheduled by a school for the purpose of
8 analyzing the causes of a child's absence.

9 (4) If a child continues to be truant after entering into a court-
10 approved order with the truancy board under RCW 28A.225.035, the
11 juvenile court shall find the child in contempt, and the court may
12 order the child to be subject to detention, as provided in RCW
13 7.21.030(2)(e), or may impose alternatives to detention such as
14 meaningful community restitution. Failure by a child to comply with an
15 order issued under this subsection may not subject a child to detention
16 for a period greater than that permitted under a civil contempt
17 proceeding against a child under chapter 13.32A RCW.

18 ~~((5) Subsections (1), (2), and (4) of this section shall not apply
19 to a six or seven year old child required to attend public school under
20 RCW 28A.225.015.))~~

21 **Sec. 7.** RCW 28A.200.010 and 2004 c 19 s 107 are each amended to
22 read as follows:

23 (1) Each parent whose child is receiving home-based instruction
24 under RCW 28A.225.010(4) and is eight years old or older shall have the
25 duty to:

26 (a) File annually a signed declaration of intent that he or she is
27 planning to cause his or her child to receive home-based instruction.
28 The statement shall include the name and age of the child, shall
29 specify whether a certificated person will be supervising the
30 instruction, and shall be written in a format prescribed by the
31 superintendent of public instruction. Each parent shall file the
32 statement by September 15th of the school year or within two weeks of
33 the beginning of any public school quarter, trimester, or semester with
34 the superintendent of the public school district within which the
35 parent resides or the district that accepts the transfer, and the
36 student shall be deemed a transfer student of the nonresident district.
37 Parents may apply for transfer under RCW 28A.225.220;

1 (b) Ensure that test scores or annual academic progress assessments
2 and immunization records, together with any other records that are kept
3 relating to the instructional and educational activities provided, are
4 forwarded to any other public or private school to which the child
5 transfers. At the time of a transfer to a public school, the
6 superintendent of the local school district in which the child enrolls
7 may require a standardized achievement test to be administered and
8 shall have the authority to determine the appropriate grade and course
9 level placement of the child after consultation with parents and review
10 of the child's records; and

11 (c) Ensure that a standardized achievement test approved by the
12 state board of education is administered annually to the child by a
13 qualified individual or that an annual assessment of the student's
14 academic progress is written by a certificated person who is currently
15 working in the field of education. The state board of education shall
16 not require these children to meet the student learning goals, master
17 the essential academic learning requirements, to take the assessments,
18 or to obtain a certificate of academic achievement or a certificate of
19 individual achievement pursuant to RCW 28A.655.061 and 28A.155.045.
20 The standardized test administered or the annual academic progress
21 assessment written shall be made a part of the child's permanent
22 records. If, as a result of the annual test or assessment, it is
23 determined that the child is not making reasonable progress consistent
24 with his or her age or stage of development, the parent shall make a
25 good faith effort to remedy any deficiency.

26 (2) Failure of a parent to comply with the duties in this section
27 shall be deemed a failure of such parent's child to attend school
28 without valid justification under RCW 28A.225.020. Parents who do
29 comply with the duties set forth in this section shall be presumed to
30 be providing home-based instruction as set forth in RCW 28A.225.010(4).

31 NEW SECTION. **Sec. 8.** RCW 28A.225.015 (Attendance mandatory--Six
32 or seven year olds--Unexcused absences--Petition) and 1999 c 319 s 6
33 are each repealed.

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