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HOUSE BILL 1477

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Magendanz, Pedersen, Dahlquist, Lytton, Hargrove, Fagan, Santos, and Nealey

Read first time 01/28/13. Referred to Committee on Judiciary.

1 AN ACT Relating to providing flexibility for how school districts  
2 address truancy of students; amending RCW 28A.225.015, 28A.225.020,  
3 28A.225.025, 28A.225.030, and 28A.225.151; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** In 1995, the legislature passed a truancy  
6 law known as the Becca bill. The law requires school districts to file  
7 truancy petitions in the juvenile court when students accumulate a  
8 specific number of unexcused absences. As a result of this law, the  
9 annual number of petitions increased from ninety-one in 1994 to over  
10 fifteen thousand in 1997, and has remained around this number since  
11 that time. In order to accommodate this mandate, the state provides  
12 funds to reimburse the school district for their costs associated with  
13 the truancy provisions in the amount of three million six hundred  
14 thousand dollars per biennium, as well as the courts in the amount of  
15 sixteen million five hundred thousand dollars per biennium. The court  
16 process resulting from the petitions can lead to multiple hearings, for  
17 which students may be required to have legal representation, legal  
18 interventions, and detention. This process costs the school districts  
19 two million seven hundred thousand dollars per year, which is

1 approximately one and one-half times the one million eight hundred  
2 thousand dollars allocated by the state. The costs to the courts in  
3 the 2007-2009 biennium was \$15.4 million. Only \$8.9 million was  
4 appropriated to the courts for truancy that biennium, which left \$6.5  
5 million that was not reimbursed by the state. By providing flexibility  
6 for how school districts address truancy, the state will reduce the  
7 administrative and paperwork load for school districts and the court  
8 system.

9 **Sec. 2.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to  
10 read as follows:

11 (1) If a parent enrolls a child who is six or seven years of age in  
12 a public school, the child is required to attend and that parent has  
13 the responsibility to ensure the child attends for the full time that  
14 school is in session. An exception shall be made to this requirement  
15 for children whose parents formally remove them from enrollment if the  
16 child is less than eight years old and a petition has not been filed  
17 against the parent under subsection (3) of this section. The  
18 requirement to attend school under this subsection does not apply to a  
19 child enrolled in a public school part-time for the purpose of  
20 receiving ancillary services. A child required to attend school under  
21 this subsection may be temporarily excused upon the request of his or  
22 her parent for purposes agreed upon by the school district and parent.

23 (2) If a six or seven year old child is required to attend public  
24 school under subsection (1) of this section and that child has  
25 unexcused absences, the public school in which the child is enrolled  
26 (~~shall~~) may:

27 (a) Inform the child's custodial parent, parents, or guardian by a  
28 notice in writing, by e-mail, or by telephone whenever the child has  
29 failed to attend school after one unexcused absence within any month  
30 during the current school year;

31 (b) Request a conference or conferences to be conducted by  
32 telephone or in person with the custodial parent, parents, or guardian  
33 and child at a time reasonably convenient for all persons included for  
34 the purpose of analyzing the causes of the child's absences after two  
35 unexcused absences within any month during the current school year. If  
36 a regularly scheduled parent-teacher conference day is to take place

1 within thirty days of the second unexcused absence, then the school  
2 district may schedule this conference on that day; and

3 (c) Take steps to eliminate or reduce the child's absences. These  
4 steps (~~shall~~) may include, where appropriate, adjusting the child's  
5 school program or school or course assignment, providing more  
6 individualized or remedial instruction, offering assistance in  
7 enrolling the child in available alternative schools or programs, or  
8 assisting the parent or child to obtain supplementary services that may  
9 help eliminate or ameliorate the cause or causes for the absence from  
10 school.

11 (3) If a child required to attend public school under subsection  
12 (1) of this section has seven unexcused absences in a month or ten  
13 unexcused absences in a school year, the school district shall file a  
14 petition for civil action as provided in RCW 28A.225.035 against the  
15 parent of the child.

16 (4) This section does not require a six or seven year old child to  
17 enroll in a public or private school or to receive home-based  
18 instruction. This section only applies to six or seven year old  
19 children whose parents enroll them full time in public school and do  
20 not formally remove them from enrollment as provided in subsection (1)  
21 of this section.

22 **Sec. 3.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to  
23 read as follows:

24 (1) If a child required to attend school under RCW 28A.225.010  
25 fails to attend school without valid justification, the public school  
26 in which the child is enrolled shall take the following actions if the  
27 child is enrolled in the sixth grade or above, and may take the  
28 following actions if the child is enrolled in the fifth grade or below:

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

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

9 ~~((+e))~~ (2) The school may also take steps to eliminate or reduce  
10 the child's absences. These steps (~~(shall)~~) may include, where  
11 appropriate, adjusting the child's school program or school or course  
12 assignment, providing more individualized or remedial instruction,  
13 providing appropriate vocational courses or work experience, referring  
14 the child to a community truancy board, if available, requiring the  
15 child to attend an alternative school or program, or assisting the  
16 parent or child to obtain supplementary services that might eliminate  
17 or ameliorate the cause or causes for the absence from school. If the  
18 child's parent does not attend the scheduled conference, the conference  
19 may be conducted with the student and school official. However, the  
20 parent shall be notified of the steps to be taken to eliminate or  
21 reduce the child's absence.

22 ~~((+2))~~ (3) For purposes of this chapter, an "unexcused absence"  
23 means that a child:

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

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

29 ~~((+3))~~ (4) If a child transfers from one school district to  
30 another during the school year, the receiving school or school district  
31 shall include the unexcused absences accumulated at the previous school  
32 or from the previous school district for purposes of this section, RCW  
33 28A.225.030, and 28A.225.015.

34 **Sec. 4.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to  
35 read as follows:

36 (1) For purposes of this chapter, "community truancy board" means  
37 a board composed of members of the local community in which the child

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

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

28 **Sec. 5.** RCW 28A.225.030 and 2012 c 157 s 1 are each amended to  
29 read as follows:

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

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

8 (2) The district (~~shall not later than~~) may, after the fifth  
9 unexcused absence in a month:

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

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

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

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

20 (4) If the school district (~~fails to~~) does not file a petition  
21 under this section, the parent of a child with five or more unexcused  
22 absences in any month during the current school year or upon the tenth  
23 unexcused absence during the current school year may file a petition  
24 with the juvenile court alleging a violation of RCW 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. 6.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to  
30 read as follows:

31 (1) As required under subsection (2) of this section, (~~each~~  
32 ~~school~~) if a school takes additional actions provided in RCW  
33 28A.225.030, it shall document the actions taken (~~under RCW~~  
34 ~~28A.225.030~~) and report this information to the school district  
35 superintendent who shall compile the data for all the schools in the  
36 district and prepare an annual school district report for each school  
37 year and submit the report to the superintendent of public instruction.

1 The reports shall be made upon forms furnished by the superintendent of  
2 public instruction and shall be transmitted as determined by the  
3 superintendent of public instruction.

4 (2) The reports under subsection (1) of this section shall include:

5 (a) The number of enrolled students and the number of unexcused  
6 absences;

7 (b) Documentation of the steps taken by the school district under  
8 each subsection of RCW 28A.225.020 at the request of the superintendent  
9 of public instruction. Each year, by May 1st, the superintendent of  
10 public instruction shall select ten school districts to submit the  
11 report at the end of the following school year. The ten districts  
12 shall represent different areas of the state and be of varied sizes.  
13 In addition, the superintendent of public instruction shall require any  
14 district that fails to keep appropriate records to submit a full report  
15 to the superintendent of public instruction under this subsection. All  
16 school districts shall document steps taken under RCW 28A.225.020 in  
17 each student's record, and make those records available upon request  
18 consistent with the laws governing student records;

19 (c) The number of enrolled students with ten or more unexcused  
20 absences in a school year or five or more unexcused absences in a month  
21 during a school year;

22 (d) A description of any programs or schools developed to serve  
23 students who have had five or more unexcused absences in a month or ten  
24 in a year including information about the number of students in the  
25 program or school and the number of unexcused absences of students  
26 during and after participation in the program. The school district  
27 shall also describe any placements in an approved private nonsectarian  
28 school or program or certified program under a court order under RCW  
29 28A.225.090; and

30 (e) The number of petitions filed by a school district with the  
31 juvenile court.

32 (3) A report required under this section shall not disclose the  
33 name or other identification of a child or parent.

34 (4) The superintendent of public instruction shall collect these  
35 reports from all school districts and prepare an annual report for each  
36 school year to be submitted to the legislature no later than December

1 15th of each year.

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