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HOUSE BILL 2640

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Clements, Brumsickle, Radcliff, Poulsen, Hatfield, Linville, Dickerson, Basich and Cole

Read first time 01/16/96. Referred to Committee on Education.

1 AN ACT Relating to school attendance; amending RCW 28A.225.010,  
2 28A.225.020, 28A.225.030, 28A.225.035, 28A.225.151, and 28A.225.025;  
3 adding a new section to chapter 2.56 RCW; creating a new section; and  
4 providing an expiration date.

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

6 **Sec. 1.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to  
7 read as follows:

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

18 (c) The school district superintendent of the district in which the  
19 child resides shall have excused such child from attendance because the

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

12 (d) The child is (~~(fifteen)~~) sixteen years of age or older and:

13 (i) (~~The school district superintendent determines that such child~~  
14 ~~has already attained a reasonable proficiency in the branches required~~  
15 ~~by law to be taught in the first nine grades of the public schools of~~  
16 ~~this state;~~

17 (~~(ii)~~) The child is regularly and lawfully (~~(engaged in a useful or~~  
18 ~~remunerative occupation)~~) employed and either the parent agrees that  
19 the child should not be required to attend school or the child is  
20 emancipated in accordance with chapter 13.64 RCW;

21 (~~(iii)~~) (ii) The child has already met graduation requirements in  
22 accordance with state board of education rules and regulations; or

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

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

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

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

1 established for approved private schools under RCW 28A.195.010 and  
2 28A.195.040 and if such activities are:

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

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

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

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

27 **Sec. 2.** RCW 28A.225.020 and 1995 c 312 s 67 are each amended to  
28 read as follows:

29 (1) If a child required to attend school under ~~((the laws of the~~  
30 ~~state of Washington))~~ RCW 28A.225.010 fails to attend school without  
31 valid justification, the child's school shall:

32 ~~((1))~~ (a) Inform the child's custodial parent, parents, or  
33 guardian by a notice in writing or by telephone whenever the child has  
34 failed to attend school after one unexcused absence within any month  
35 during the current school year. School officials shall inform the  
36 parent of the potential consequences of additional unexcused absences;

37 ~~((2))~~ (b) Schedule a conference or conferences with the custodial  
38 parent, parents, or guardian and child at a time ~~((and place))~~

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

7 ~~((+3+))~~ (c) Take steps to eliminate or reduce the child's absences.  
8 These steps shall include, where appropriate, adjusting the child's  
9 school program or school or course assignment, providing more  
10 individualized or remedial instruction, providing appropriate  
11 vocational courses or work experience, ~~((or refer))~~ referring the child  
12 to a community truancy board, requiring the child to attend an  
13 alternative school or program, or assisting the parent or child to  
14 obtain supplementary services that might eliminate or ameliorate the  
15 cause or causes for the absence from school. If the child's parent  
16 does not attend the scheduled conference, the conference may be  
17 conducted with the student and school official. However, the parent  
18 shall be notified of the steps to be taken to eliminate or reduce the  
19 child's absence.

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

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

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

27 **Sec. 3.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to  
28 read as follows:

29 (1) If a child is required to attend school under RCW 28A.225.010  
30 and if the actions taken by a school district under RCW 28A.225.020 are  
31 not successful in substantially reducing an enrolled student's absences  
32 from school, upon the fifth unexcused absence by a child within any  
33 month during the current school year or upon the tenth unexcused  
34 absence during the current school year the school district shall:

35 (a) File a petition for a civil action with the juvenile court  
36 alleging a violation of RCW 28A.225.010: ~~((+1+))~~ (i) By the parent;  
37 ~~((+2+))~~ (ii) by the child; or ~~((+3+))~~ (iii) by the parent and the child  
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1 (b) Enter into an agreement with the student and parent that  
2 establishes school attendance requirements; or

3 (c) Refer the student to a community truancy board as defined in  
4 RCW 28A.225.025. The community truancy board shall enter into a  
5 contract with the student and parent that establishes school attendance  
6 requirements.

7 (2) If the school district or community truancy board determines  
8 that the student has failed to meet the school attendance requirements  
9 contained in an agreement required in subsection (1) (b) and (c) of  
10 this section, the school district shall file a petition with the  
11 juvenile court in accordance with subsection (1)(a) of this section  
12 within five school days.

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

15 (4) If the school district fails to file a petition under this  
16 section, the parent of a child with five or more unexcused absences in  
17 any month during the current school year or upon the tenth unexcused  
18 absence during the current school year may file a petition with the  
19 juvenile court alleging a violation of RCW 28A.225.010.

20 **Sec. 4.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to  
21 read as follows:

22 (1) A petition for a civil action under RCW 28A.225.030 shall  
23 consist of a written notification to the court alleging that:

24 (a) The child has five or more unexcused absences within any month  
25 during the current school year or ten or more unexcused absences in the  
26 current school year;

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

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

31 (2) The petition shall set forth the name, age, school, and  
32 residence of the child and the names and residence of the child's  
33 parents.

34 (3) The petition shall set forth facts that support the allegations  
35 in this section and shall generally request relief available under this  
36 chapter.

37 (4) When a petition is filed under RCW 28A.225.030, the juvenile  
38 court (~~may~~

1       ~~(a))~~ shall schedule a ~~((fact-finding))~~ hearing at which the court  
2 shall consider the petition~~((?))~~.

3       ~~((b))~~ When a hearing is held, the court shall:

4       (a) Separately notify the child, the parent of the child, and the  
5 school district of the ~~((fact-finding))~~ hearing;

6       ~~((e))~~ (b) Notify the parent and the child of their rights to  
7 present evidence at the fact-finding hearing; and

8       ~~((d))~~ (c) Notify the parent and the child of the options and  
9 rights available under chapter 13.32A RCW.

10       (5) The court may require the attendance of both the child and the  
11 parents at any hearing on a petition filed under RCW 28A.225.030.

12       (6) The court may permit the first hearing to be held without  
13 requiring that either party be represented by legal counsel. At the  
14 request of the school district, the court may permit a school district  
15 representative who is not an attorney to represent the school district  
16 at future hearings.

17       (7) The court shall grant the petition and enter an order assuming  
18 jurisdiction to intervene for the remainder of the school year, if the  
19 allegations in the petition are established by a preponderance of the  
20 evidence.

21       ~~((7))~~ (8) If the court assumes jurisdiction, the school district  
22 shall regularly report to the court any additional unexcused absences  
23 by the child.

24       **Sec. 5.** RCW 28A.225.151 and 1995 c 312 s 72 are each amended to  
25 read as follows:

26       (1) Each school shall document the actions taken under RCW  
27 ~~((28A.225.020 and))~~ 28A.225.030 and report this information ~~((at the~~  
28 ~~end of each grading period))~~ to the school district superintendent who  
29 shall compile the data for all the schools in the district and prepare  
30 an annual school district report for each school year and submit the  
31 report to the superintendent of public instruction. The reports shall  
32 be made upon forms furnished by the superintendent of public  
33 instruction and shall be transmitted as determined by the  
34 superintendent of public instruction.

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

36       (a) The number of enrolled students ~~((and the number of excused and~~  
37 ~~unexcused absences;~~

1       ~~(b) Documentation of the steps taken by the school district under~~  
2 ~~each subsection of RCW 28A.225.020))~~;

3       ~~((e))~~ (b) The number of enrolled students with ten or more  
4 unexcused absences in a school year or five or more unexcused absences  
5 in a month during a school year; and

6       ~~((d) Documentation of success by the school district in~~  
7 ~~substantially reducing enrolled student absences for students with five~~  
8 ~~or more absences in any month or ten or more unexcused absences in any~~  
9 ~~school year;~~

10       ~~(e))~~ (c) The number of petitions filed by a school district or a  
11 parent with the juvenile court~~((; and~~

12       ~~(f) The disposition of cases filed with the juvenile court,~~  
13 ~~including the frequency of contempt orders issued to enforce a court's~~  
14 ~~order under RCW 28A.225.090)).~~

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

17       (4) The superintendent of public instruction shall collect these  
18 reports from all school districts and prepare an annual report for each  
19 school year to be submitted to the legislature no later than December  
20 15th of each year.

21       NEW SECTION.   **Sec. 6.** A new section is added to chapter 2.56 RCW  
22 to read as follows:

23       The administrator for the courts shall prepare a report for each  
24 school year to be submitted to the legislature no later than December  
25 15th of each year that summarizes the disposition of petitions filed  
26 with the juvenile court under RCW 28A.225.030, including the number of  
27 contempt orders issued to enforce a court's order under RCW  
28 28A.225.030.

29       **Sec. 7.** RCW 28A.225.025 and 1995 c 312 s 66 are each amended to  
30 read as follows:

31       For purposes of this chapter, "community truancy board" means a  
32 board composed of members of the local community in which the child  
33 attends school. The local school district boards of directors may  
34 create a community truancy board or may use other boards that exist or  
35 are created, such as diversion boards. Members of the board shall be  
36 selected from representatives of the community. Duties of a community

1 truancy board shall include, but not be limited to, recommending  
2 methods for improving school attendance.

3       NEW SECTION. **Sec. 8.** (1) The superintendent of public instruction  
4 shall establish an incentive program to encourage the creation of  
5 alternative learning schools and programs for students who have been  
6 truant, suspended, expelled, or who are subject to other disciplinary  
7 actions. Grants may be awarded to individual school districts, school  
8 district consortiums, and educational service districts. Funds for the  
9 grants may be used for planning and initial program development.  
10 Grants shall be awarded no later than November 1, 1996.

11       (2) This section expires December 31, 1996.

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