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SENATE BILL 5915

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators McAuliffe and Winsley

Read first time 02/14/95. Referred to Committee on Education.

1            AN ACT Relating to keeping students in school; amending RCW  
2 28A.225.030, 28A.225.040, 28A.225.050, 28A.225.060, 28A.225.090,  
3 28A.225.120, 46.20.100, 46.20.292, 70.190.070, and 70.190.080; adding  
4 a new section to chapter 28A.225 RCW; creating a new section; and  
5 prescribing penalties.

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

7            NEW SECTION.    **Sec. 1.** The legislature finds that students fail to  
8 attend school for many reasons including problems at home or at school  
9 and personal problems. The legislature further recognizes that the  
10 solutions to the problems of truancy will be solved only through the  
11 concerted actions of families, schools, law enforcement officers,  
12 courts, and the rest of the community working together.

13            NEW SECTION.    **Sec. 2.** A new section is added to chapter 28A.225  
14 RCW to read as follows:

15            As used in this chapter, "truant" means a student who is absent  
16 from school without an approved excuse for all or part of a school day  
17 for five or more times during a school year. School district boards of

1 directors may adopt definitions that are more restrictive than the  
2 definition in this section.

3 **Sec. 3.** RCW 28A.225.030 and 1992 c 205 s 203 are each amended to  
4 read as follows:

5 If action taken by a school pursuant to RCW 28A.225.020 is not  
6 successful in substantially reducing a student's absences from school,  
7 any of the following actions may be taken after five or more unexcused  
8 absences during the current school year: (1) The attendance officer  
9 may request that the prosecutor recommend that the student be given the  
10 option of entering into a diversion agreement under RCW 13.40.080 and  
11 13.40.085; (2) the attendance officer of the school district through  
12 its attorney may petition the juvenile court to assume jurisdiction  
13 under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150  
14 for the purpose of alleging a violation of RCW 28A.225.010 by the  
15 parent; or ~~((+2))~~ (3) a petition alleging a violation of RCW  
16 28A.225.010 by a child may be filed with the juvenile court by the  
17 parent of such child or by the attendance officer of the school  
18 district through its attorney at the request of the parent. If the  
19 court assumes jurisdiction in such an instance, the provisions of RCW  
20 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except  
21 where otherwise stated, shall apply.

22 **Sec. 4.** RCW 28A.225.040 and 1990 c 33 s 221 are each amended to  
23 read as follows:

24 It shall be the duty of the school district superintendent, at the  
25 beginning of each school year, to provide each teacher with a copy of  
26 that portion of the last census of school children taken in his or her  
27 school district which would be pertinent to the grade or grades such  
28 teacher is instructing and it shall be the duty of every teacher to  
29 report to the proper attendance officer, all cases of truancy ~~((or~~  
30 ~~incurrigibility))~~ in his or her school, immediately after the offense  
31 or offenses shall have been committed: PROVIDED, That if there is a  
32 principal the report by the teacher shall be made to the principal and  
33 by the principal transmitted to the attendance officer: PROVIDED  
34 FURTHER, That if there is a city superintendent, the principal shall  
35 transmit such report to said city superintendent, who shall transmit  
36 such report to the proper attendance officer of his or her district.

1       **Sec. 5.** RCW 28A.225.050 and 1990 c 33 s 222 are each amended to  
2 read as follows:

3       To aid in the enforcement of RCW 28A.225.010 through 28A.225.140,  
4 attendance officers shall be appointed and employed as follows: In  
5 incorporated city districts the board of directors shall annually  
6 appoint one or more attendance officers. In all other districts the  
7 educational service district superintendent shall appoint one or more  
8 attendance officers or may act as such himself or herself.

9       The compensation of attendance officer in city districts shall be  
10 fixed and paid by the board appointing him or her. The compensation of  
11 attendance officers when appointed by the educational service district  
12 superintendents shall be paid by the respective districts. An  
13 educational service district superintendent shall receive no extra  
14 compensation if acting as attendance officer.

15       Any sheriff, constable, city marshal or regularly appointed police  
16 officer may be appointed attendance officer.

17       The attendance officer shall be vested with police powers, the  
18 authority to make arrests and serve all legal processes contemplated by  
19 RCW 28A.225.010 through 28A.225.140, and shall have authority to enter  
20 all places in which children may be employed, for the purpose of making  
21 such investigations as may be necessary for the enforcement of RCW  
22 28A.225.010 through 28A.225.140. The attendance officer is authorized  
23 to take into custody the person of any child eight years of age and not  
24 over (~~fourteen~~) eighteen years of age, who may be a truant or be  
25 absent from school without an approved excuse, and to conduct such  
26 child to his or her parents, for investigation and explanation, or to  
27 the school which he or she should properly attend. The attendance  
28 officer shall institute proceedings against any officer, parent,  
29 guardian, person, company or corporation violating any provisions of  
30 RCW 28A.225.010 through 28A.225.140, and shall otherwise discharge the  
31 duties prescribed in RCW 28A.225.010 through 28A.225.140, and shall  
32 perform such other services as the educational service district  
33 superintendent or the superintendent of any school or its board of  
34 directors may deem necessary. However, the attendance officer shall  
35 not institute proceedings against the child under RCW 28A.225.030  
36 except as set forth under RCW 28A.225.030.

37       The attendance officer shall keep a record of his or her  
38 transactions for the inspection and information of any school district  
39 board of directors, the educational service district superintendent or

1 the city superintendent, and shall make a detailed report to the city  
2 superintendent or the educational service district superintendent as  
3 often as the same may be required.

4 **Sec. 6.** RCW 28A.225.060 and 1990 c 33 s 223 are each amended to  
5 read as follows:

6 Any attendance officer, sheriff, deputy sheriff, marshal, police  
7 officer, or any other officer authorized to make arrests, shall take  
8 into custody without a warrant a child who is required under the  
9 provisions of RCW 28A.225.010 through 28A.225.140 to attend school,  
10 such child then being a truant from instruction at the school which he  
11 or she is lawfully required to attend, and shall forthwith deliver a  
12 child so detained either (1) to the custody of a person in parental  
13 relation to the child (~~(or)~~); (2) to the school from which the child is  
14 then a truant; (3) to a designated program within the district; or (4)  
15 to a program established by law enforcement officers or the county  
16 legislative authorities.

17 **Sec. 7.** RCW 28A.225.090 and 1992 c 205 s 204 are each amended to  
18 read as follows:

19 Any person violating any of the provisions of either RCW  
20 28A.225.010 or 28A.225.080 is guilty of a misdemeanor and shall be  
21 fined not more than twenty-five dollars for each day of unexcused  
22 absence from school. However, a child found to be in violation of RCW  
23 28A.225.010 shall be required to attend school and shall not be fined.  
24 If the child fails to comply with the court order to attend school, the  
25 court may order the child be punished by detention, suggest that the  
26 child participate in a diversion agreement under RCW 13.40.080 and  
27 13.40.085, or may impose alternatives to detention such as community  
28 service hours or participation in dropout prevention programs or  
29 referral to a community truancy board, if available. Failure by a  
30 child to comply with an order issued under this section shall not be  
31 punishable by detention for a period greater than that permitted  
32 pursuant to a contempt proceeding against a child under chapter 13.32A  
33 RCW. It shall be a defense for a parent charged with violating RCW  
34 28A.225.010 to show that he or she exercised reasonable diligence in  
35 attempting to cause a child in his or her custody to attend school or  
36 that the juvenile's school did not perform its duties as required in  
37 RCW 28A.225.020. The court may order the parent to provide community

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

8 Attendance officers shall make complaint for violation of the  
9 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the  
10 superior or district court.

11 **Sec. 8.** RCW 28A.225.120 and 1990 c 33 s 229 are each amended to  
12 read as follows:

13 The county prosecuting attorney or the attorney for the school  
14 district shall act as attorney for the complainant in all court  
15 proceedings relating to the compulsory attendance of children as  
16 required by RCW 28A.225.010 through 28A.225.140 except for those  
17 petitions filed against a child by the parent without the assistance of  
18 the school district. To promote the enforcement of RCW 28A.225.005  
19 through 28A.225.150, the prosecuting attorney shall make every effort  
20 to establish a panel of volunteer attorneys who will act as deputy  
21 prosecuting attorneys to prosecute cases relating to violation of the  
22 compulsory attendance laws of children.

23 **Sec. 9.** RCW 46.20.100 and 1990 c 250 s 36 are each amended to read  
24 as follows:

25 The department of licensing shall not consider an application of  
26 any minor under the age of eighteen years for a driver's license or the  
27 issuance of a motorcycle endorsement for a particular category unless:

28 (1) The application is also signed by a parent or guardian having  
29 the custody of such minor, or in the event a minor under the age of  
30 eighteen has no father, mother, or guardian, then a driver's license  
31 shall not be issued to the minor unless his or her application is also  
32 signed by the minor's employer; ((and))

33 (2) The application contains a proof of compliance with the  
34 compulsory attendance laws under chapter 28A.225 RCW; and

35 (3) The applicant has satisfactorily completed a traffic safety  
36 education course as defined in RCW 28A.220.020, conducted by a  
37 recognized secondary school, that meets the standards established by

1 the office of the state superintendent of public instruction or the  
2 applicant has satisfactorily completed a traffic safety education  
3 course, conducted by a commercial driving instruction enterprise, that  
4 meets the standards established by the office of the superintendent of  
5 public instruction and is officially approved by that office on an  
6 annual basis: PROVIDED, HOWEVER, That the director may upon a showing  
7 that an applicant was unable to take or complete a driver education  
8 course waive that requirement if the applicant shows to the  
9 satisfaction of the department that a need exists for the applicant to  
10 operate a motor vehicle and he or she has the ability to operate a  
11 motor vehicle in such a manner as not to jeopardize the safety of  
12 persons or property, under rules to be promulgated by the department in  
13 concert with the supervisor of the traffic safety education section,  
14 office of the superintendent of public instruction. For a person under  
15 the age of eighteen years to obtain a motorcycle endorsement, he or she  
16 must successfully complete a motorcycle safety education course that  
17 meets the standards established by the department of licensing.

18 The department may waive any education requirement under this  
19 subsection for an applicant previously licensed to drive a motor  
20 vehicle or motorcycle outside this state if the applicant provides  
21 proof satisfactory to the department that he or she has had education  
22 equivalent to that required under this subsection.

23 **Sec. 10.** RCW 46.20.292 and 1979 c 61 s 8 are each amended to read  
24 as follows:

25 The department may suspend, revoke, restrict, or condition any  
26 driver's license upon a showing of its records that the licensee has  
27 been found by a juvenile court, chief probation officer, or any other  
28 duly authorized officer of a juvenile court to have committed any  
29 offense or offenses which under Title 46 RCW constitutes grounds for  
30 said action or to have violated the requirements of the compulsory  
31 attendance laws under chapter 28A.225 RCW.

32 **Sec. 11.** RCW 70.190.070 and 1994 sp.s. c 7 s 304 are each amended  
33 to read as follows:

34 The community public health and safety networks shall:

35 (1) Review state and local public health data and analysis relating  
36 to risk factors, protective factors, and at-risk children and youth;

1 (2) Prioritize the risk factors and protective factors to reduce  
2 the likelihood of their children and youth being at risk. The  
3 priorities shall be based upon public health data and assessment and  
4 policy development standards provided by the department of health under  
5 RCW 43.70.555;

6 (3) Develop long-term comprehensive plans to reduce the rate of at-  
7 risk children and youth; set definitive, measurable goals, based upon  
8 the department of health standards; and project their desired outcomes;

9 (4) Distribute funds to local programs that reflect the locally  
10 established priorities and as provided in RCW 70.190.140;

11 (5) Comply with outcome-based standards;

12 (6) Cooperate with the department of health and local boards of  
13 health to provide data and determine outcomes; ((and))

14 (7) Coordinate its efforts with anti-drug use efforts and  
15 organizations and maintain a high priority for combatting drug use by  
16 at-risk youth; and

17 (8) Coordinate its efforts to prevent school-age children from  
18 becoming increasingly at risk and maintain a high priority for  
19 preventing truancy and returning truant children to school.

20 **Sec. 12.** RCW 70.190.080 and 1994 sp.s. c 7 s 305 are each amended  
21 to read as follows:

22 (1) The community network's plan may include a program to provide  
23 postsecondary scholarships to at-risk students who: (a) Are community  
24 role models under criteria established by the community network; (b)  
25 successfully complete high school; and (c) maintain at least a 2.5  
26 grade point average throughout high school. Funding for the  
27 scholarships may include public and private sources.

28 (2) The community network's plan may also include funding of  
29 community-based home visitor programs which are designed to reduce the  
30 incidence of child abuse and neglect ((with-[within])) within the  
31 network. Parents shall sign a voluntary authorization for services,  
32 which may be withdrawn at any time. The program may provide parents  
33 with education and support either in parents' homes or in other  
34 locations comfortable for parents, beginning with the birth of their  
35 first baby. The program may make the following services available to  
36 the families:

37 (a) Visits for all expectant or new parents, either at the parent's  
38 home or another location with which the parent is comfortable;

1 (b) Screening before or soon after the birth of a child to assess  
2 the family's strengths and goals and define areas of concern in  
3 consultation with the family;

4 (c) Parenting education and skills development;

5 (d) Parenting and family support information and referral;

6 (e) Parent support groups; ((and))

7 (f) Service coordination and parent education and support to help  
8 keep children in school; and

9 (g) Service coordination for individual families, and assistance  
10 with accessing services, provided in a manner that ensures that  
11 individual families have only one individual or agency to which they  
12 look for service coordination. Where appropriate for a family, service  
13 coordination may be conducted through interdisciplinary or interagency  
14 teams.

15 These programs are intended to be voluntary for the parents  
16 involved.

17 (3) The community network may include funding of:

18 (a) At-risk youth job placement and training programs. The  
19 programs shall:

20 (i) Identify and recruit at-risk youth for local job opportunities;

21 (ii) Provide skills and needs assessments for each youth recruited;

22 (iii) Provide career and occupational counseling to each youth  
23 recruited;

24 (iv) Identify businesses willing to provide employment and training  
25 opportunities for at-risk youth;

26 (v) Match each youth recruited with a business that meets his or  
27 her skills and training needs;

28 (vi) Provide employment and training opportunities that prepare the  
29 individual for demand occupations; and

30 (vii) Include, to the extent possible, collaboration of business,  
31 labor, education and training, community organizations, and local  
32 government;

33 (b) Employment assistance, including job development, school-to-  
34 work placement, employment readiness training, basic skills,  
35 apprenticeships, job mentoring, and private sector and community  
36 service employment;

37 (c) Education assistance, including tutoring, mentoring,  
38 interactions with role models, entrepreneurial education and projects,

1 violence prevention training, safe school strategies, and employment  
2 reentry assistance services;

3 (d) Peer-to-peer, group, and individual counseling, including  
4 crisis intervention, for at-risk youth and their parents;

5 (e) Youth coalitions that provide opportunities to develop  
6 leadership skills and gain appropriate respect, recognition, and  
7 rewards for their positive contribution to their community;

8 (f) Technical assistance to applicants to increase their  
9 organizational capacity and to improve the likelihood of a successful  
10 application; and

11 (g) Technical assistance and training resources to successful  
12 applicants.

13 NEW SECTION. **Sec. 13.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

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