

2 **ESSB 5988** - H AMD 0243 ADOPTED 04/23/99

3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 28A.225.020 and 1996 c 134 s 2 are each amended to
8 read as follows:

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

12 (a) Inform the child's custodial parent, parents, or guardian by a
13 notice in writing or by telephone whenever the child has failed to
14 attend school after one unexcused absence within any month during the
15 current school year. School officials shall inform the parent of the
16 potential consequences of additional unexcused absences;

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

25 (c) Take steps to eliminate or reduce the child's absences. These
26 steps shall include, where appropriate, adjusting the child's school
27 program or school or course assignment, providing more individualized
28 or remedial instruction, providing appropriate vocational courses or
29 work experience, referring the child to a community truancy board, if
30 available, requiring the child to attend an alternative school or
31 program, or assisting the parent or child to obtain supplementary
32 services that might eliminate or ameliorate the cause or causes for the
33 absence from school. If the child's parent does not attend the
34 scheduled conference, the conference may be conducted with the student
35 and school official. However, the parent shall be notified of the
36 steps to be taken to eliminate or reduce the child's absence.

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

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

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

8 (3) If a child transfers from one school district to another during
9 the school year, the receiving school or school district shall include
10 the unexcused absences accumulated at the previous school or from the
11 previous school district for purposes of this section, RCW 28A.225.030,
12 and section 6 of this act.

13 **Sec. 2.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to
14 read as follows:

15 (1) If a child is required to attend school under RCW 28A.225.010
16 and if the actions taken by a school district under RCW 28A.225.020 are
17 not successful in substantially reducing an enrolled student's absences
18 from public school, not later than the seventh unexcused absence by a
19 child within any month during the current school year or not later than
20 the tenth unexcused absence during the current school year the school
21 district shall file a petition and supporting affidavit for a civil
22 action with the juvenile court alleging a violation of RCW 28A.225.010:
23 (a) By the parent; (b) by the child; or (c) by the parent and the
24 child. Except as provided in this subsection, no additional documents
25 need be filed with the petition.

26 (2) The district shall not later than the fifth unexcused absence
27 in a month:

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

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

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

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

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

6 (5) Petitions filed under this section may be served by certified
7 mail, return receipt requested. If such service is unsuccessful, or
8 the return receipt is not signed by the addressee, personal service is
9 required.

10 **Sec. 3.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read
11 as follows:

12 (1) A petition for a civil action under RCW 28A.225.030 or section
13 6 of this act shall consist of a written notification to the court
14 alleging that:

15 (a) The child has unexcused absences during the current school
16 year;

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

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

21 (2) The petition shall set forth the name, age, school, and
22 residence of the child and the names and residence of the child's
23 parents.

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

28 (4) When a petition is filed under RCW 28A.225.030 or section 6 of
29 this act, the juvenile court shall schedule a hearing at which the
30 court shall consider the petition(~~(. — However))~~, or if the court
31 determines that a referral to an available community truancy board
32 would substantially reduce the child's unexcused absences, the court
33 may refer the case to a community truancy board under the jurisdiction
34 of the juvenile court.

35 (5) If a referral is made to a community truancy board, the truancy
36 board must meet with the child, a parent, and the school district
37 representative and enter into an agreement with the petitioner and
38 respondent regarding expectations and any actions necessary to address

1 the child's truancy within thirty days of the referral. If the
2 petition is based on section 6 of this act, the child shall not be
3 required to attend and the agreement under this subsection shall be
4 between the truancy board, the school district, and the child's parent.
5 The agreement shall be presented to the juvenile court for its
6 approval.

7 (6) The court shall approve the agreement by order or schedule a
8 hearing. The court may, if the school district and community truancy
9 board agree, permit the truancy board to provide continued supervision
10 over the student, or parent if the petition is based on section 6 of
11 this act, and report on compliance with the order.

12 (7) If the truancy board fails to reach an agreement, the truancy
13 board shall return the case to the juvenile court for a hearing.

14 (8) Notwithstanding the provisions in subsection (4) of this
15 section, a hearing shall not be required if other actions by the court
16 would substantially reduce the child's unexcused absences. When a
17 juvenile court hearing is held, the court shall:

18 (a) Separately notify the child, the parent of the child, and the
19 school district of the hearing;

20 (b) Notify the parent and the child of their rights to present
21 evidence at the hearing; and

22 (c) Notify the parent and the child of the options and rights
23 available under chapter 13.32A RCW.

24 ~~((+5))~~ (9) The court may require the attendance of ~~((both))~~ the
25 child ~~((and))~~ if eight years old or older, the parents, and the school
26 district at any hearing on a petition filed under RCW 28A.225.030.

27 ~~((+6))~~ (10) A school district is responsible for determining who
28 shall represent the school district at hearings on a petition filed
29 under RCW 28A.225.030 or section 6 of this act.

30 (11) The court may permit the first hearing to be held without
31 requiring that either party be represented by legal counsel, and to be
32 held without a guardian ad litem for the child under RCW 4.08.050. At
33 the request of the school district, the court ~~((may))~~ shall permit a
34 school district representative who is not an attorney to represent the
35 school district at any future hearings.

36 ~~((+7))~~ (12) If the allegations in the petition are established by
37 a preponderance of the evidence, the court shall grant the petition and
38 enter an order assuming jurisdiction to intervene for the period of
39 time determined by the court, after considering the facts alleged in

1 the petition and the circumstances of the juvenile, to most likely
2 cause the juvenile to return to and remain in school while the juvenile
3 is subject to this chapter. In no case may the order expire before the
4 end of the school year in which it is entered.

5 ~~((+8))~~ (13) If the court assumes jurisdiction, the school district
6 shall regularly report to the court any additional unexcused absences
7 by the child.

8 ~~((+9))~~ (14) Community truancy boards and the courts shall
9 coordinate, to the extent possible, proceedings and actions pertaining
10 to children who are subject to truancy petitions and at-risk youth
11 petitions in RCW 13.32A.191 or child in need of services petitions in
12 RCW 13.32A.140.

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

18 **Sec. 4.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to
19 read as follows:

20 (1) A court may order a child subject to a petition under RCW
21 28A.225.035 to:

22 (a) Attend the child's current school;

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

28 (c) Attend a private nonsectarian school or program including an
29 education center. Before ordering a child to attend an approved or
30 certified private nonsectarian school or program, the court shall: (i)
31 Consider the public and private programs available; (ii) find that
32 placement is in the best interest of the child; and (iii) find that the
33 private school or program is willing to accept the child and will not
34 charge any fees in addition to those established by contract with the
35 student's school district. If the court orders the child to enroll in
36 a private school or program, the child's school district shall contract
37 with the school or program to provide educational services for the
38 child. The school district shall not be required to contract for a

1 weekly rate that exceeds the state general apportionment dollars
2 calculated on a weekly basis generated by the child and received by the
3 district. A school district shall not be required to enter into a
4 contract that is longer than the remainder of the school year. A
5 school district shall not be required to enter into or continue a
6 contract if the child is no longer enrolled in the district;

7 (d) Be referred to a community truancy board, if available; or

8 (e) Submit to testing for the use of controlled substances or
9 alcohol based on a determination that such testing is appropriate to
10 the circumstances and behavior of the child and will facilitate the
11 child's compliance with the mandatory attendance law.

12 (2) If the child fails to comply with the court order, the court
13 may order the child to be (~~punished by~~) subject to detention, as
14 provided in RCW 7.21.030(2)(e), or may impose alternatives to detention
15 such as community service. Failure by a child to comply with an order
16 issued under this subsection shall not be (~~punishable by~~) subject to
17 detention for a period greater than that permitted pursuant to a civil
18 contempt proceeding against a child under chapter 13.32A RCW.

19 (3) Any parent violating any of the provisions of either RCW
20 28A.225.010, section 6 of this act, or 28A.225.080 shall be fined not
21 more than twenty-five dollars for each day of unexcused absence from
22 school. It shall be a defense for a parent charged with violating RCW
23 28A.225.010 to show that he or she exercised reasonable diligence in
24 attempting to cause a child in his or her custody to attend school or
25 that the child's school did not perform its duties as required in RCW
26 28A.225.020. The court may order the parent to provide community
27 service instead of imposing a fine. Any fine imposed pursuant to this
28 section may be suspended upon the condition that a parent charged with
29 violating RCW 28A.225.010 shall participate with the school and the
30 child in a supervised plan for the child's attendance at school or upon
31 condition that the parent attend a conference or conferences scheduled
32 by a school for the purpose of analyzing the causes of a child's
33 absence.

34 (4) If a child continues to be truant after entering into a court-
35 approved order with the truancy board under RCW 28A.225.035, the
36 juvenile court shall find the child in contempt, and the court may
37 order the child to be subject to detention, as provided in RCW
38 7.21.030(2)(e), or may impose alternatives to detention such as
39 meaningful community service. Failure by a child to comply with an

1 order issued under this subsection may not subject a child to detention
2 for a period greater than that permitted under a civil contempt
3 proceeding against a child under chapter 13.32A RCW.

4 (5) Subsections (1), (2), and (4) of this section shall not apply to
5 a six or seven year-old child required to attend public school under
6 section 6 of this act.

7 **Sec. 5.** RCW 28A.225.025 and 1996 c 134 s 9 are each amended to
8 read as follows:

9 For purposes of this chapter, "community truancy board" means a
10 board composed of members of the local community in which the child
11 attends school. ~~((The local school district boards of directors))~~
12 Juvenile courts may establish and operate community truancy boards. If
13 the juvenile court and the school district agree, a school district may
14 establish and operate a community truancy board under the jurisdiction
15 of the juvenile court. Juvenile courts may create a community truancy
16 board or may use other ((boards)) entities that exist or are created,
17 such as diversion ((boards)) units. However, a diversion unit or other
18 existing ((board)) entity must agree before it is used as a truancy
19 board. ((Members of the board shall be selected from representatives
20 of the community.)) Duties of a community truancy board shall include,
21 but not be limited to, recommending methods for improving school
22 attendance such as assisting the parent or the child to obtain
23 supplementary services that might eliminate or ameliorate the causes
24 for the absences or suggesting to the school district that the child
25 enroll in another school, an alternative education program, an
26 education center, a skill center, a dropout prevention program, or
27 another public or private educational program.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.225
29 RCW to read as follows:

30 (1) If a parent enrolls a child who is six or seven years of age in
31 a public school, the child is required to attend and that parent has
32 the responsibility to ensure the child attends for the full time that
33 school is in session. An exception shall be made to this requirement
34 for children whose parents formally remove them from enrollment if the
35 child is less than eight years old and a petition has not been filed
36 against the parent under subsection (3) of this section. The
37 requirement to attend school under this subsection does not apply to a

1 child enrolled in a public school part-time for the purpose of
2 receiving ancillary services. A child required to attend school under
3 this subsection may be temporarily excused upon the request of his or
4 her parent for purposes agreed upon by the school district and parent.

5 (2) If a six or seven year-old child is required to attend public
6 school under subsection (1) of this section and that child has
7 unexcused absences, the public school in which the child is enrolled
8 shall:

9 (a) Inform the child's custodial parent, parents, or guardian by a
10 notice in writing or by telephone whenever the child has failed to
11 attend school after one unexcused absence within any month during the
12 current school year;

13 (b) Request a conference or conferences with the custodial parent,
14 parents, or guardian and child at a time reasonably convenient for all
15 persons included for the purpose of analyzing the causes of the child's
16 absences after two unexcused absences within any month during the
17 current school year. If a regularly scheduled parent-teacher
18 conference day is to take place within thirty days of the second
19 unexcused absence, then the school district may schedule this
20 conference on that day; and

21 (c) Take steps to eliminate or reduce the child's absences. These
22 steps shall include, where appropriate, adjusting the child's school
23 program or school or course assignment, providing more individualized
24 or remedial instruction, offering assistance in enrolling the child in
25 available alternative schools or programs, or assisting the parent or
26 child to obtain supplementary services that may help eliminate or
27 ameliorate the cause or causes for the absence from school.

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

33 (4) This section does not require a six or seven year old child to
34 enroll in a public or private school or to receive home-based
35 instruction. This section only applies to six or seven year old-
36 children whose parents enroll them full time in public school and do
37 not formally remove them from enrollment as provided in subsection (1)
38 of this section.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300
2 RCW to read as follows:

3 The superintendent of public instruction shall provide, to the
4 extent funds are appropriated, start-up grants for alternative programs
5 and services that provide instruction and learning for truant, at-risk,
6 and expelled students. Each grant application shall contain proposed
7 performance indicators and an evaluation plan to measure the success of
8 the program and its impact on improved student learning. Applications
9 shall contain the applicant's plan for maintaining the program and
10 services after the grant period.

11 NEW SECTION. **Sec. 8.** If funds are appropriated by the legislature
12 for this specific purpose, the superintendent of public instruction
13 shall contract with the institute of public policy or a similar agency
14 to: Evaluate the effectiveness of the petition process and community
15 truancy boards in chapter 28A.225 RCW in reducing truancy; determine
16 whether students who do return to school after being subject to court
17 action create disruptions for other students in the school, establish
18 patterns of improved attendance, and successfully complete their
19 education program; and determine the costs imposed on school districts
20 by the petition process and other truancy-related procedural
21 requirements required by the legislature in 1992 and thereafter.

22 The cost determination shall be submitted to the legislature by
23 December 15, 1999. The evaluation shall be submitted to the
24 appropriate committees of the legislature by December 15, 2000.

25 This section expires December 31, 2000."

26 Correct the title.

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