

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5988

56th Legislature
1999 Regular Session

Passed by the Senate April 24, 1999
YEAS 43 NAYS 6

President of the Senate

Passed by the House April 23, 1999
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5988** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5988

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen)

Read first time 03/03/1999.

1 AN ACT Relating to revising judicial truancy provisions; and
2 amending RCW 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035,
3 28A.225.090, adding a new section to chapter 28A.225 RCW; adding a new
4 section to chapter 28A.300 RCW, creating a new section, and providing
5 an expiration date.

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

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

1 absences after two unexcused absences within any month during the
2 current school year. If a regularly scheduled parent-teacher
3 conference day is to take place within thirty days of the second
4 unexcused absence, then the school district may schedule this
5 conference on that day; and

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

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

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

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

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

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

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

1 action with the juvenile court alleging a violation of RCW 28A.225.010:
2 (a) By the parent; (b) by the child; or (c) by the parent and the
3 child. Except as provided in this subsection, no additional documents
4 need be filed with the petition.

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

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

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

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

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

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

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

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

28 (1) A petition for a civil action under RCW 28A.225.030 or section
29 6 of this act shall consist of a written notification to the court
30 alleging that:

31 (a) The child has unexcused absences during the current school
32 year;

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

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

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

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

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

15 (5) If a referral is made to a community truancy board, the truancy
16 board must meet with the child, a parent, and the school district
17 representative and enter into an agreement with the petitioner and
18 respondent regarding expectations and any actions necessary to address
19 the child's truancy within thirty days of the referral. If the
20 petition is based on section 6 of this act, the child shall not be
21 required to attend and the agreement under this subsection shall be
22 between the truancy board, the school district, and the child's parent.
23 The agreement shall be presented to the juvenile court for its
24 approval.

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

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

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

36 (a) Separately notify the child, the parent of the child, and the
37 school district of the hearing;

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

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

3 ~~((+5+))~~ (9) The court may require the attendance of ~~((both))~~ the
4 child ~~((and))~~ if eight years old or older, the parents, and the school
5 district at any hearing on a petition filed under RCW 28A.225.030.

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

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

15 ~~((+7+))~~ (12) If the allegations in the petition are established by
16 a preponderance of the evidence, the court shall grant the petition and
17 enter an order assuming jurisdiction to intervene for the period of
18 time determined by the court, after considering the facts alleged in
19 the petition and the circumstances of the juvenile, to most likely
20 cause the juvenile to return to and remain in school while the juvenile
21 is subject to this chapter. In no case may the order expire before the
22 end of the school year in which it is entered.

23 ~~((+8+))~~ (13) If the court assumes jurisdiction, the school district
24 shall regularly report to the court any additional unexcused absences
25 by the child.

26 ~~((+9+))~~ (14) Community truancy boards and the courts shall
27 coordinate, to the extent possible, proceedings and actions pertaining
28 to children who are subject to truancy petitions and at-risk youth
29 petitions in RCW 13.32A.191 or child in need of services petitions in
30 RCW 13.32A.140.

31 (15) If after a juvenile court assumes jurisdiction in one county
32 the child relocates to another county, the juvenile court in the
33 receiving county shall, upon the request of a school district or
34 parent, assume jurisdiction of the petition filed in the previous
35 county.

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

1 (1) A court may order a child subject to a petition under RCW
2 28A.225.035 to:

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

4 (b) If there is space available and the program can provide
5 educational services appropriate for the child, order the child to
6 attend another public school, an alternative education program, center,
7 a skill center, dropout prevention program, or another public
8 educational program;

9 (c) Attend a private nonsectarian school or program including an
10 education center. Before ordering a child to attend an approved or
11 certified private nonsectarian school or program, the court shall: (i)
12 Consider the public and private programs available; (ii) find that
13 placement is in the best interest of the child; and (iii) find that the
14 private school or program is willing to accept the child and will not
15 charge any fees in addition to those established by contract with the
16 student's school district. If the court orders the child to enroll in
17 a private school or program, the child's school district shall contract
18 with the school or program to provide educational services for the
19 child. The school district shall not be required to contract for a
20 weekly rate that exceeds the state general apportionment dollars
21 calculated on a weekly basis generated by the child and received by the
22 district. A school district shall not be required to enter into a
23 contract that is longer than the remainder of the school year. A
24 school district shall not be required to enter into or continue a
25 contract if the child is no longer enrolled in the district;

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

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

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

38 (3) Any parent violating any of the provisions of either RCW
39 28A.225.010, section 6 of this act, or 28A.225.080 shall be fined not

1 more than twenty-five dollars for each day of unexcused absence from
2 school. It shall be a defense for a parent charged with violating RCW
3 28A.225.010 to show that he or she exercised reasonable diligence in
4 attempting to cause a child in his or her custody to attend school or
5 that the child's school did not perform its duties as required in RCW
6 28A.225.020. The court may order the parent to provide community
7 service instead of imposing a fine. Any fine imposed pursuant to this
8 section may be suspended upon the condition that a parent charged with
9 violating RCW 28A.225.010 shall participate with the school and the
10 child in a supervised plan for the child's attendance at school or upon
11 condition that the parent attend a conference or conferences scheduled
12 by a school for the purpose of analyzing the causes of a child's
13 absence.

14 (4) If a child continues to be truant after entering into a court-
15 approved order with the truancy board under RCW 28A.225.035, the
16 juvenile court shall find the child in contempt, and the court may
17 order the child to be subject to detention, as provided in RCW
18 7.21.030(2)(e), or may impose alternatives to detention such as
19 meaningful community service. Failure by a child to comply with an
20 order issued under this subsection may not subject a child to detention
21 for a period greater than that permitted under a civil contempt
22 proceeding against a child under chapter 13.32A RCW.

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

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

28 For purposes of this chapter, "community truancy board" means a
29 board composed of members of the local community in which the child
30 attends school. ~~((The local school district boards of directors))~~
31 Juvenile courts may establish and operate community truancy boards. If
32 the juvenile court and the school district agree, a school district may
33 establish and operate a community truancy board under the jurisdiction
34 of the juvenile court. Juvenile courts may create a community truancy
35 board or may use other ~~((boards))~~ entities that exist or are created,
36 such as diversion ~~((boards))~~ units. However, a diversion unit or other
37 existing ~~((board))~~ entity must agree before it is used as a truancy
38 board. ~~((Members of the board shall be selected from representatives~~

1 ~~of the community.~~) Duties of a community truancy board shall include,
2 but not be limited to, recommending methods for improving school
3 attendance such as assisting the parent or the child to obtain
4 supplementary services that might eliminate or ameliorate the causes
5 for the absences or suggesting to the school district that the child
6 enroll in another school, an alternative education program, an
7 education center, a skill center, a dropout prevention program, or
8 another public or private educational program.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.225
10 RCW to 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:

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

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

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

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

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

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

21 The superintendent of public instruction shall provide, to the
22 extent funds are appropriated, start-up grants for alternative programs
23 and services that provide instruction and learning for truant, at-risk,
24 and expelled students. Each grant application shall contain proposed
25 performance indicators and an evaluation plan to measure the success of
26 the program and its impact on improved student learning. Applications
27 shall contain the applicant's plan for maintaining the program and
28 services after the grant period.

29 NEW SECTION. **Sec. 8.** If funds are appropriated by the legislature
30 for this specific purpose, the superintendent of public instruction
31 shall contract with the institute of public policy or a similar agency
32 to: Evaluate the effectiveness of the petition process and community
33 truancy boards in chapter 28A.225 RCW in reducing truancy; determine
34 whether students who do return to school after being subject to court
35 action create disruptions for other students in the school, establish
36 patterns of improved attendance, and successfully complete their
37 education program; and determine the costs imposed on school districts

1 by the petition process and other truancy-related procedural
2 requirements required by the legislature in 1992 and thereafter.

3 The cost determination shall be submitted to the legislature by
4 December 15, 1999. The evaluation shall be submitted to the
5 appropriate committees of the legislature by December 15, 2000.

6 This section expires December 31, 2000.

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