
SUBSTITUTE SENATE BILL 6497

State of Washington

64th Legislature

2016 Regular Session

By Senate Human Services, Mental Health & Housing (originally sponsored by Senators Hargrove, O'Ban, Darneille, Miloscia, Litzow, McAuliffe, and Conway)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to court-based and school-based intervention and
2 prevention efforts to promote attendance and reduce truancy; amending
3 RCW 28A.225.005, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035,
4 28A.225.090, 43.185C.315, 43.185C.320, 28A.165.005, 28A.165.035, and
5 28A.655.235; adding a new section to chapter 28A.225 RCW; adding a
6 new section to chapter 43.185C RCW; creating new sections; and
7 providing an effective date.

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

9 NEW SECTION. **Sec. 1.** The legislature recognizes that all
10 children and youth in Washington state are entitled to a basic
11 education and to an equal opportunity to learn. The legislature
12 recognizes that there are many causes of truancy and that truancy is
13 an indicator of future school dropout and delinquent behavior. The
14 legislature recognizes that early engagement of parents in the
15 education process is an important measure in preventing truancy. It
16 is the intent of the legislature to encourage the systematic
17 identification of truant behavior as early as possible and to
18 encourage the use of best practices and evidence-based interventions
19 to reduce truant behavior in every school in Washington state. The
20 legislature intends that schools, parents, juvenile courts, and
21 communities share resources within and across school districts where

1 possible to enhance the availability of best practices and evidence-
2 based intervention for truant children and youth.

3 By taking a three-pronged approach and providing additional tools
4 to schools, courts, communities, and families, the legislature hopes
5 to reduce excessive absenteeism, strengthen family engagement with
6 schools, involve communities, promote academic achievement, reduce
7 educational opportunity gaps, and increase high school graduation
8 rates.

9 First, with respect to absenteeism in general, the legislature
10 intends to put in place consistent practices and procedures,
11 beginning in kindergarten, pursuant to which schools share
12 information with families about the importance of consistent
13 attendance and the consequences of excessive absences, involve
14 families early, and provide families with information, services, and
15 tools that they may access to improve and maintain their children's
16 school attendance.

17 Second, the legislature recognizes the success that has been had
18 by school districts and county juvenile courts around the state that
19 have worked in tandem with one another to establish truancy boards
20 capable of prevention and intervention and that regularly stay
21 truancy petitions in order to first allow these boards to identify
22 barriers to school attendance, cooperatively solve problems, and
23 connect students and their families with needed community-based
24 services. While keeping petition filing requirements in place, the
25 legislature intends to require an initial stay of truancy petitions
26 in order to allow for appropriate intervention and prevention before
27 using a court order to enforce attendance laws. The legislature also
28 intends to encourage efforts by county juvenile courts and school
29 districts to establish and maintain community truancy boards and to
30 employ other best practices, including the provision of training for
31 board members and other school and court personnel on trauma-informed
32 approaches to discipline, the use of the Washington assessment of the
33 risks and needs of students (WARNS) or other assessment tools to
34 identify the specific needs of individual children, and the provision
35 of evidence-based treatments that have been found to be effective in
36 supporting at-risk youth and their families.

37 Third, the legislature recognizes that there are instances in
38 which individual barriers to school attendance that have led to
39 truancy may be best addressed by providing access to a bed in a HOPE
40 center. The legislature further recognizes that even when a truant

1 student is found in contempt of a court order to attend school, it is
2 best practice that the truant student not be placed in juvenile
3 detention but, where feasible and available, instead be placed in a
4 crisis residential center. The legislature intends to increase the
5 number of beds in HOPE centers and crisis residential centers in
6 order to facilitate their use for truant students.

7 **Sec. 2.** RCW 28A.225.005 and 2009 c 556 s 5 are each amended to
8 read as follows:

9 (1) Each school within a school district shall inform the
10 students and the parents of the students enrolled in the school
11 about: The benefits of regular school attendance; the potential
12 effects of excessive absenteeism, whether excused or unexcused, on
13 academic achievement, and graduation and dropout rates; the school's
14 expectations of the parents and guardians to ensure regular school
15 attendance by the child; the resources available to assist the child
16 and the parents and guardians; the role and responsibilities of the
17 school; and the consequences of truancy, including the compulsory
18 education requirements under this chapter. The school shall provide
19 access to the information ((at least annually.)) before or at the
20 time of enrollment of the child at a new school and at the beginning
21 of each school year. If the school regularly and ordinarily
22 communicates most other information to parents online, providing
23 online access to the information required by this section satisfies
24 the requirements of this section unless a parent or guardian
25 specifically requests information to be provided in written form.
26 Reasonable efforts must be made to enable parents to request and
27 receive the information in a language in which they are fluent. A
28 parent must date and acknowledge review of this information online or
29 in writing before or at the time of enrollment of the child at a new
30 school and at the beginning of each school year.

31 (2) The office of the superintendent of public instruction shall
32 develop a template that schools may use to satisfy the requirements
33 of subsection (1) of this section and shall post the information on
34 its web site.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.225
36 RCW to read as follows:

37 (1) Except as provided in subsection (2) of this section, in the
38 event that a child in elementary school is required to attend school

1 under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused
2 absences in a single month during the current school year, or ten or
3 more excused absences in the current school year, the school district
4 shall schedule a conference or conferences with the parent and child
5 at a time reasonably convenient for all persons included for the
6 purpose of identifying the barriers to the child's regular
7 attendance, and the supports and resources that may be made available
8 to the family so that the child is able to regularly attend school.
9 To satisfy the requirements of this section, the conference must
10 include at least one school district employee such as a nurse,
11 counselor, social worker, teacher, or community human services
12 provider, except in those instances regarding the attendance of a
13 child who has an individualized education program or a plan developed
14 under section 504 of the rehabilitation act of 1973, in which case
15 the reconvening of the team that created the program or plan is
16 required.

17 (2) A conference pursuant to subsection (1) of this section is
18 not required in the event of excused absences for which prior notice
19 has been given to the school or a doctor's note has been provided and
20 an academic plan is put in place so that the child does not fall
21 behind. If a regularly scheduled parent-teacher conference day is to
22 take place within thirty days of the second unexcused absence, the
23 school district may schedule this conference on that day.

24 **Sec. 4.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to
25 read as follows:

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

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

38 (b) Schedule a conference or conferences with the ~~((eustodial))~~
39 parent(~~(, parents, or guardian))~~ and child at a time reasonably

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

7 (c) Take data-informed steps to eliminate or reduce the child's
8 absences. These steps shall include the use of the Washington
9 assessment of the risks and needs of students (WARNS), and where
10 appropriate, providing an available approved best practice or
11 research-based intervention, or both, consistent with the WARNS
12 profile, adjusting the child's school program or school or course
13 assignment, providing more individualized or remedial instruction,
14 providing appropriate vocational courses or work experience,
15 referring the child to a community truancy board, (~~(if available,)~~)
16 requiring the child to attend an alternative school or program, or
17 assisting the parent or child to obtain supplementary services that
18 might eliminate or ameliorate the cause or causes for the absence
19 from school. If the child's parent does not attend the scheduled
20 conference, the conference may be conducted with the student and
21 school official. However, the parent shall be notified of the steps
22 to be taken to eliminate or reduce the child's absence.

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

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

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

30 (3) If a child transfers from one school district to another
31 during the school year, the receiving school or school district shall
32 include the unexcused absences accumulated at the previous school or
33 from the previous school district for purposes of this section, RCW
34 28A.225.030, and 28A.225.015, along with a copy of any previous
35 assessment as required under subsection (1)(c) of this section,
36 history of any best practices or researched-based intervention
37 previously provided to the child by the child's current school
38 district, and a copy of the most dated truancy information inclusive
39 of online or written acknowledgment by the parent and child, as
40 provided for in RCW 28A.225.005.

1 **Sec. 5.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to
2 read as follows:

3 (1) For purposes of this chapter, "community truancy board" means
4 a board composed of members of the local community in which the child
5 attends school. (~~Juvenile courts may establish and operate community~~
6 ~~truancy boards. If the juvenile court and the school district agree,~~
7 ~~a school district may~~) All members of a community truancy board must
8 receive training regarding the identification of barriers to school
9 attendance, the use of the Washington assessment of the risks and
10 needs of students (WARNS) or other assessment tools to identify the
11 specific needs of individual children, trauma-informed approaches to
12 discipline, evidence-based treatments that have been found effective
13 in supporting at-risk youth and their families, and the specific
14 services and treatment available in the particular school, court,
15 community, and elsewhere. Pursuant to a memorandum of understanding
16 between a school district and a juvenile court, all school districts
17 must establish and operate a community truancy board under the
18 jurisdiction of the juvenile court. (~~Juvenile courts may create a~~
19 ~~community truancy board or may use other entities that exist or are~~
20 ~~created, such as diversion units. However, a diversion unit or other~~
21 ~~existing entity must agree before it is used as a truancy board.~~)
22 Duties of a community truancy board shall include, but not be limited
23 to: Identifying barriers to school attendance, recommending methods
24 for improving ((school)) attendance such as ((assisting the parent or
25 ~~the child to obtain supplementary services that might eliminate or~~
26 ~~ameliorate the causes for the absences or~~) connecting students and
27 their families with community services and evidence-based services
28 such as functional family therapy, multisystemic therapy, and
29 aggression replacement training, suggesting to the school district
30 that the child enroll in another school, an alternative education
31 program, an education center, a skill center, a dropout prevention
32 program, or another public or private educational program, or
33 referring a child to a HOPE center.

34 (2) The legislature finds that utilization of community truancy
35 boards(~~, or other diversion units that fulfill a similar function,~~)
36 is the preferred means of intervention when preliminary methods (~~of~~
37 ~~notice and parent conferences and taking appropriate steps~~) to
38 eliminate or reduce unexcused absences have not been effective in
39 securing the child's attendance at school. The legislature intends to
40 encourage and support the development and expansion of community

1 truancy boards ((and other diversion programs which are effective in
2 promoting school attendance and preventing the need for more
3 intrusive intervention by the court)). All school districts must
4 establish a community truancy board by August 1, 2017. Operation of a
5 school truancy board does not excuse a district from the obligation
6 of filing a petition within the requirements of RCW 28A.225.015(3).

7 **Sec. 6.** RCW 28A.225.030 and 2012 c 157 s 1 are each amended to
8 read as follows:

9 (1) If a child under the age of seventeen is required to attend
10 school under RCW 28A.225.010 and if the actions taken by a school
11 district under RCW 28A.225.020 are not successful in substantially
12 reducing an enrolled student's absences from public school, not later
13 than the seventh unexcused absence by a child within any month during
14 the current school year or not later than the tenth unexcused absence
15 during the current school year the school district shall file a
16 petition and supporting affidavit for a civil action with the
17 juvenile court alleging a violation of RCW 28A.225.010: (a) By the
18 parent; (b) by the child; or (c) by the parent and the child. The
19 petition must include a list of all interventions that have been
20 attempted as set forth in RCW 28A.225.020, include a copy of any
21 previous truancy assessment completed by the child's current school
22 district, the history of approved best practices intervention or
23 research-based intervention previously provided to the child by the
24 child's current school district, and a copy of the most recent
25 truancy information document signed by the parent and child, pursuant
26 to RCW 28A.225.005. Except as provided in this subsection, no
27 additional documents need be filed with the petition. Nothing in this
28 subsection requires court jurisdiction to terminate when a child
29 turns seventeen or precludes a school district from filing a petition
30 for a child that is seventeen years of age.

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

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

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

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

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

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

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

13 **Sec. 7.** RCW 28A.225.035 and 2012 c 157 s 2 are each amended to
14 read as follows:

15 (1) A petition for a civil action under RCW 28A.225.030 or
16 28A.225.015 shall consist of a written notification to the court
17 alleging that:

18 (a) The child has unexcused absences as described in RCW
19 28A.225.030(1) during the current school year;

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

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

25 (2) The petition shall set forth the name, date of birth, school,
26 address, gender, race, and ethnicity of the child and the names and
27 addresses of the child's parents, and shall set forth (~~whether~~) the
28 languages in which the child and parent are fluent (~~(in English)~~),
29 whether there is an existing individualized education program, and
30 the child's current academic status in school.

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

35 (4)(a) When a petition is filed under RCW 28A.225.030 or
36 28A.225.015, it shall initially be stayed by the juvenile court.

37 (b) By August 1, 2017, the child and the child's parent must be
38 referred to a community truancy board as described in RCW
39 28A.225.025.

1 (c) Between August 1, 2016, and July 31, 2017, intervention and
2 prevention efforts must be employed to substantially reduce the
3 child's unexcused absences. Intervention and prevention efforts under
4 this subsection may include referral to an existing community truancy
5 board, use of the Washington assessment of the risks and needs of
6 students (WARNS) or other assessment tools to identify the specific
7 needs of individual children, the provision of community-based
8 services, and the provision of evidence-based treatments that have
9 been found to be effective in supporting at-risk youth and their
10 families. The school district must provide to the court a description
11 of the intervention and prevention efforts to be employed to
12 substantially reduce the child's unexcused absences, along with a
13 timeline for completion.

14 (d) If intervention and prevention efforts under this subsection
15 are unsuccessful at substantially reducing the child's unexcused
16 absences within the time frame set by the school district, the stay
17 shall be lifted and the juvenile court shall schedule a hearing at
18 which the court shall consider the petition(~~(, or if the court~~
19 determines that a referral to an available community truancy board
20 would substantially reduce the child's unexcused absences, the court
21 may refer the case to a community truancy board under the
22 jurisdiction of the juvenile court)).

23 (5) ~~((If))~~ When a referral is made to a community truancy board,
24 the truancy board must meet with the child, a parent, and the school
25 district representative and enter into an agreement with the
26 petitioner and respondent regarding expectations and any actions
27 necessary to address the child's truancy within twenty days of the
28 referral. If the petition is based on RCW 28A.225.015, the child
29 shall not be required to attend and the agreement under this
30 subsection shall be between the truancy board, the school district,
31 and the child's parent. The court may permit the truancy board or
32 truancy prevention counselor to provide continued supervision over
33 the student, or parent if the petition is based on RCW 28A.225.015.

34 (6) If the community truancy board fails to reach an agreement,
35 or the parent or student does not comply with the agreement, the
36 truancy board shall return the case to the juvenile court for a
37 hearing.

38 (7)(a) Notwithstanding the provisions in subsection (4)(a) of
39 this section, a hearing shall not be required if other actions by the

1 court would substantially reduce the child's unexcused absences. When
2 a juvenile court hearing is held, the court shall:

3 (i) Separately notify the child, the parent of the child, and the
4 school district of the hearing. If the parent is not fluent in
5 English, (~~the preferred practice is for~~) notice (~~to~~) should be
6 provided in a language in which the parent is fluent as indicated on
7 the petition pursuant to RCW 28A.225.030(1);

8 (ii) Notify the parent and the child of their rights to present
9 evidence at the hearing; and

10 (iii) Notify the parent and the child of the options and rights
11 available under chapter 13.32A RCW.

12 (b) If the child is not provided with counsel, the advisement of
13 rights must take place in court by means of a colloquy between the
14 court, the child if eight years old or older, and the parent.

15 (8)(a) The court may require the attendance of the child if eight
16 years old or older, the parents, and the school district at any
17 hearing on a petition filed under RCW 28A.225.030.

18 (b) The court may not issue a bench warrant for a child for
19 failure to appear at a hearing on an initial truancy petition filed
20 under RCW 28A.225.030. If there has been proper service, the court
21 may instead enter a default order assuming jurisdiction under the
22 terms specified in subsection (12) of this section.

23 (9) A school district is responsible for determining who shall
24 represent the school district at hearings on a petition filed under
25 RCW 28A.225.030 or 28A.225.015.

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

32 (11) If the child is in a special education program or has a
33 diagnosed mental or emotional disorder, the court shall inquire as to
34 what efforts the school district has made to assist the child in
35 attending school.

36 (12) If the allegations in the petition are established by a
37 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
40 the petition and the circumstances of the juvenile, to most likely

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

4 (13)(a) If the court assumes jurisdiction, the school district
5 shall periodically report to the court any additional unexcused
6 absences by the child, actions taken by the school district, and an
7 update on the child's academic status in school at a schedule
8 specified by the court.

9 (b) The first report under this subsection (13) must be received
10 no later than three months from the date that the court assumes
11 jurisdiction.

12 (14) Community truancy boards and the courts shall coordinate, to
13 the extent possible, proceedings and actions pertaining to children
14 who are subject to truancy petitions and at-risk youth petitions in
15 RCW 13.32A.191 or child in need of services petitions in RCW
16 13.32A.140.

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

22 **Sec. 8.** RCW 28A.225.090 and 2009 c 266 s 4 are each amended to
23 read as follows:

24 (1) A court may order a child subject to a petition under RCW
25 28A.225.035 to do one or more of the following:

26 (a) Attend the child's current school, and set forth minimum
27 attendance requirements, ~~((including suspensions))~~ which shall not
28 consider a suspension day as an unexcused absence;

29 (b) If there is space available and the program can provide
30 educational services appropriate for the child, order the child to
31 attend another public school, an alternative education program,
32 center, a skill center, dropout prevention program, or another public
33 educational program;

34 (c) Attend a private nonsectarian school or program including an
35 education center. Before ordering a child to attend an approved or
36 certified private nonsectarian school or program, the court shall:

37 (i) Consider the public and private programs available; (ii) find
38 that placement is in the best interest of the child; and (iii) find
39 that the private school or program is willing to accept the child and

1 will not charge any fees in addition to those established by contract
2 with the student's school district. If the court orders the child to
3 enroll in a private school or program, the child's school district
4 shall contract with the school or program to provide educational
5 services for the child. The school district shall not be required to
6 contract for a weekly rate that exceeds the state general
7 apportionment dollars calculated on a weekly basis generated by the
8 child and received by the district. A school district shall not be
9 required to enter into a contract that is longer than the remainder
10 of the school year. A school district shall not be required to enter
11 into or continue a contract if the child is no longer enrolled in the
12 district;

13 ~~(d) ((Be referred to a community truancy board, if available; or~~
14 ~~(e))) Submit to ((testing for the use of controlled substances or~~
15 ~~alcohol based on a determination that such testing)) a substance~~
16 ~~abuse assessment if the court finds on the record that such~~
17 ~~assessment is appropriate to the circumstances and behavior of the~~
18 ~~child and will facilitate the child's compliance with the mandatory~~
19 ~~attendance law and, if any assessment, including a urinalysis test~~
20 ~~ordered under this subsection indicates the use of controlled~~
21 ~~substances or alcohol, order the minor to abstain from the unlawful~~
22 ~~consumption of controlled substances or alcohol and adhere to the~~
23 ~~recommendations of the ((drug)) substance abuse assessment at no~~
24 ~~expense to the school; or~~

25 (e) Submit to a mental health evaluation or other diagnostic
26 evaluation and adhere to the recommendations of the drug assessment,
27 at no expense to the school, if the court finds on the court records
28 that such evaluation is appropriate to the circumstances and behavior
29 of the child, and will facilitate the child's compliance with the
30 mandatory attendance law.

31 (2) If the child fails to comply with the court order, the court
32 may order the child to be subject to detention, as provided in RCW
33 7.21.030(2)(e), or may impose alternatives to detention such as
34 community restitution. Failure by a child to comply with an order
35 issued under this subsection shall not be subject to detention for a
36 period greater than that permitted pursuant to a civil contempt
37 proceeding against a child under chapter 13.32A RCW. Detention
38 ordered under this subsection may be for no longer than seven days.
39 Detention ordered under this subsection shall preferably be served at
40 a crisis residential center close to the child's home rather than in

1 a juvenile detention facility. A warrant of arrest for a child under
2 this subsection may not be served on a child inside of school during
3 school hours in a location where other students are present.

4 (3) Any parent violating any of the provisions of either RCW
5 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
6 twenty-five dollars for each day of unexcused absence from school.
7 The court shall remit fifty percent of the fine collected under this
8 section to the child's school district. It shall be a defense for a
9 parent charged with violating RCW 28A.225.010 to show that he or she
10 exercised reasonable diligence in attempting to cause a child in his
11 or her custody to attend school or that the child's school did not
12 perform its duties as required in RCW 28A.225.020. The court may
13 order the parent to provide community restitution instead of imposing
14 a fine. Any fine imposed pursuant to this section may be suspended
15 upon the condition that a parent charged with violating RCW
16 28A.225.010 shall participate with the school and the child in a
17 supervised plan for the child's attendance at school or upon
18 condition that the parent attend a conference or conferences
19 scheduled by a school for the purpose of analyzing the causes of a
20 child's absence.

21 (4) If a child continues to be truant after entering into a
22 court-approved order with the truancy board under RCW 28A.225.035,
23 the juvenile court shall find the child in contempt, and the court
24 may order the child to be subject to detention, as provided in RCW
25 7.21.030(2)(e), or may impose alternatives to detention such as
26 meaningful community restitution. Failure by a child to comply with
27 an order issued under this subsection may not subject a child to
28 detention for a period greater than that permitted under a civil
29 contempt proceeding against a child under chapter 13.32A RCW.

30 (5) Subsections (1), (2), and (4) of this section shall not apply
31 to a six or seven year old child required to attend public school
32 under RCW 28A.225.015.

33 **Sec. 9.** RCW 43.185C.315 and 2015 c 69 s 22 are each amended to
34 read as follows:

35 (1) The department shall establish HOPE centers that provide no
36 more than seventy-five beds across the state and may establish HOPE
37 centers by contract, within funds appropriated by the legislature
38 specifically for this purpose. HOPE centers shall be operated in a
39 manner to reasonably assure that street youth placed there will not

1 run away. Street youth may leave a HOPE center during the course of
2 the day to attend school or other necessary appointments, but the
3 street youth must be accompanied by an administrator or an
4 administrator's designee. The street youth must provide the
5 administration with specific information regarding his or her
6 destination and expected time of return to the HOPE center. Any
7 street youth who runs away from a HOPE center shall not be readmitted
8 unless specifically authorized by the street youth's placement and
9 liaison specialist, and the placement and liaison specialist shall
10 document with specific factual findings an appropriate basis for
11 readmitting any street youth to a HOPE center. HOPE centers are
12 required to have the following:

13 (~~(1)~~) (a) A license issued by the department of social and
14 health services;

15 (~~(2)~~) (b) A professional with a master's degree in counseling,
16 social work, or related field and at least one year of experience
17 working with street youth or a bachelor of arts degree in social work
18 or a related field and five years of experience working with street
19 youth. This professional staff person may be contractual or a part-
20 time employee, but must be available to work with street youth in a
21 HOPE center at a ratio of one to every fifteen youth staying in a
22 HOPE center. This professional shall be known as a placement and
23 liaison specialist. Preference shall be given to those professionals
24 cross-credentialed in mental health and chemical dependency. The
25 placement and liaison specialist shall:

26 (~~(a)~~) (i) Conduct an assessment of the street youth that
27 includes a determination of the street youth's legal status regarding
28 residential placement;

29 (~~(b)~~) (ii) Facilitate the street youth's return to his or her
30 legally authorized residence at the earliest possible date or
31 initiate processes to arrange legally authorized appropriate
32 placement. Any street youth who may meet the definition of dependent
33 child under RCW 13.34.030 must be referred to the department of
34 social and health services. The department of social and health
35 services shall determine whether a dependency petition should be
36 filed under chapter 13.34 RCW. A shelter care hearing must be held
37 within seventy-two hours to authorize out-of-home placement for any
38 youth the department of social and health services determines is
39 appropriate for out-of-home placement under chapter 13.34 RCW. All of

1 the provisions of chapter 13.32A RCW must be followed for children in
2 need of services or at-risk youth;

3 ~~((c))~~ (iii) Interface with other relevant resources and system
4 representatives to secure long-term residential placement and other
5 needed services for the street youth;

6 ~~((d))~~ (iv) Be assigned immediately to each youth and meet with
7 the youth within eight hours of the youth receiving HOPE center
8 services;

9 ~~((e))~~ (v) Facilitate a physical examination of any street youth
10 who has not seen a physician within one year prior to residence at a
11 HOPE center and facilitate evaluation by a county-designated mental
12 health professional, a chemical dependency specialist, or both if
13 appropriate; and

14 ~~((f))~~ (vi) Arrange an educational assessment to measure the
15 street youth's competency level in reading, writing, and basic
16 mathematics, and that will measure learning disabilities or special
17 needs;

18 ~~((3))~~ (c) Staff trained in development needs of street youth as
19 determined by the department, including an administrator who is a
20 professional with a master's degree in counseling, social work, or a
21 related field and at least one year of experience working with street
22 youth, or a bachelor of arts degree in social work or a related field
23 and five years of experience working with street youth, who must work
24 with the placement and liaison specialist to provide appropriate
25 services on site;

26 ~~((4))~~ (d) A data collection system that measures outcomes for
27 the population served, and enables research and evaluation that can
28 be used for future program development and service delivery. Data
29 collection systems must have confidentiality rules and protocols
30 developed by the department;

31 ~~((5))~~ (e) Notification requirements that meet the notification
32 requirements of chapter 13.32A RCW. The youth's arrival date and time
33 must be logged at intake by HOPE center staff. The staff must
34 immediately notify law enforcement and dependency caseworkers if a
35 street youth runs away from a HOPE center. A child may be transferred
36 to a secure facility as defined in RCW 13.32A.030 whenever the staff
37 reasonably believes that a street youth is likely to leave the HOPE
38 center and not return after full consideration of the factors set
39 forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's
40 temporary placement in the HOPE center must be authorized by the

1 court or the secretary of the department of social and health
2 services if the youth is a dependent of the state under chapter 13.34
3 RCW or the department of social and health services is responsible
4 for the youth under chapter 13.32A RCW, or by the youth's parent or
5 legal custodian, until such time as the parent can retrieve the youth
6 who is returning to home;

7 ~~((+6))~~ (f) HOPE centers must identify to the department of
8 social and health services any street youth it serves who is not
9 returning promptly to home. The department of social and health
10 services then must contact the missing children's clearinghouse
11 identified in chapter 13.60 RCW and either report the youth's
12 location or report that the youth is the subject of a dependency
13 action and the parent should receive notice from the department of
14 social and health services; and

15 ~~((+7))~~ (g) Services that provide counseling and education to the
16 street youth~~((+and))~~.

17 ~~((+8))~~ (2) The department shall award contracts for the
18 operation of HOPE center beds with the goal of facilitating the
19 coordination of services provided for youth by such programs and
20 those services provided by secure and semi-secure crisis residential
21 centers.

22 (3) Subject to funds appropriated for this purpose, the
23 department must incrementally increase the number of available HOPE
24 beds by at least seventeen beds in fiscal year 2017, at least
25 seventeen beds in fiscal year 2018, and at least seventeen beds in
26 fiscal year 2019, such that by July 1, 2019, seventy-five HOPE beds
27 are established and operated throughout the state as set forth in
28 subsection (1) of this section.

29 (4) Subject to funds appropriated for this purpose, the beds
30 available in HOPE centers shall be increased incrementally beyond the
31 limit of seventy-five set forth in subsection (1) of this section.
32 The additional capacity shall be distributed around the state based
33 upon need and, to the extent feasible, shall be geographically
34 situated so that HOPE beds are available across the state. In
35 determining the need for increased numbers of HOPE beds in a
36 particular county or counties, one of the considerations should be
37 the volume of truancy petitions filed there.

38 **Sec. 10.** RCW 43.185C.320 and 2015 c 69 s 23 are each amended to
39 read as follows:

1 To be eligible for placement in a HOPE center, a minor must be
2 either a street youth, as that term is defined in this chapter, or a
3 youth who, without placement in a HOPE center, will continue to
4 participate in increasingly risky behavior, including truancy. Youth
5 may also self-refer to a HOPE center. Payment for a HOPE center bed
6 is not contingent upon prior approval by the department; however,
7 approval from the department of social and health services is needed
8 if the youth is dependent under chapter 13.34 RCW.

9 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.185C
10 RCW to read as follows:

11 Subject to funds appropriated for this purpose, the capacity
12 available in crisis residential centers established pursuant to this
13 chapter shall be increased incrementally by no fewer than ten beds
14 per fiscal year through fiscal year 2019 in order to accommodate
15 truant students found in contempt of a court order to attend school.
16 The additional capacity shall be distributed around the state based
17 upon need and, to the extent feasible, shall be geographically
18 situated to expand the use of crisis residential centers as set forth
19 in this chapter so they are available for use by all courts for
20 housing truant youth.

21 **Sec. 12.** RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each
22 amended to read as follows:

23 (1) This chapter is designed to: (a) Promote the use of data when
24 developing programs to assist underachieving students and reduce
25 disruptive behaviors in the classroom; and (b) guide school districts
26 in providing the most effective and efficient practices when
27 implementing supplemental instruction and services to assist
28 underachieving students and reduce disruptive behaviors in the
29 classroom.

30 (2) School districts implementing a learning assistance program
31 shall focus first on addressing the needs of students:

32 (a) In grades kindergarten through four who are deficient in
33 reading or reading readiness skills to improve reading literacy; and

34 (b) Referred to community truancy boards as defined in RCW
35 28A.225.025.

36 **Sec. 13.** RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each
37 amended to read as follows:

1 (1) Beginning in the 2015-16 school year, expenditure of funds
2 from the learning assistance program must be consistent with the
3 provisions of RCW 28A.655.235.

4 (2) Use of best practices that have been demonstrated through
5 research to be associated with increased student achievement
6 magnifies the opportunities for student success. To the extent they
7 are included as a best practice or strategy in one of the state menus
8 or an approved alternative under this section or RCW 28A.655.235, the
9 following are services and activities that may be supported by the
10 learning assistance program:

11 (a) Extended learning time opportunities occurring:

12 (i) Before or after the regular school day;

13 (ii) On Saturday; and

14 (iii) Beyond the regular school year;

15 (b) Services under RCW 28A.320.190;

16 (c) Professional development for certificated and classified
17 staff that focuses on:

18 (i) The needs of a diverse student population;

19 (ii) Specific literacy and mathematics content and instructional
20 strategies; and

21 (iii) The use of student work to guide effective instruction and
22 appropriate assistance;

23 (d) Consultant teachers to assist in implementing effective
24 instructional practices by teachers serving participating students;

25 (e) Tutoring support for participating students;

26 (f) Outreach activities and support for parents of participating
27 students, including employing parent and family engagement
28 coordinators; ~~((and))~~

29 (g) Up to five percent of a district's learning assistance
30 program allocation may be used for development of partnerships with
31 community-based organizations, educational service districts, and
32 other local agencies to deliver academic and nonacademic supports to
33 participating students who are significantly at risk of not being
34 successful in school to reduce barriers to learning, increase student
35 engagement, and enhance students' readiness to learn. The office of
36 the superintendent of public instruction must approve any community-
37 based organization or local agency before learning assistance funds
38 may be expended; and

1 (h) Up to two percent of a district's learning assistance program
2 allocation may be used to fund community truancy board activities and
3 student supports as described in RCW 28A.225.025.

4 (3) In addition to the state menu developed under RCW
5 28A.655.235, the office of the superintendent of public instruction
6 shall convene a panel of experts, including the Washington state
7 institute for public policy, to develop additional state menus of
8 best practices and strategies for use in the learning assistance
9 program to assist struggling students at all grade levels in English
10 language arts and mathematics and reduce disruptive behaviors in the
11 classroom. The office of the superintendent of public instruction
12 shall publish the state menus by July 1, 2015, and update the state
13 menus by each July 1st thereafter.

14 (4)(a) Beginning in the 2016-17 school year, except as provided
15 in (b) of this subsection, school districts must use a practice or
16 strategy that is on a state menu developed under subsection (3) of
17 this section or RCW 28A.655.235.

18 (b) Beginning in the 2016-17 school year, school districts may
19 use a practice or strategy that is not on a state menu developed
20 under subsection (3) of this section for two school years initially.
21 If the district is able to demonstrate improved outcomes for
22 participating students over the previous two school years at a level
23 commensurate with the best practices and strategies on the state
24 menu, the office of the superintendent of public instruction shall
25 approve use of the alternative practice or strategy by the district
26 for one additional school year. Subsequent annual approval by the
27 superintendent of public instruction to use the alternative practice
28 or strategy is dependent on the district continuing to demonstrate
29 increased improved outcomes for participating students.

30 (c) Beginning in the 2016-17 school year, school districts may
31 enter cooperative agreements with state agencies, local governments,
32 or school districts for administrative or operational costs needed to
33 provide services in accordance with the state menus developed under
34 this section and RCW 28A.655.235.

35 (5) School districts are encouraged to implement best practices
36 and strategies from the state menus developed under this section and
37 RCW 28A.655.235 before the use is required.

38 **Sec. 14.** RCW 28A.655.235 and 2013 2nd sp.s. c 18 s 106 are each
39 amended to read as follows:

1 (1)(a) Beginning in the 2015-16 school year, except as otherwise
2 provided in this subsection (1), for any student who received a score
3 of basic or below basic on the third grade statewide student
4 assessment in English language arts in the previous school year, the
5 school district must implement an intensive reading and literacy
6 improvement strategy from a state menu of best practices established
7 in accordance with subsection (3) of this section or an alternative
8 strategy in accordance with subsection (4) of this section.

9 (b) Beginning August 1, 2017, the school district must implement
10 a community truancy board as provided in RCW 28A.165.035.

11 (c) Reading and literacy improvement strategies for students with
12 disabilities whose individualized education program includes
13 specially designed instruction in reading or English language arts
14 shall be as provided in the individualized education program.

15 (2)(a) Also beginning in the 2015-16 school year, in any school
16 where more than forty percent of the tested students received a score
17 of basic or below basic on the third grade statewide student
18 assessment in English language arts in the previous school year, as
19 calculated under this subsection (2), the school district must
20 implement an intensive reading and literacy improvement strategy from
21 a state menu of best practices established in accordance with
22 subsection (3) of this section or an alternative strategy in
23 accordance with subsection (4) of this section for all students in
24 grades kindergarten through four at the school.

25 (b) For the purposes of this subsection (2), the office of the
26 superintendent of public instruction shall exclude the following from
27 the calculation of a school's percentage of tested students receiving
28 a score of basic or below basic on the third grade statewide student
29 assessment:

30 (i) Students enrolled in the transitional bilingual instruction
31 program unless the student has participated in the transitional
32 bilingual instruction program for three school years;

33 (ii) Students with disabilities whose individualized education
34 program specifies a different standard to measure reading performance
35 than is required for the statewide student assessment; and

36 (iii) Schools with fewer than ten students in third grade.

37 (3) The office of the superintendent of public instruction shall
38 convene a panel of experts, including the Washington state institute
39 for public policy, to develop a state menu of best practices and
40 strategies for intensive reading and literacy improvement designed to

1 assist struggling students in reaching grade level in reading by the
2 end of fourth grade. The state menu must also include best practices
3 and strategies to improve the reading and literacy of students who
4 are English language learners and for system improvements that
5 schools and school districts can implement to improve reading
6 instruction for all students. The office of the superintendent of
7 public instruction shall publish the state menu by July 1, 2014, and
8 update the state menu by each July 1st thereafter.

9 (4) School districts may use an alternative practice or strategy
10 that is not on a state menu developed under subsection (3) of this
11 section for two school years initially. If the district is able to
12 demonstrate improved outcomes for participating students over the
13 previous two school years at a level commensurate with the best
14 practices and strategies on the state menu, the office of the
15 superintendent of public instruction must approve use of the
16 alternative practice or strategy by the district for one additional
17 school year. Subsequent annual approval by the superintendent of
18 public instruction to use the alternative practice or strategy is
19 dependent on the district continuing to demonstrate an increase in
20 improved outcomes for participating students.

21 NEW SECTION. **Sec. 15.** The office of the superintendent of
22 public instruction shall develop recommendations as to how mandatory
23 school attendance and truancy amelioration provisions under chapter
24 28A.225 RCW should be applied to online schools and report back to
25 the relevant committees of the legislature by November 1, 2016.

26 NEW SECTION. **Sec. 16.** Sections 12 through 14 of this act take
27 effect September 1, 2016.

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