
SECOND SUBSTITUTE SENATE BILL 6497

State of Washington

64th Legislature

2016 Regular Session

By Senate Ways & Means (originally sponsored by Senators Hargrove, O'Ban, Darneille, Miloscia, Litzow, McAuliffe, and Conway)

READ FIRST TIME 02/09/16.

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; adding a new section to chapter
7 43.330 RCW; creating new sections; and 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 If a regularly scheduled parent-teacher conference day is to take
10 place within thirty days of the absences, the school district may
11 schedule this conference on that day. To satisfy the requirements of
12 this section, the conference must include at least one school
13 district employee such as a nurse, counselor, social worker, teacher,
14 or community human services provider, except in those instances
15 regarding the attendance of a child who has an individualized
16 education program or a plan developed under section 504 of the
17 rehabilitation act of 1973, in which case the reconvening of the team
18 that created the program or plan is required.

19 (2) A conference pursuant to subsection (1) of this section is
20 not required in the event of excused absences for which prior notice
21 has been given to the school or a doctor's note has been provided and
22 an academic plan is put in place so that the child does not fall
23 behind.

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 (4) School districts with fewer than two hundred students may
2 work cooperatively with other school districts, the county court, or
3 the school district's educational service district to provide a
4 community truancy board or other interventions approved by the
5 juvenile court and associated screenings and services to its
6 students.

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

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

1 (2) The legislature finds that utilization of community truancy
2 boards(~~(, or other diversion units that fulfill a similar function,)~~)
3 is the preferred means of intervention when preliminary methods (~~(of~~
4 ~~notice and parent conferences and taking appropriate steps)~~) to
5 eliminate or reduce unexcused absences have not been effective in
6 securing the child's attendance at school. The legislature intends to
7 encourage and support the development and expansion of community
8 truancy boards (~~(and other diversion programs which are effective in~~
9 ~~promoting school attendance and preventing the need for more~~
10 ~~intrusive intervention by the court)~~). All school districts must
11 establish a community truancy board by August 1, 2017. Operation of a
12 school truancy board does not excuse a district from the obligation
13 of filing a petition within the requirements of RCW 28A.225.015(3).

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

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

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

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

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

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

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

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

16 (5) Petitions filed under this section may be served by certified
17 mail, return receipt requested. If such service is unsuccessful, or
18 the return receipt is not signed by the addressee, personal service
19 is required.

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

22 (1) A petition for a civil action under RCW 28A.225.030 or
23 28A.225.015 shall consist of a written notification to the court
24 alleging that:

25 (a) The child has unexcused absences as described in RCW
26 28A.225.030(1) during the current school year;

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

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

32 (2) The petition shall set forth the name, date of birth, school,
33 address, gender, race, and ethnicity of the child and the names and
34 addresses of the child's parents, and shall set forth (~~whether~~) the
35 languages in which the child and parent are fluent (~~(in English)~~),
36 whether there is an existing individualized education program, and
37 the child's current academic status in school.

38 (3) The petition shall set forth facts that support the
39 allegations in this section and shall generally request relief

1 available under this chapter and provide information about what the
2 court might order under RCW 28A.225.090.

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

5 (b) By August 1, 2017, the child and the child's parent must be
6 referred to a community truancy board as described in RCW
7 28A.225.025.

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

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

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

1 (6) If the community truancy board fails to reach an agreement,
2 or the parent or student does not comply with the agreement, the
3 truancy board shall return the case to the juvenile court for a
4 hearing.

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

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

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

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

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

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

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

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

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

38 (11) If the child is in a special education program or has a
39 diagnosed mental or emotional disorder, the court shall inquire as to

1 what efforts the school district has made to assist the child in
2 attending school.

3 (12) If the allegations in the petition are established by a
4 preponderance of the evidence, the court shall grant the petition and
5 enter an order assuming jurisdiction to intervene for the period of
6 time determined by the court, after considering the facts alleged in
7 the petition and the circumstances of the juvenile, to most likely
8 cause the juvenile to return to and remain in school while the
9 juvenile is subject to this chapter. In no case may the order expire
10 before the end of the school year in which it is entered.

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

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

19 (14) Community truancy boards and the courts shall coordinate, to
20 the extent possible, proceedings and actions pertaining to children
21 who are subject to truancy petitions and at-risk youth petitions in
22 RCW 13.32A.191 or child in need of services petitions in RCW
23 13.32A.140.

24 (15) If after a juvenile court assumes jurisdiction in one county
25 the child relocates to another county, the juvenile court in the
26 receiving county shall, upon the request of a school district or
27 parent, assume jurisdiction of the petition filed in the previous
28 county.

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

31 (1) A court may order a child subject to a petition under RCW
32 28A.225.035 to do one or more of the following:

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

36 (b) If there is space available and the program can provide
37 educational services appropriate for the child, order the child to
38 attend another public school, an alternative education program,

1 center, a skill center, dropout prevention program, or another public
2 educational program;

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

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

33 (e) Submit to a mental health evaluation or other diagnostic
34 evaluation and adhere to the recommendations of the drug assessment,
35 at no expense to the school, if the court finds on the court records
36 that such evaluation is appropriate to the circumstances and behavior
37 of the child, and will facilitate the child's compliance with the
38 mandatory attendance law; or

1 (f) Submit to a temporary placement in a crisis residential
2 center if the court determines there is an immediate health and
3 safety concern, or a family conflict with the need for mediation.

4 (2) If the child fails to comply with the court order, the court
5 may order the child to be subject to detention, as provided in RCW
6 7.21.030(2)(e), or may impose alternatives to detention such as
7 community restitution. Failure by a child to comply with an order
8 issued under this subsection shall not be subject to detention for a
9 period greater than that permitted pursuant to a civil contempt
10 proceeding against a child under chapter 13.32A RCW. Detention
11 ordered under this subsection may be for no longer than seven days.
12 Detention ordered under this subsection shall preferably be served at
13 a secure crisis residential center close to the child's home rather
14 than in a juvenile detention facility. A warrant of arrest for a
15 child under this subsection may not be served on a child inside of
16 school during school hours in a location where other students are
17 present.

18 (3) Any parent violating any of the provisions of either RCW
19 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
20 twenty-five dollars for each day of unexcused absence from school.
21 The court shall remit fifty percent of the fine collected under this
22 section to the child's school district. It shall be a defense for a
23 parent charged with violating RCW 28A.225.010 to show that he or she
24 exercised reasonable diligence in attempting to cause a child in his
25 or her custody to attend school or that the child's school did not
26 perform its duties as required in RCW 28A.225.020. The court may
27 order the parent to provide community restitution instead of imposing
28 a fine. Any fine imposed pursuant to this section may be suspended
29 upon the condition that a parent charged with violating RCW
30 28A.225.010 shall participate with the school and the child in a
31 supervised plan for the child's attendance at school or upon
32 condition that the parent attend a conference or conferences
33 scheduled by a school for the purpose of analyzing the causes of a
34 child's absence.

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

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

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

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

9 (1) The department shall establish HOPE centers that provide no
10 more than seventy-five beds across the state and may establish HOPE
11 centers by contract, within funds appropriated by the legislature
12 specifically for this purpose. HOPE centers shall be operated in a
13 manner to reasonably assure that street youth placed there will not
14 run away. Street youth may leave a HOPE center during the course of
15 the day to attend school or other necessary appointments, but the
16 street youth must be accompanied by an administrator or an
17 administrator's designee. The street youth must provide the
18 administration with specific information regarding his or her
19 destination and expected time of return to the HOPE center. Any
20 street youth who runs away from a HOPE center shall not be readmitted
21 unless specifically authorized by the street youth's placement and
22 liaison specialist, and the placement and liaison specialist shall
23 document with specific factual findings an appropriate basis for
24 readmitting any street youth to a HOPE center. HOPE centers are
25 required to have the following:

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

28 ~~((2))~~ (b) A professional with a master's degree in counseling,
29 social work, or related field and at least one year of experience
30 working with street youth or a bachelor of arts degree in social work
31 or a related field and five years of experience working with street
32 youth. This professional staff person may be contractual or a part-
33 time employee, but must be available to work with street youth in a
34 HOPE center at a ratio of one to every fifteen youth staying in a
35 HOPE center. This professional shall be known as a placement and
36 liaison specialist. Preference shall be given to those professionals
37 cross-credentialed in mental health and chemical dependency. The
38 placement and liaison specialist shall:

1 ~~((a))~~ (i) Conduct an assessment of the street youth that
2 includes a determination of the street youth's legal status regarding
3 residential placement;

4 ~~((b))~~ (ii) Facilitate the street youth's return to his or her
5 legally authorized residence at the earliest possible date or
6 initiate processes to arrange legally authorized appropriate
7 placement. Any street youth who may meet the definition of dependent
8 child under RCW 13.34.030 must be referred to the department of
9 social and health services. The department of social and health
10 services shall determine whether a dependency petition should be
11 filed under chapter 13.34 RCW. A shelter care hearing must be held
12 within seventy-two hours to authorize out-of-home placement for any
13 youth the department of social and health services determines is
14 appropriate for out-of-home placement under chapter 13.34 RCW. All of
15 the provisions of chapter 13.32A RCW must be followed for children in
16 need of services or at-risk youth;

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

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

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

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

32 ~~((3))~~ (c) Staff trained in development needs of street youth as
33 determined by the department, including an administrator who is a
34 professional with a master's degree in counseling, social work, or a
35 related field and at least one year of experience working with street
36 youth, or a bachelor of arts degree in social work or a related field
37 and five years of experience working with street youth, who must work
38 with the placement and liaison specialist to provide appropriate
39 services on site;

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

6 ~~((5))~~ (e) Notification requirements that meet the notification
7 requirements of chapter 13.32A RCW. The youth's arrival date and time
8 must be logged at intake by HOPE center staff. The staff must
9 immediately notify law enforcement and dependency caseworkers if a
10 street youth runs away from a HOPE center. A child may be transferred
11 to a secure facility as defined in RCW 13.32A.030 whenever the staff
12 reasonably believes that a street youth is likely to leave the HOPE
13 center and not return after full consideration of the factors set
14 forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's
15 temporary placement in the HOPE center must be authorized by the
16 court or the secretary of the department of social and health
17 services if the youth is a dependent of the state under chapter 13.34
18 RCW or the department of social and health services is responsible
19 for the youth under chapter 13.32A RCW, or by the youth's parent or
20 legal custodian, until such time as the parent can retrieve the youth
21 who is returning to home;

22 ~~((6))~~ (f) HOPE centers must identify to the department of
23 social and health services any street youth it serves who is not
24 returning promptly to home. The department of social and health
25 services then must contact the missing children's clearinghouse
26 identified in chapter 13.60 RCW and either report the youth's
27 location or report that the youth is the subject of a dependency
28 action and the parent should receive notice from the department of
29 social and health services; and

30 ~~((7))~~ (g) Services that provide counseling and education to the
31 street youth~~((; and))~~.

32 ~~((8))~~ (2) The department shall award contracts for the
33 operation of HOPE center beds with the goal of facilitating the
34 coordination of services provided for youth by such programs and
35 those services provided by secure and semi-secure crisis residential
36 centers.

37 (3) Subject to funds appropriated for this purpose, the
38 department must incrementally increase the number of available HOPE
39 beds by at least seventeen beds in fiscal year 2017, at least
40 seventeen beds in fiscal year 2018, and at least seventeen beds in

1 fiscal year 2019, such that by July 1, 2019, seventy-five HOPE beds
2 are established and operated throughout the state as set forth in
3 subsection (1) of this section.

4 (4) Subject to funds appropriated for this purpose, the beds
5 available in HOPE centers shall be increased incrementally beyond the
6 limit of seventy-five set forth in subsection (1) of this section.
7 The additional capacity shall be distributed around the state based
8 upon need and, to the extent feasible, shall be geographically
9 situated so that HOPE beds are available across the state. In
10 determining the need for increased numbers of HOPE beds in a
11 particular county or counties, one of the considerations should be
12 the volume of truancy petitions filed there.

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

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

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

25 Subject to funds appropriated for this purpose, the capacity
26 available in crisis residential centers established pursuant to this
27 chapter shall be increased incrementally by no fewer than ten beds
28 per fiscal year through fiscal year 2019 in order to accommodate
29 truant students found in contempt of a court order to attend school.
30 The additional capacity shall be distributed around the state based
31 upon need and, to the extent feasible, shall be geographically
32 situated to expand the use of crisis residential centers as set forth
33 in this chapter so they are available for use by all courts for
34 housing truant youth.

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

1 (1) This chapter is designed to: (a) Promote the use of data when
2 developing programs to assist underachieving students and reduce
3 disruptive behaviors in the classroom; and (b) guide school districts
4 in providing the most effective and efficient practices when
5 implementing supplemental instruction and services to assist
6 underachieving students and reduce disruptive behaviors in the
7 classroom.

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

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

12 (b) Referred to community truancy boards as defined in RCW
13 28A.225.025.

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

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

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

26 (a) Extended learning time opportunities occurring:

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

28 (ii) On Saturday; and

29 (iii) Beyond the regular school year;

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

31 (c) Professional development for certificated and classified
32 staff that focuses on:

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

34 (ii) Specific literacy and mathematics content and instructional
35 strategies; and

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

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

1 (e) Tutoring support for participating students;

2 (f) Outreach activities and support for parents of participating
3 students, including employing parent and family engagement
4 coordinators; ~~((and))~~

5 (g) Up to five percent of a district's learning assistance
6 program allocation may be used for development of partnerships with
7 community-based organizations, educational service districts, and
8 other local agencies to deliver academic and nonacademic supports to
9 participating students who are significantly at risk of not being
10 successful in school to reduce barriers to learning, increase student
11 engagement, and enhance students' readiness to learn. The office of
12 the superintendent of public instruction must approve any community-
13 based organization or local agency before learning assistance funds
14 may be expended; and

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

18 (3) In addition to the state menu developed under RCW
19 28A.655.235, the office of the superintendent of public instruction
20 shall convene a panel of experts, including the Washington state
21 institute for public policy, to develop additional state menus of
22 best practices and strategies for use in the learning assistance
23 program to assist struggling students at all grade levels in English
24 language arts and mathematics and reduce disruptive behaviors in the
25 classroom. The office of the superintendent of public instruction
26 shall publish the state menus by July 1, 2015, and update the state
27 menus by each July 1st thereafter.

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

32 (b) Beginning in the 2016-17 school year, school districts may
33 use a practice or strategy that is not on a state menu developed
34 under subsection (3) of this section for two school years initially.
35 If the district is able to demonstrate improved outcomes for
36 participating students over the previous two school years at a level
37 commensurate with the best practices and strategies on the state
38 menu, the office of the superintendent of public instruction shall
39 approve use of the alternative practice or strategy by the district
40 for one additional school year. Subsequent annual approval by the

1 superintendent of public instruction to use the alternative practice
2 or strategy is dependent on the district continuing to demonstrate
3 increased improved outcomes for participating students.

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

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

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

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

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

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

28 (2)(a) Also beginning in the 2015-16 school year, in any school
29 where more than forty percent of the tested students received a score
30 of basic or below basic on the third grade statewide student
31 assessment in English language arts in the previous school year, as
32 calculated under this subsection (2), the school district must
33 implement an intensive reading and literacy improvement strategy from
34 a state menu of best practices established in accordance with
35 subsection (3) of this section or an alternative strategy in
36 accordance with subsection (4) of this section for all students in
37 grades kindergarten through four at the school.

38 (b) For the purposes of this subsection (2), the office of the
39 superintendent of public instruction shall exclude the following from

1 the calculation of a school's percentage of tested students receiving
2 a score of basic or below basic on the third grade statewide student
3 assessment:

4 (i) Students enrolled in the transitional bilingual instruction
5 program unless the student has participated in the transitional
6 bilingual instruction program for three school years;

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

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

11 (3) The office of the superintendent of public instruction shall
12 convene a panel of experts, including the Washington state institute
13 for public policy, to develop a state menu of best practices and
14 strategies for intensive reading and literacy improvement designed to
15 assist struggling students in reaching grade level in reading by the
16 end of fourth grade. The state menu must also include best practices
17 and strategies to improve the reading and literacy of students who
18 are English language learners and for system improvements that
19 schools and school districts can implement to improve reading
20 instruction for all students. The office of the superintendent of
21 public instruction shall publish the state menu by July 1, 2014, and
22 update the state menu by each July 1st thereafter.

23 (4) School districts may use an alternative practice or strategy
24 that is not on a state menu developed under subsection (3) of this
25 section for two school years initially. If the district is able to
26 demonstrate improved outcomes for participating students over the
27 previous two school years at a level commensurate with the best
28 practices and strategies on the state menu, the office of the
29 superintendent of public instruction must approve use of the
30 alternative practice or strategy by the district for one additional
31 school year. Subsequent annual approval by the superintendent of
32 public instruction to use the alternative practice or strategy is
33 dependent on the district continuing to demonstrate an increase in
34 improved outcomes for participating students.

35 NEW SECTION. **Sec. 15.** The office of the superintendent of
36 public instruction shall develop recommendations as to how mandatory
37 school attendance and truancy amelioration provisions under chapter
38 28A.225 RCW should be applied to online schools and report back to
39 the relevant committees of the legislature by November 1, 2016.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.330
2 RCW to read as follows:

3 (1) By requiring an initial stay of truancy petitions for
4 diversion to community truancy boards, the legislature intends to
5 achieve the following outcomes:

6 (a) Increased access to community truancy boards and other
7 truancy early intervention programs for parents and children
8 throughout the state;

9 (b) Increased quantity and quality of truancy intervention and
10 prevention efforts in the community;

11 (c) A reduction in the number of truancy petitions that result in
12 further proceedings by juvenile courts, other than dismissal of the
13 petition, after the initial stay and diversion to a community truancy
14 board; and

15 (d) A reduction in the number of truancy petitions that result in
16 a civil contempt proceeding or detention order.

17 (2) No later than January 1, 2021, the Washington state institute
18 for public policy is directed to evaluate the effectiveness of
19 chapter . . . , Laws of 2016 (this act). An initial report scoping of
20 the methodology to be used to review chapter . . . , Laws of 2016
21 (this act) shall be submitted to the fiscal committees of the
22 legislature by January 1, 2018. The initial report must identify any
23 data gaps that could hinder the ability of the institute to conduct
24 its review.

25 NEW SECTION. **Sec. 17.** Sections 12 through 14 of this act take
26 effect September 1, 2016.

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