
SECOND SUBSTITUTE HOUSE BILL 1170

State of Washington

65th Legislature

2017 Regular Session

By House Appropriations (originally sponsored by Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet, and Santos)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to maintaining and facilitating court-based and
2 school-based efforts to promote attendance and reduce truancy;
3 amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.026,
4 28A.225.090, 28A.225.030, 28A.225.151, and 28A.250.070; adding a new
5 section to chapter 28A.232 RCW; creating a new section; and repealing
6 RCW 28A.225.115.

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

8 **Sec. 1.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to
9 read as follows:

10 (1) If a parent enrolls a child who is six or seven years of age
11 in a public school, the child is required to attend and that parent
12 has the responsibility to ensure the child attends for the full time
13 that school is in session. An exception shall be made to this
14 requirement for children whose parents formally remove them from
15 enrollment if the child is less than eight years old and a petition
16 has not been filed against the parent under subsection (3) of this
17 section. The requirement to attend school under this subsection does
18 not apply to a child enrolled in a public school part-time for the
19 purpose of receiving ancillary services. A child required to attend
20 school under this subsection may be temporarily excused upon the

1 request of his or her parent for purposes agreed upon by the school
2 district and parent.

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

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

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

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

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

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

37 **Sec. 2.** RCW 28A.225.020 and 2016 c 205 s 4 are each amended to
38 read as follows:

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

4 (a) Inform the child's parent by a notice in writing or by
5 telephone whenever the child has failed to attend school after one
6 unexcused absence within any month during the current school year.
7 School officials shall inform the parent of the potential
8 consequences of additional unexcused absences. If the parent is not
9 fluent in English, the school must make reasonable efforts to provide
10 this information in a language in which the parent is fluent;

11 (b) Schedule a conference or conferences with the parent and
12 child at a time reasonably convenient for all persons included for
13 the purpose of analyzing the causes of the child's absences after
14 ~~((two))~~ three unexcused absences within any month during the current
15 school year. If a regularly scheduled parent-teacher conference day
16 is to take place within thirty days of the ~~((second))~~ third unexcused
17 absence, then the school district may schedule this conference on
18 that day. If the child's parent does not attend the scheduled
19 conference, the conference may be conducted with the student and
20 school official. However the parent shall be notified of the steps to
21 be taken to eliminate or reduce the child's absence; and

22 (c) At some point after the second and before the fifth unexcused
23 absence, take data-informed steps to eliminate or reduce the child's
24 absences.

25 (i) In middle school and high school, these steps ((shall)) must
26 include application of the Washington assessment of the risks and
27 needs of students (WARNS) or other assessment by a school district's
28 designee under RCW 28A.225.026((, and)).

29 (ii) For any child with an existing individualized education plan
30 or 504 plan, these steps must include the convening of the child's
31 individualized education plan or 504 plan team, including a behavior
32 specialist or mental health specialist where appropriate, to consider
33 the reasons for the absences. If necessary, and if consent from the
34 parent is given, a functional behavior assessment to explore the
35 function of the absence behavior shall be conducted and a detailed
36 behavior plan completed. Time should be allowed for the behavior plan
37 to be initiated and data tracked to determine progress.

38 (iii) With respect to any child, without an existing
39 individualized education plan or 504 plan, reasonably believed to
40 have a mental or physical disability or impairment, these steps must

1 include informing the child's parent of the right to obtain an
2 appropriate evaluation at no cost to the parent to determine whether
3 the child has a disability or impairment and needs accommodations,
4 related services, or special education services. This includes
5 children with suspected emotional or behavioral disabilities as
6 defined in WAC 392-172A-01035. If the school obtains consent to
7 conduct an evaluation, time should be allowed for the evaluation to
8 be completed, and if the child is found to be eligible for special
9 education services, accommodations, or related services, a plan
10 developed to address the child's needs.

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

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

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

30 ~~((b))~~ (ii) Has failed to meet the school district's policy for
31 excused absences; or

32 (b) Has failed to comply with alternative learning experience
33 program attendance requirements as described by the superintendent of
34 public instruction.

35 (3) If a child transfers from one school district to another
36 during the school year, the receiving school or school district shall
37 include the unexcused absences accumulated at the previous school or
38 from the previous school district for purposes of this section, RCW
39 28A.225.030, and 28A.225.015. The sending school district shall
40 provide this information to the receiving school, together with a

1 copy of any previous assessment as required under subsection (1)(c)
2 of this section, history of any best practices or researched-based
3 intervention previously provided to the child by the child's sending
4 school district, and a copy of the most recent truancy information
5 including any online or written acknowledgment by the parent and
6 child, as provided for in RCW 28A.225.005. All school districts must
7 use the standard choice transfer form for releasing a student to a
8 nonresident school district for the purposes of accessing an
9 alternative learning experience program.

10 **Sec. 3.** RCW 28A.225.025 and 2016 c 205 s 5 are each amended to
11 read as follows:

12 (1) For purposes of this chapter, "community truancy board" means
13 a board established pursuant to a memorandum of understanding between
14 a juvenile court and a school district and composed of members of the
15 local community in which the child attends school. (~~All members of~~
16 ~~a~~) Community truancy boards must include members who receive
17 training regarding the identification of barriers to school
18 attendance, the use of the Washington assessment of the risks and
19 needs of students (WARNS) or other assessment tools to identify the
20 specific needs of individual children, cultural responsive
21 interactions, trauma-informed approaches to discipline, evidence-
22 based treatments that have been found effective in supporting at-risk
23 youth and their families, and the specific services and treatment
24 available in the particular school, court, community, and elsewhere.
25 Duties of a community truancy board shall include, but not be limited
26 to: Identifying barriers to school attendance, recommending methods
27 for improving attendance such as connecting students and their
28 families with community services, culturally appropriate promising
29 practices, and evidence-based services such as functional family
30 therapy(~~, multisystemic therapy, and aggression replacement~~
31 ~~training~~)), suggesting to the school district that the child enroll
32 in another school, an alternative education program, an education
33 center, a skill center, a dropout prevention program, or another
34 public or private educational program, or recommending to the
35 juvenile court that a juvenile be (~~referred to~~) offered the
36 opportunity for placement in a HOPE center or crisis residential
37 center, if appropriate.

38 (2) The legislature finds that utilization of community truancy
39 boards is the preferred means of intervention when preliminary

1 methods to eliminate or reduce unexcused absences as required by RCW
2 28A.225.020 have not been effective in securing the child's
3 attendance at school. The legislature intends to encourage and
4 support the development and expansion of community truancy boards.
5 Operation of a school truancy board does not excuse a district from
6 the obligation of filing a petition within the requirements of RCW
7 28A.225.015(3).

8 **Sec. 4.** RCW 28A.225.026 and 2016 c 205 s 6 are each amended to
9 read as follows:

10 (1) By the beginning of the 2017-18 school year, juvenile courts
11 must establish, through a memorandum of understanding with each
12 school district within their respective counties, a coordinated and
13 collaborative approach to address truancy through the establishment
14 of a community truancy board or, with respect to certain small
15 districts, through other means as provided in subsection (3) of this
16 section.

17 (2) Except as provided in subsection (3) of this section, each
18 school district must enter into a memorandum of understanding with
19 the juvenile court in the county in which it is located with respect
20 to the operation of a community truancy board. A community truancy
21 board may be operated by a juvenile court, a school district, or a
22 collaboration between both entities, so long as the agreement is
23 memorialized in a memorandum of understanding. For a school district
24 that is located in more than one county, the memorandum of
25 understanding shall be with the juvenile court in the county that
26 acts as the school district's treasurer.

27 (3) A school district with fewer than ~~((two))~~ three hundred
28 students must enter into a memorandum of understanding with the
29 juvenile court in the county in which it is located with respect to:
30 (a) The operation of a community truancy board; or (b) addressing
31 truancy through other coordinated means of intervention aimed at
32 identifying barriers to school attendance, and connecting students
33 and their families with community services, culturally appropriate
34 promising practices, and evidence-based services such as functional
35 family therapy(~~(, multisystemic therapy, and aggression replacement~~
36 ~~training)~~). School districts with fewer than ~~((two))~~ three hundred
37 students may work cooperatively with other school districts or the
38 school district's educational service district to ensure access to a

1 community truancy board or to provide other coordinated means of
2 intervention.

3 (4) All school districts must designate, and identify to the
4 local juvenile court and to the office of the superintendent of
5 public instruction, a person or persons to coordinate school district
6 efforts to address excessive absenteeism and truancy, including tasks
7 associated with: Outreach and conferences pursuant to RCW
8 28A.225.018; entering into a memorandum of understanding with the
9 juvenile court; establishing protocols and procedures with the court;
10 coordinating trainings; sharing evidence-based and culturally
11 appropriate promising practices; identifying a person within every
12 school to serve as a contact with respect to excessive absenteeism
13 and truancy; and assisting in the recruitment of community truancy
14 board members.

15 (5) As has been demonstrated by school districts and county
16 juvenile courts around the state that have worked together and led
17 the way with community truancy boards, success has resulted from
18 involving the entire community and leveraging existing dollars from a
19 variety of sources, including public and private, local and state,
20 and court, school, and community. In emulating this coordinated and
21 collaborative approach statewide pursuant to local memoranda of
22 understanding, courts and school districts are encouraged to create
23 strong community-wide partnerships and to leverage existing dollars
24 and resources.

25 **Sec. 5.** RCW 28A.225.090 and 2016 c 205 s 9 are each amended to
26 read as follows:

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

29 (a) Attend the child's current school, and set forth minimum
30 attendance requirements, which shall not consider a suspension day as
31 an unexcused absence;

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

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

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

16 (d) Submit to a substance abuse assessment if the court finds on
17 the record that such assessment is appropriate to the circumstances
18 and behavior of the child and will facilitate the child's compliance
19 with the mandatory attendance law and, if any assessment, including a
20 urinalysis test ordered under this subsection indicates the use of
21 controlled substances or alcohol, order the minor to abstain from the
22 unlawful consumption of controlled substances or alcohol and adhere
23 to the recommendations of the 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(~~(; or~~

31 ~~(f) Submit to a temporary placement in a crisis residential~~
32 ~~center or a HOPE center if the court determines there is an immediate~~
33 ~~health and safety concern, or a family conflict with the need for~~
34 ~~mediation)).~~

35 (2)(a) If the child fails to comply with the court order, the
36 court may impose:

37 (i) Community restitution;

38 (ii) Nonresidential programs with intensive wraparound services;

39 (iii) A requirement that the child meet with a mentor for a
40 specified number of times; or

1 (iv) Other services and interventions that the court deems
2 appropriate.

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

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

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

1 meaningful community restitution. Failure by a child to comply with
2 an order issued under this subsection may not subject a child to
3 detention for a period greater than that permitted under a civil
4 contempt proceeding against a child under chapter 13.32A RCW.

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

8 **Sec. 6.** RCW 28A.225.030 and 2016 c 205 s 7 are each amended to
9 read as follows:

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

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

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

37 (b) Refer a student to a community truancy board as defined in
38 RCW 28A.225.025. The community truancy board shall enter into an
39 agreement with the student and parent that establishes school

1 attendance requirements and take other appropriate actions to reduce
2 the child's absences; or

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

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

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

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

15 **Sec. 7.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to
16 read as follows:

17 (1) ~~As required under subsection (2) of this section, ((each~~
18 ~~school shall document the actions taken under RCW 28A.225.030 and~~
19 ~~report this information to the school district superintendent who~~
20 ~~shall compile the data for all the schools in the district and~~
21 ~~prepare an annual school district report for each school year and~~
22 ~~submit the report to the superintendent of public instruction. The~~
23 ~~reports shall be made upon forms furnished by the superintendent of~~
24 ~~public instruction and shall be transmitted as determined by the~~
25 ~~superintendent of public instruction)) the office of superintendent~~
26 ~~of public instruction shall collect and school districts shall submit~~
27 ~~student-level truancy data in order to allow a better understanding~~
28 ~~of actions taken under RCW 28A.225.030. The office shall prepare an~~
29 ~~annual report to the legislature by December 15th of each year.~~

30 (2) The reports under subsection (1) of this section shall
31 include, disaggregated by student group:

32 (a) The number of enrolled students and the number of unexcused
33 absences;

34 (b) ~~((Documentation of the steps taken by the school district~~
35 ~~under each subsection of RCW 28A.225.020 at the request of the~~
36 ~~superintendent of public instruction. Each year, by May 1st, the~~
37 ~~superintendent of public instruction shall select ten school~~
38 ~~districts to submit the report at the end of the following school~~
39 ~~year. The ten districts shall represent different areas of the state~~

1 and be of varied sizes. In addition, the superintendent of public
2 instruction shall require any district that fails to keep appropriate
3 records to submit a full report to the superintendent of public
4 instruction under this subsection. All school districts shall
5 document steps taken under RCW 28A.225.020 in each student's record,
6 and make those records available upon request consistent with the
7 laws governing student records;

8 (e)) The number of enrolled students with ten or more unexcused
9 absences in a school year or five or more unexcused absences in a
10 month during a school year;

11 ((d)) (c) A description of any programs or schools developed to
12 serve students who have had five or more unexcused absences in a
13 month or ten in a year including information about the number of
14 students in the program or school and the number of unexcused
15 absences of students during and after participation in the program.
16 The school district shall also describe any placements in an approved
17 private nonsectarian school or program or certified program under a
18 court order under RCW 28A.225.090; and

19 ((e)) (d) The number of petitions filed by a school district
20 with the juvenile court and, beginning in the 2018-19 school year,
21 whether the petition results in:

- 22 (i) Referral to a community truancy board;
23 (ii) Other coordinated means of intervention;
24 (iii) A hearing in the juvenile court; or
25 (iv) Other (e.g., change of placement, home school, alternative
26 learning experience, residential treatment).

27 (3) A report required under this section shall not disclose the
28 name or other identification of a child or parent.

29 (4) ((The superintendent of public instruction shall collect
30 these reports from all school districts and prepare an annual report
31 for each school year to be submitted to the legislature no later than
32 December 15th of each year.)) The K-12 data governance group shall
33 develop the data protocols and guidance for school districts in the
34 collection of data to provide a clearer understanding of actions
35 taken under RCW 28A.225.030.

36 **Sec. 8.** RCW 28A.250.070 and 2013 2nd sp.s. c 18 s 508 are each
37 amended to read as follows:

38 Nothing in this chapter is intended to diminish the rights of
39 students to attend a nonresident school district in accordance with

1 RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in
2 (~~online courses or online school~~) alternative learning experience
3 programs. The office of online learning under RCW 28A.250.030 shall
4 develop a standard form, which must be used by all school districts,
5 for releasing a student to a nonresident school district for the
6 purposes of enrolling in an (~~online course or online school~~)
7 alternative learning experience program.

8 NEW SECTION. Sec. 9. A new section is added to chapter 28A.232
9 RCW to read as follows:

10 The superintendent of public instruction may adopt rules to bring
11 consistency and uniformity to attendance and truancy definitions in
12 the alternative learning experience setting, establish procedures for
13 addressing truancy in all alternative learning experience courses,
14 leverage existing systems to facilitate truancy actions between
15 school districts and courts when the student has transferred out of
16 his or her resident district to enroll in an alternative learning
17 experience course; and clarify the responsibility of school districts
18 in the event of rescinding a student transfer.

19 NEW SECTION. Sec. 10. RCW 28A.225.115 (Educational services—
20 Funding for children referred to community truancy board) and 1996 c
21 134 s 11 are each repealed.

22 NEW SECTION. Sec. 11. If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2017, in the omnibus appropriations act, this
25 act is null and void.

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