
ENGROSSED SUBSTITUTE SENATE BILL 5293

State of Washington 65th Legislature 2017 Regular Session

By Senate Human Services, Mental Health & Housing (originally sponsored by Senators Darneille and Chase)

READ FIRST TIME 02/16/17.

1 AN ACT Relating to court-based and school-based efforts to
2 promote attendance and reduce truancy; amending RCW 28A.225.020,
3 28A.225.025, 28A.225.026, 28A.225.090, and 28A.225.151; and repealing
4 RCW 28A.225.115.

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

6 **Sec. 1.** RCW 28A.225.020 and 2016 c 205 s 4 are each amended to
7 read as follows:

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

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

18 (b) Schedule a conference or conferences with the parent and
19 child at a time reasonably convenient for all persons included for
20 the purpose of analyzing the causes of the child's absences after two
21 unexcused absences within any month during the current school year.

1 If a regularly scheduled parent-teacher conference day is to take
2 place within thirty days of the second unexcused absence, then the
3 school district may schedule this conference on that day; and

4 (c) At some point after the second and before the fifth unexcused
5 absence, take data-informed steps to eliminate or reduce the child's
6 absences. These steps ((shall)) must include application of an
7 assessment tool such as the Washington assessment of the risks and
8 needs of students (WARNS) by a school district's designee under RCW
9 28A.225.026(~~(, and)~~).

10 (i) For any child with an existing individualized education plan
11 or 504 plan, these steps must include the convening of the child's
12 individualized education plan or 504 plan team, including a
13 behavioral specialist or mental health specialist where appropriate,
14 to consider the reasons for the absences. If necessary, and if
15 consent from the parent is given, a functional behavior assessment to
16 explore the function of the absence behavior shall be conducted and a
17 detailed behavior plan completed. Time should be allowed for the
18 behavior plan to be initiated and data tracked to determine progress.

19 (ii) With respect to any child without an existing individualized
20 education plan or 504 plan reasonably believed to have a mental or
21 physical disability or impairment, these steps must include informing
22 the child's parent of the right to obtain an appropriate evaluation
23 at no cost to the parent to determine whether the child has a
24 disability or impairment and needs accommodations, related services,
25 or special education services. This includes children with suspected
26 emotional or behavioral disabilities as defined in WAC
27 392-172A-01035. If the school obtains consent to conduct an
28 evaluation, time should be allowed for the evaluation to be completed
29 and, if the child is found to be eligible for special education
30 services, accommodations, or related services, a plan developed to
31 address the child's needs.

32 (iii) These steps must include, where appropriate, providing an
33 available approved best practice or research-based intervention, or
34 both, consistent with the ((WARNS profile)) assessment tool,
35 adjusting the child's school program or school or course assignment,
36 providing more individualized or remedial instruction, providing
37 appropriate vocational courses or work experience, referring the
38 child to a community truancy board, requiring the child to attend an
39 alternative school or program, or assisting the parent or child to
40 obtain supplementary services that might eliminate or ameliorate the

1 cause or causes for the absence from school. If the child's parent
2 does not attend the scheduled conference, the conference may be
3 conducted with the student and school official. However, the parent
4 shall be notified of the steps to be taken to eliminate or reduce the
5 child's absence.

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

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

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

13 (3) If a child transfers from one school district to another
14 during the school year, the receiving school or school district shall
15 include the unexcused absences accumulated at the previous school or
16 from the previous school district for purposes of this section, RCW
17 28A.225.030, and 28A.225.015. The sending school district shall
18 provide this information to the receiving school, together with a
19 copy of any previous assessment as required under subsection (1)(c)
20 of this section, history of any best practices or researched-based
21 intervention previously provided to the child by the child's sending
22 school district, and a copy of the most recent truancy information
23 including any online or written acknowledgment by the parent and
24 child, as provided for in RCW 28A.225.005. All school districts must
25 use the standard choice transfer form for releasing a student to a
26 nonresident school district for the purposes of accessing an
27 alternative learning experience program.

28 **Sec. 2.** RCW 28A.225.025 and 2016 c 205 s 5 are each amended to
29 read as follows:

30 (1) For purposes of this chapter, "community truancy board" means
31 a board established pursuant to a memorandum of understanding between
32 a juvenile court and a school district and composed of members of the
33 local community in which the child attends school. (~~All members of~~
34 ~~a~~) Community truancy boards must include members who receive
35 training regarding the identification of barriers to school
36 attendance, the use of the Washington assessment of the risks and
37 needs of students (WARNS) or other assessment tools to identify the
38 specific needs of individual children, culturally responsive
39 interactions, trauma-informed approaches to discipline, evidence-

1 based treatments that have been found effective in supporting at-risk
2 youth and their families, and the specific services and treatment
3 available in the particular school, court, community, and elsewhere.
4 Duties of a community truancy board shall include, but not be limited
5 to: Identifying barriers to school attendance, recommending methods
6 for improving attendance such as connecting students and their
7 families with community services, culturally appropriate promising
8 practices, and evidence-based services such as functional family
9 therapy, multisystemic therapy, and aggression replacement training,
10 suggesting to the school district that the child enroll in another
11 school, an alternative education program, an education center, a
12 skill center, a dropout prevention program, or another public or
13 private educational program, or recommending to the juvenile court
14 that a juvenile be (~~referred to~~) offered the opportunity for
15 placement in a HOPE center or crisis residential center, if
16 appropriate.

17 (2) The legislature finds that utilization of community truancy
18 boards is the preferred means of intervention when preliminary
19 methods to eliminate or reduce unexcused absences as required by RCW
20 28A.225.020 have not been effective in securing the child's
21 attendance at school. The legislature intends to encourage and
22 support the development and expansion of community truancy boards.
23 Operation of a school truancy board does not excuse a district from
24 the obligation of filing a petition within the requirements of RCW
25 28A.225.015(3).

26 **Sec. 3.** RCW 28A.225.026 and 2016 c 205 s 6 are each amended to
27 read as follows:

28 (1) By the beginning of the 2017-18 school year, juvenile courts
29 must establish, through a memorandum of understanding with each
30 school district within their respective counties, a coordinated and
31 collaborative approach to address truancy through the establishment
32 of a community truancy board or, with respect to certain small
33 districts, through other means as provided in subsection (3) of this
34 section.

35 (2) Except as provided in subsection (3) of this section, each
36 school district must enter into a memorandum of understanding with
37 the juvenile court in the county in which it is located with respect
38 to the operation of a community truancy board. A community truancy
39 board may be operated by a juvenile court, a school district, or a

1 collaboration between both entities, so long as the agreement is
2 memorialized in a memorandum of understanding. For a school district
3 that is located in more than one county, the memorandum of
4 understanding shall be with the juvenile court in the county that
5 acts as the school district's treasurer.

6 (3) A school district with fewer than two hundred students must
7 enter into a memorandum of understanding with the juvenile court in
8 the county in which it is located with respect to: (a) The operation
9 of a community truancy board; or (b) addressing truancy through other
10 coordinated means of intervention aimed at identifying barriers to
11 school attendance, and connecting students and their families with
12 community services, culturally appropriate promising practices, and
13 evidence-based services such as functional family therapy,
14 multisystemic therapy, and aggression replacement training. School
15 districts with fewer than two hundred students may work cooperatively
16 with other school districts or the school district's educational
17 service district to ensure access to a community truancy board or to
18 provide other coordinated means of intervention.

19 (4) All school districts must designate, and identify to the
20 local juvenile court and to the office of the superintendent of
21 public instruction, a person or persons to coordinate school district
22 efforts to address excessive absenteeism and truancy, including tasks
23 associated with: Outreach and conferences pursuant to RCW
24 28A.225.018; entering into a memorandum of understanding with the
25 juvenile court; establishing protocols and procedures with the court;
26 coordinating trainings; sharing evidence-based and culturally
27 appropriate promising practices; identifying a person within every
28 school to serve as a contact with respect to excessive absenteeism
29 and truancy; and assisting in the recruitment of community truancy
30 board members.

31 (5) As has been demonstrated by school districts and county
32 juvenile courts around the state that have worked together and led
33 the way with community truancy boards, success has resulted from
34 involving the entire community and leveraging existing dollars from a
35 variety of sources, including public and private, local and state,
36 and court, school, and community. In emulating this coordinated and
37 collaborative approach statewide pursuant to local memoranda of
38 understanding, courts and school districts are encouraged to create
39 strong community-wide partnerships and to leverage existing dollars
40 and resources.

1 **Sec. 4.** RCW 28A.225.090 and 2016 c 205 s 9 are each amended to
2 read as follows:

3 (1) A court may order a child subject to a petition under RCW
4 28A.225.035 to do one or more of the following:

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

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

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

16 (i) Consider the public and private programs available; (ii) find
17 that placement is in the best interest of the child; and (iii) find
18 that the private school or program is willing to accept the child and
19 will not charge any fees in addition to those established by contract
20 with the student's school district. If the court orders the child to
21 enroll in a private school or program, the child's school district
22 shall contract with the school or program to provide educational
23 services for the child. The school district shall not be required to
24 contract for a weekly rate that exceeds the state general
25 apportionment dollars calculated on a weekly basis generated by the
26 child and received by the district. A school district shall not be
27 required to enter into a contract that is longer than the remainder
28 of the school year. A school district shall not be required to enter
29 into or continue a contract if the child is no longer enrolled in the
30 district;

31 (d) Submit to a substance abuse assessment if the court finds on
32 the record that such assessment is appropriate to the circumstances
33 and behavior of the child and will facilitate the child's compliance
34 with the mandatory attendance law and, if any assessment, including a
35 urinalysis test ordered under this subsection indicates the use of
36 controlled substances or alcohol, order the minor to abstain from the
37 unlawful consumption of controlled substances or alcohol and adhere
38 to the recommendations of the substance abuse assessment at no
39 expense to the school; or

1 (e) Submit to a mental health evaluation or other diagnostic
2 evaluation and adhere to the recommendations of the drug assessment,
3 at no expense to the school, if the court finds on the court records
4 that such evaluation is appropriate to the circumstances and behavior
5 of the child, and will facilitate the child's compliance with the
6 mandatory attendance law(~~(; or~~

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

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

13 (i) Community restitution;

14 (ii) Nonresidential programs with intensive wraparound services;

15 or

16 (iii) Other services and interventions that the court deems
17 appropriate.

18 (b) If the child continues to fail to comply with the court order
19 and the court makes a finding that other measures to secure
20 compliance have been tried but have been unsuccessful and no less
21 restrictive alternative is available, the court may order the child
22 to be subject to detention, as provided in RCW 7.21.030(2)(e)(~~(, or~~
23 may impose alternatives to detention such as community restitution)).

24 Failure by a child to comply with an order issued under this
25 subsection shall not be subject to detention for a period greater
26 than that permitted pursuant to a civil contempt proceeding against a
27 child under chapter 13.32A RCW. Detention ordered under this
28 subsection may be for no longer than seven days. Detention ordered
29 under this subsection shall preferably be served at a secure crisis
30 residential center close to the child's home rather than in a
31 juvenile detention facility. A warrant of arrest for a child under
32 this subsection may not be served on a child inside of school during
33 school hours in a location where other students are present.

34 (3) Any parent violating any of the provisions of either RCW
35 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
36 twenty-five dollars for each day of unexcused absence from school.
37 The court shall remit fifty percent of the fine collected under this
38 section to the child's school district. It shall be a defense for a
39 parent charged with violating RCW 28A.225.010 to show that he or she
40 exercised reasonable diligence in attempting to cause a child in his

1 or her custody to attend school or that the child's school did not
2 perform its duties as required in RCW 28A.225.020. The court may
3 order the parent to provide community restitution instead of imposing
4 a fine. Any fine imposed pursuant to this section may be suspended
5 upon the condition that a parent charged with violating RCW
6 28A.225.010 shall participate with the school and the child in a
7 supervised plan for the child's attendance at school or upon
8 condition that the parent attend a conference or conferences
9 scheduled by a school for the purpose of analyzing the causes of a
10 child's absence.

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

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

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

25 (1) As required under subsection (2) of this section, each school
26 shall document the actions taken under RCW 28A.225.030 and report
27 this information to the school district superintendent who shall
28 compile the data for all the schools in the district and prepare an
29 annual school district report for each school year and submit the
30 report to the superintendent of public instruction. The reports shall
31 be made upon forms furnished by the superintendent of public
32 instruction and shall be transmitted as determined by the
33 superintendent of public instruction.

34 (2) The reports under subsection (1) of this section shall
35 include:

36 (a) The number of enrolled students and the number of unexcused
37 absences;

38 (b) Documentation of the steps taken by the school district under
39 each subsection of RCW 28A.225.020 at the request of the

1 superintendent of public instruction. Each year, by May 1st, the
2 superintendent of public instruction shall select ten school
3 districts to submit the report at the end of the following school
4 year. The ten districts shall represent different areas of the state
5 and be of varied sizes. In addition, the superintendent of public
6 instruction shall require any district that fails to keep appropriate
7 records to submit a full report to the superintendent of public
8 instruction under this subsection. All school districts shall
9 document steps taken under RCW 28A.225.020 in each student's record,
10 and make those records available upon request consistent with the
11 laws governing student records;

12 (c) The number of enrolled students with ten or more unexcused
13 absences in a school year or five or more unexcused absences in a
14 month during a school year;

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

23 (e) The number of petitions filed by a school district with the
24 juvenile court; and

25 (f) Each instance of imposition of detention for failure to
26 comply with a court order under RCW 28A.225.090, with a statement of
27 the reasons for each instance of detention.

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

30 (4) The superintendent of public instruction shall collect these
31 reports from all school districts and prepare an annual report for
32 each school year to be submitted to the legislature no later than
33 December 15th of each year.

34 NEW SECTION. **Sec. 6.** RCW 28A.225.115 (Educational services—
35 Funding for children referred to community truancy board) and 1996 c
36 134 s 11 are each repealed.

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