

SSB 5293 - S AMD 32

By Senator Darneille

NOT ADOPTED 03/01/2017

1 Beginning on page 6, line 1, strike all of section 4 and insert
2 the following:

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

5 (1) A court may order a child subject to a petition under RCW
6 28A.225.035 to do one or more of the following:

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

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

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

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

1 (d) Submit to a substance abuse assessment if the court finds on
2 the record that such assessment is appropriate to the circumstances
3 and behavior of the child and will facilitate the child's compliance
4 with the mandatory attendance law and, if any assessment, including a
5 urinalysis test ordered under this subsection indicates the use of
6 controlled substances or alcohol, order the minor to abstain from the
7 unlawful consumption of controlled substances or alcohol and adhere
8 to the recommendations of the substance abuse assessment at no
9 expense to the school;

10 (e) Submit to a mental health evaluation or other diagnostic
11 evaluation and adhere to the recommendations of the drug assessment,
12 at no expense to the school, if the court finds on the court records
13 that such evaluation is appropriate to the circumstances and behavior
14 of the child, and will facilitate the child's compliance with the
15 mandatory attendance law; or

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

20 (2) If the child fails to comply with the court order, the court
21 may (~~order the child to be subject to detention, as provided in RCW~~
22 ~~7.21.030(2)(e), or may~~) impose alternatives to detention (~~(such as~~
23 ~~community restitution. Failure by a child to comply with an order~~
24 ~~issued under this subsection shall not be subject to detention for a~~
25 ~~period greater than that permitted pursuant to a civil contempt~~
26 ~~proceeding against a child under chapter 13.32A RCW. Detention~~
27 ~~ordered under this subsection may be for no longer than seven days.~~
28 ~~Detention ordered under this subsection shall preferably be served at~~
29 ~~a secure crisis residential center close to the child's home rather~~
30 ~~than in a juvenile detention facility. A) consistent with best~~
31 ~~practice models for reengagement with school. No warrant of arrest~~
32 ~~for a child under this subsection may ((not)) be ((served on a child~~
33 ~~inside of school during school hours in a location where other~~
34 ~~students are present)) issued.~~

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

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

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

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

25 On page 8, after line 25, insert the following:

26 "NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July
27 1, 2018."

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28 On page 1, beginning on line 3 of the title, after "28A.225.090;"
29 strike the remainder of the title and insert "repealing RCW
30 28A.225.115; and providing an effective date."

EFFECT: Eliminates the option of juvenile detention as a sanction for contempt of a truancy order effective July 1, 2018.

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