

2 **ESHB 2640** - S COMM AMD
3 By Committee on Education

4 ADOPTED 2/28/96

5 Strike everything after the enacting clause and insert the
6 following:

7 **"Sec. 1.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to
8 read as follows:

9 (1) All parents in this state of any child eight years of age and
10 under eighteen years of age shall cause such child to attend the public
11 school of the district in which the child resides and such child shall
12 have the responsibility to and therefore shall attend for the full time
13 when such school may be in session unless:

14 (a) The child is attending an approved private school for the same
15 time or is enrolled in an extension program as provided in RCW
16 28A.195.010(4);

17 (b) The child is receiving home-based instruction as provided in
18 subsection (4) of this section; ~~((or))~~

19 (c) The child is attending an education center as provided in
20 chapter 28A.205 RCW;

21 (d) The school district superintendent of the district in which the
22 child resides shall have excused such child from attendance because the
23 child is physically or mentally unable to attend school, is attending
24 a residential school operated by the department of social and health
25 services, or has been temporarily excused upon the request of his or
26 her parents for purposes agreed upon by the school authorities and the
27 parent: PROVIDED, That such excused absences shall not be permitted if
28 deemed to cause a serious adverse effect upon the student's educational
29 progress: PROVIDED FURTHER, That students excused for such temporary
30 absences may be claimed as full time equivalent students to the extent
31 they would otherwise have been so claimed for the purposes of RCW
32 28A.150.250 and 28A.150.260 and shall not affect school district
33 compliance with the provisions of RCW 28A.150.220; or

34 ~~((+d))~~ (e) The child is ~~((fifteen))~~ sixteen years of age or older
35 and:

1 ~~((The school district superintendent determines that such child~~
2 ~~has already attained a reasonable proficiency in the branches required~~
3 ~~by law to be taught in the first nine grades of the public schools of~~
4 ~~this state;~~

5 ~~((ii))~~ The child is regularly and lawfully ~~((engaged in a useful or~~
6 ~~remunerative occupation))~~ employed and either the parent agrees that
7 the child should not be required to attend school or the child is
8 emancipated in accordance with chapter 13.64 RCW;

9 ~~((iii))~~ (ii) The child has already met graduation requirements in
10 accordance with state board of education rules and regulations; or

11 ~~((iv))~~ (iii) The child has received a certificate of educational
12 competence under rules and regulations established by the state board
13 of education under RCW 28A.305.190.

14 (2) A parent for the purpose of this chapter means a parent,
15 guardian, or person having legal custody of a child.

16 (3) An approved private school for the purposes of this chapter and
17 chapter 28A.200 RCW shall be one approved under regulations established
18 by the state board of education pursuant to RCW 28A.305.130.

19 (4) For the purposes of this chapter and chapter 28A.200 RCW,
20 instruction shall be home-based if it consists of planned and
21 supervised instructional and related educational activities, including
22 a curriculum and instruction in the basic skills of occupational
23 education, science, mathematics, language, social studies, history,
24 health, reading, writing, spelling, and the development of an
25 appreciation of art and music, provided for a number of hours
26 equivalent to the total annual program hours per grade level
27 established for approved private schools under RCW 28A.195.010 and
28 28A.195.040 and if such activities are:

29 (a) Provided by a parent who is instructing his or her child only
30 and are supervised by a certificated person. A certificated person for
31 purposes of this chapter and chapter 28A.200 RCW shall be a person
32 certified under chapter 28A.410 RCW. For purposes of this section,
33 "supervised by a certificated person" means: The planning by the
34 certificated person and the parent of objectives consistent with this
35 subsection; a minimum each month of an average of one contact hour per
36 week with the child being supervised by the certificated person; and
37 evaluation of such child's progress by the certificated person. The
38 number of children supervised by the certificated person shall not
39 exceed thirty for purposes of this subsection; or

1 (b) Provided by a parent who is instructing his or her child only
2 and who has either earned forty-five college level quarter credit hours
3 or its equivalent in semester hours or has completed a course in home-
4 based instruction at a postsecondary institution or a vocational-
5 technical institute; or

6 (c) Provided by a parent who is deemed sufficiently qualified to
7 provide home-based instruction by the superintendent of the local
8 school district in which the child resides.

9 (5) The legislature recognizes that home-based instruction is less
10 structured and more experiential than the instruction normally provided
11 in a classroom setting. Therefore, the provisions of subsection (4) of
12 this section relating to the nature and quantity of instructional and
13 related educational activities shall be liberally construed.

14 **Sec. 2.** RCW 28A.225.020 and 1995 c 312 s 67 are each amended to
15 read as follows:

16 (1) If a child required to attend school under (~~the laws of the~~
17 ~~state of Washington~~) RCW 28A.225.010 fails to attend school without
18 valid justification, the (~~child's~~) public school in which the child
19 is enrolled shall:

20 (~~(1)~~) (a) Inform the child's custodial parent, parents, or
21 guardian by a notice in writing or by telephone whenever the child has
22 failed to attend school after one unexcused absence within any month
23 during the current school year. School officials shall inform the
24 parent of the potential consequences of additional unexcused absences;

25 (~~(2)~~) (b) Schedule a conference or conferences with the custodial
26 parent, parents, or guardian and child at a time (~~and place~~)
27 reasonably convenient for all persons included for the purpose of
28 analyzing the causes of the child's absences after two unexcused
29 absences within any month during the current school year. If a
30 regularly scheduled parent-teacher conference day is to take place
31 within thirty days of the second unexcused absence, then the school
32 district may schedule this conference on that day; and

33 (~~(3)~~) (c) Take steps to eliminate or reduce the child's absences.
34 These steps shall include, where appropriate, adjusting the child's
35 school program or school or course assignment, providing more
36 individualized or remedial instruction, providing appropriate
37 vocational courses or work experience, (~~or refer~~) referring the child
38 to a community truancy board, requiring the child to attend an

1 alternative school or program, or assisting the parent or child to
2 obtain supplementary services that might eliminate or ameliorate the
3 cause or causes for the absence from school. If the child's parent
4 does not attend the scheduled conference, the conference may be
5 conducted with the student and school official. However, the parent
6 shall be notified of the steps to be taken to eliminate or reduce the
7 child's absence.

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

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

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

15 **Sec. 3.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to
16 read as follows:

17 (1) If a child is required to attend school under RCW 28A.225.010
18 and if the actions taken by a school district under RCW 28A.225.020 are
19 not successful in substantially reducing an enrolled student's absences
20 from public school, (~~upon the fifth~~) not later than the seventh
21 unexcused absence by a child within any month during the current school
22 year or (~~upon~~) not later than the tenth unexcused absence during the
23 current school year the school district shall file a petition and
24 supporting affidavit for a civil action with the juvenile court
25 alleging a violation of RCW 28A.225.010: (~~(+1)~~) (a) By the parent;
26 (~~(+2)~~) (b) by the child; or (~~(+3)~~) (c) by the parent and the child.
27 Except as provided in this subsection, no additional documents need be
28 filed with the petition.

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

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

33 (b) Refer a student to a community truancy board as defined in RCW
34 28A.225.025. The community truancy board shall enter into an agreement
35 with the student and parent that establishes school attendance
36 requirements and take other appropriate actions to reduce the child's
37 absences; or

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

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

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

8 **Sec. 4.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to
9 read as follows:

10 (1) A petition for a civil action under RCW 28A.225.030 shall
11 consist of a written notification to the court alleging that:

12 (a) The child has ~~((five or more))~~ unexcused absences ~~((within any~~
13 ~~month))~~ during the current school year ~~((or ten or more unexcused~~
14 ~~absences in the current school year))~~;

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

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

19 (2) The petition shall set forth the name, age, school, and
20 residence of the child and the names and residence of the child's
21 parents.

22 (3) The petition shall set forth facts that support the allegations
23 in this section and shall generally request relief available under this
24 chapter.

25 (4) When a petition is filed under RCW 28A.225.030, the juvenile
26 court ~~((may~~

27 ~~(+))~~ shall schedule a ~~((fact-finding))~~ hearing at which the court
28 shall consider the petition~~((+))~~. However, a hearing shall not be
29 required if other actions by the court would substantially reduce the
30 child's unexcused absences.

31 ~~((+b))~~ When a hearing is held, the court shall:

32 (a) Separately notify the child, the parent of the child, and the
33 school district of the ~~((fact-finding))~~ hearing;

34 ~~((+e))~~ (b) Notify the parent and the child of their rights to
35 present evidence at the ~~((fact-finding))~~ hearing; and

36 ~~((+d))~~ (c) Notify the parent and the child of the options and
37 rights available under chapter 13.32A RCW.

1 (5) The court may require the attendance of both the child and the
2 parents at any hearing on a petition filed under RCW 28A.225.030.

3 (6) The court may permit the first hearing to be held without
4 requiring that either party be represented by legal counsel, and to be
5 held without a guardian ad litem for the child under RCW 4.08.050. At
6 the request of the school district, the court may permit a school
7 district representative who is not an attorney to represent the school
8 district at any future hearings.

9 (7) The court shall grant the petition and enter an order assuming
10 jurisdiction to intervene for the remainder of the school year, if the
11 allegations in the petition are established by a preponderance of the
12 evidence.

13 ~~((7))~~ (8) If the court assumes jurisdiction, the school district
14 shall regularly report to the court any additional unexcused absences
15 by the child.

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

20 **Sec. 5.** RCW 28A.225.151 and 1995 c 312 s 72 are each amended to
21 read as follows:

22 (1) As required under subsection (2) of this section, each school
23 shall document the actions taken under RCW ~~((28A.225.020 and))~~
24 28A.225.030 and report this information ~~((at the end of each grading~~
25 period)) to the school district superintendent who shall compile the
26 data for all the schools in the district and prepare an annual school
27 district report for each school year and submit the report to the
28 superintendent of public instruction. The reports shall be made upon
29 forms furnished by the superintendent of public instruction and shall
30 be transmitted as determined by the superintendent of public
31 instruction.

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

33 (a) The number of enrolled students and the number of ~~((excused~~
34 ~~and))~~ unexcused absences;

35 (b) Documentation of the steps taken by the school district under
36 each subsection of RCW 28A.225.020 at the request of the superintendent
37 of public instruction. Each year, by May 1st, the superintendent of
38 public instruction shall select ten school districts to submit the

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

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

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

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

25 ~~((f) The disposition of cases filed with the juvenile court,~~
26 ~~including the frequency of contempt orders issued to enforce a court's~~
27 ~~order under RCW 28A.225.090)).~~

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 each
32 school year to be submitted to the legislature no later than December
33 15th of each year.

34 **Sec. 6.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to
35 read as follows:

36 ~~((Any person violating any of the provisions of either RCW~~
37 ~~28A.225.010 or 28A.225.080 shall be fined not more than twenty five~~
38 ~~dollars for each day of unexcused absence from school. However, a~~

1 child found to be in violation of RCW 28A.225.010 shall be required to
2 attend school and shall not be fined. If the child fails to comply
3 with the court order to attend school, the)) (1) A court may((:—(1)
4 Order the child be punished by detention; or (2) impose alternatives to
5 detention such as community service hours or participation in)) order
6 a child subject to a petition under RCW 28A.225.035 to:

7 (a) Attend the child's current school;

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

30 (d) Be referred to a community truancy board, if available.

31 (2) If the child fails to comply with the court order, the court
32 may order the child to be punished by detention or may impose
33 alternatives to detention such as community service. Failure by a
34 child to comply with an order issued under this ((section)) subsection
35 shall not be punishable by detention for a period greater than that
36 permitted pursuant to a contempt proceeding against a child under
37 chapter 13.32A RCW.

38 (3) Any parent violating any of the provisions of either RCW
39 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five

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

14 (~~School districts shall make complaint for violation of the~~
15 ~~provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the~~
16 ~~juvenile court.~~)

17 **Sec. 7.** RCW 4.08.050 and 1992 c 111 s 9 are each amended to read
18 as follows:

19 Except as provided under RCW 26.50.020 and 28A.225.035, when an
20 infant is a party he or she shall appear by guardian, or if he or she
21 has no guardian, or in the opinion of the court the guardian is an
22 improper person, the court shall appoint one to act. Said guardian
23 shall be appointed as follows:

24 (1) When the infant is plaintiff, upon the application of the
25 infant, if he or she be of the age of fourteen years, or if under that
26 age, upon the application of a relative or friend of the infant.

27 (2) When the infant is defendant, upon the application of the
28 infant, if he or she be of the age of fourteen years, and applies
29 within thirty days after the service of the summons; if he or she be
30 under the age of fourteen, or neglects to apply, then upon the
31 application of any other party to the action, or of a relative or
32 friend of the infant.

33 NEW SECTION. **Sec. 8.** A new section is added to chapter 2.56 RCW
34 to read as follows:

35 The administrator for the courts shall prepare a report for each
36 school year to be submitted to the legislature no later than December
37 15th of each year that summarizes the disposition of petitions filed

1 with the juvenile court under RCW 28A.225.030, including the number of
2 contempt orders issued to enforce a court's order under RCW
3 28A.225.030.

4 **Sec. 9.** RCW 28A.225.025 and 1995 c 312 s 66 are each amended to
5 read as follows:

6 For purposes of this chapter, "community truancy board" means a
7 board composed of members of the local community in which the child
8 attends school. The local school district boards of directors may
9 create a community truancy board or may use other boards that exist or
10 are created, such as diversion boards. However, a diversion or other
11 existing board must agree before it is used as a truancy board.
12 Members of the board shall be selected from representatives of the
13 community. Duties of a community truancy board shall include, but not
14 be limited to, recommending methods for improving school attendance
15 such as assisting the parent or the child to obtain supplementary
16 services that might eliminate or ameliorate the causes for the absences
17 or suggesting to the school district that the child enroll in another
18 school, an alternative education program, an education center, a skill
19 center, a dropout prevention program, or another public or private
20 educational program.

21 NEW SECTION. **Sec. 10.** (1) The superintendent of public
22 instruction, subject to available funding, shall establish an incentive
23 program to encourage the creation of alternative learning schools and
24 programs for students who have been truant, suspended, expelled, or who
25 are subject to other disciplinary actions. Grants may be awarded to
26 individual school districts, school district consortiums, and
27 educational service districts. Funds for the grants may be used for
28 planning and initial program development. Grants shall be awarded no
29 later than November 1, 1996.

30 (2) This section expires June 30, 1997.

31 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.225
32 RCW to read as follows:

33 The superintendent of public instruction, subject to available
34 funding, shall allocate funds to provide educational services for
35 children who have been referred to a community truancy board or to the
36 courts under RCW 28A.225.030. The funds shall be used on behalf of

1 such children for enrollment in skill centers, education centers,
2 alternative programs, and in other public or private educational
3 programs. Decisions regarding the expenditure of the funds shall be
4 made by the community truancy board or the courts, whichever is
5 applicable. The amount of the assistance for each child shall be
6 determined in accordance with the omnibus appropriations act. These
7 funds shall be in excess of any other funds provided through RCW
8 28A.150.260 as basic education and other state, federal, or local
9 sources."

10 **ESHB 2640** - S COMM AMD
11 By Committee on Education

12 ADOPTED 2/28/96

13 On page 1, line 1 of the title, after "attendance;" strike the
14 remainder of the title and insert "amending RCW 28A.225.010,
15 28A.225.020, 28A.225.030, 28A.225.035, 28A.225.151, 28A.225.090,
16 4.08.050, and 28A.225.025; adding a new section to chapter 2.56 RCW;
17 adding a new section to chapter 28A.225 RCW; creating a new section;
18 prescribing penalties; and providing an expiration date."

--- END ---