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SENATE BILL 6570

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State of Washington

56th Legislature

2000 Regular Session

By Senators Hargrove, Costa and Long

Read first time 01/19/2000. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to judicial authority in truancy petitions; and  
2 amending RCW 28A.225.090.

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

4 **Sec. 1.** RCW 28A.225.090 and 1999 c 319 s 4 are each amended to  
5 read as follows:

6 (1) A court may order a child subject to a petition under RCW  
7 28A.225.035 to do one or more of the following:

8 (a) Attend the child's current school, and set forth minimum  
9 attendance requirements, including suspensions;

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, center,  
13 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: (i)  
18 Consider the public and private programs available; (ii) find that  
19 placement is in the best interest of the child; and (iii) find that the

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

13 (d) Be referred to a community truancy board, if available; or

14 (e) Submit to testing for the use of controlled substances or  
15 alcohol based on a determination that such testing is appropriate to  
16 the circumstances and behavior of the child and will facilitate the  
17 child's compliance with the mandatory attendance law and, if any test  
18 ordered under this subsection indicates the use of controlled  
19 substances or alcohol, order the minor to abstain from the unlawful  
20 consumption of controlled substances or alcohol.

21 (2) If the child fails to comply with the court order, the court  
22 may order the child to be subject to detention, as provided in RCW  
23 7.21.030(2)(e), or may impose alternatives to detention such as  
24 community service. Failure by a child to comply with an order issued  
25 under this subsection shall not be subject to detention for a period  
26 greater than that permitted pursuant to a civil contempt proceeding  
27 against a child under chapter 13.32A RCW.

28 (3) Any parent violating any of the provisions of either RCW  
29 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
30 twenty-five dollars for each day of unexcused absence from school. It  
31 shall be a defense for a parent charged with violating RCW 28A.225.010  
32 to show that he or she exercised reasonable diligence in attempting to  
33 cause a child in his or her custody to attend school or that the  
34 child's school did not perform its duties as required in RCW  
35 28A.225.020. The court may order the parent to provide community  
36 service instead of imposing a fine. Any fine imposed pursuant to this  
37 section may be suspended upon the condition that a parent charged with  
38 violating RCW 28A.225.010 shall participate with the school and the  
39 child in a supervised plan for the child's attendance at school or upon

1 condition that the parent attend a conference or conferences scheduled  
2 by a school for the purpose of analyzing the causes of a child's  
3 absence.

4 (4) If a child continues to be truant after entering into a court-  
5 approved order with the truancy board under RCW 28A.225.035, the  
6 juvenile court shall find the child in contempt, and the court may  
7 order the child to be subject to detention, as provided in RCW  
8 7.21.030(2)(e), or may impose alternatives to detention such as  
9 meaningful community service. Failure by a child to comply with an  
10 order issued under this subsection may not subject a child to detention  
11 for a period greater than that permitted under a civil contempt  
12 proceeding against a child under chapter 13.32A RCW.

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

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