

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6398**

Chapter 171, Laws of 2008

60th Legislature  
2008 Regular Session

COURT ACTIONS--TRUANCY--FINES

EFFECTIVE DATE: 06/12/08

Passed by the Senate February 15, 2008  
YEAS 48 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 5, 2008  
YEAS 96 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 26, 2008, 10:09 a.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6398** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

March 26, 2008

**Secretary of State  
State of Washington**

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**SENATE BILL 6398**

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Passed Legislature - 2008 Regular Session

**State of Washington                      60th Legislature                      2008 Regular Session**

**By Senators Stevens and Hargrove**

Read first time 01/16/08. Referred to Committee on Human Services & Corrections.

1            AN ACT Relating to fines levied in truancy court actions; 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 2002 c 175 s 29 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 and adhere to the  
21 recommendations of the drug assessment at no expense to the school.

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

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

1 Any fine imposed pursuant to this section may be suspended upon the  
2 condition that a parent charged with violating RCW 28A.225.010 shall  
3 participate with the school and the child in a supervised plan for the  
4 child's attendance at school or upon condition that the parent attend  
5 a conference or conferences scheduled by a school for the purpose of  
6 analyzing the causes of a child's absence.

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

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

Passed by the Senate February 15, 2008.

Passed by the House March 5, 2008.

Approved by the Governor March 26, 2008.

Filed in Office of Secretary of State March 26, 2008.