

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1113

67th Legislature
2021 Regular Session

Passed by the House March 3, 2021
Yeas 77 Nays 20

**Speaker of the House of
Representatives**

Passed by the Senate April 9, 2021
Yeas 36 Nays 13

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1113** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1113

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By House Education (originally sponsored by Representatives Ortiz-Self, Kloba, and Pollet; by request of Superintendent of Public Instruction)

READ FIRST TIME 02/01/21.

1 AN ACT Relating to school attendance; amending RCW 28A.225.015,
2 28A.225.030, 28A.225.151, 28A.225.030, 28A.225.151, 28A.225.020,
3 28A.225.025, 28A.225.026, 28A.225.0261, 28A.225.027, 28A.225.035, and
4 28A.225.090; adding new sections to chapter 28A.225 RCW; creating a
5 new section; providing an effective date; providing an expiration
6 date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that
9 student absences from school can be an indicator that the academic
10 and social-emotional needs of the students are not being met in the
11 public school or classroom or through the school culture or climate.
12 Student absences can also signal to educators that families may need
13 additional information and assistance in supporting student learning
14 within the home.

15 (2) The legislature finds that as research and public awareness
16 grows about the impact of school climate and culture on the academic
17 and social-emotional experiences of students, the systems of public
18 education must shift away from enforcing punitive, compliance-focused
19 policies and toward enabling constructive, student-centered
20 practices. The legislature further finds that a student-centered
21 system of public education serves the individual needs of students

1 with strong family engagement and through integrated supports
2 provided by the state, public schools, and the greater community.

3 (3) Therefore, the legislature intends to refocus the attendance
4 policies and practices of the public education system to emphasize
5 individualized student and family supports that are culturally
6 responsive, evidence-informed, and show promising practice for
7 integrating multiple systems of support to effectively improve
8 consistent student attendance at school and family engagement in
9 student learning.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.225
11 RCW to read as follows:

12 The office of the superintendent of public instruction shall
13 develop and publish best practice guidance to eliminate or reduce
14 student absences and to otherwise implement the requirements of this
15 chapter. The guidance must focus on student and family engagement, be
16 based in restorative justice practices, and emphasize integration of
17 student and family support systems. The guidance must be developed in
18 consultation with the educational opportunity gap oversight and
19 accountability committee and updated periodically.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.225
21 RCW to read as follows:

22 The superintendent of public instruction may adopt rules
23 necessary to carry out the purposes of this chapter.

24 **Sec. 4.** RCW 28A.225.015 and 2017 c 291 s 1 are each amended to
25 read as follows:

26 (1) If a parent enrolls a child who is six or seven years of age
27 in a public school, the child is required to attend and that parent
28 has the responsibility to ensure the child attends for the full time
29 that school is in session. An exception shall be made to this
30 requirement for children whose parents formally remove them from
31 enrollment if the child is less than eight years old and a petition
32 has not been filed against the parent under subsection (3) of this
33 section. The requirement to attend school under this subsection does
34 not apply to a child enrolled in a public school part-time for the
35 purpose of receiving ancillary services. A child required to attend
36 school under this subsection may be temporarily excused upon the

1 request of his or her parent for purposes agreed upon by the school
2 district and parent.

3 (2) If a six or seven year old child is required to attend public
4 school under subsection (1) of this section and that child has
5 unexcused absences, the public school in which the child is enrolled
6 shall:

7 (a) Inform the child's custodial parent, parents, or guardian by
8 a notice in writing or by telephone whenever the child has failed to
9 attend school after one unexcused absence within any month during the
10 current school year;

11 (b) Request a conference or conferences with the custodial
12 parent, parents, or guardian and child at a time reasonably
13 convenient for all persons included for the purpose of analyzing the
14 causes of the child's absences after three unexcused absences within
15 any month during the current school year. If a regularly scheduled
16 parent-teacher conference day is to take place within thirty days of
17 the third unexcused absence, then the school district may schedule
18 this conference on that day; and

19 (c) Take steps to eliminate or reduce the child's absences. These
20 steps shall include, where appropriate, adjusting the child's school
21 program or school or course assignment, providing more individualized
22 or remedial instruction, offering assistance in enrolling the child
23 in available alternative schools or programs, or assisting the parent
24 or child to obtain supplementary services that may help eliminate or
25 ameliorate the cause or causes for the absence from school.

26 (3) If a child is required to attend public school under
27 subsection (1) of this section (~~(has seven unexcused absences in a~~
28 ~~month or ten)~~), after the child's seventh unexcused absence within
29 any month during the current school year and not later than the 15th
30 unexcused absence((s in a)) during the current school year, the
31 school district shall file a petition for civil action as provided in
32 RCW 28A.225.035 against the parent of the child.

33 (4) This section does not require a six or seven year old child
34 to enroll in a public or private school or to receive home-based
35 instruction. This section only applies to six or seven year old
36 children whose parents enroll them full time in public school and do
37 not formally remove them from enrollment as provided in subsection
38 (1) of this section.

1 **Sec. 5.** RCW 28A.225.030 and 2017 c 291 s 6 are each amended to
2 read as follows:

3 (1) If a child under the age of seventeen is required to attend
4 school under RCW 28A.225.010 and if the actions taken by a school
5 district under RCW 28A.225.020 are not successful in substantially
6 reducing an enrolled student's absences from public school, (~~not~~
7 ~~later than the~~) after the child's seventh unexcused absence (~~by a~~
8 ~~child~~) within any month during the current school year (~~or~~) and
9 not later than the (~~tenth~~) 15th unexcused absence during the
10 current school year the school district shall file a petition and
11 supporting affidavit for a civil action with the juvenile court
12 alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by
13 the child; or (c) by the parent and the child. The petition must
14 include a list of all interventions that have been attempted as set
15 forth in RCW 28A.225.020, include a copy of any previous truancy
16 assessment completed by the child's current school district, the
17 history of approved best practices intervention or research-based
18 intervention previously provided to the child by the child's current
19 school district, and a copy of the most recent truancy information
20 document provided to the parent, pursuant to RCW 28A.225.005. Except
21 as provided in this subsection, no additional documents need be filed
22 with the petition. Nothing in this subsection requires court
23 jurisdiction to terminate when a child turns seventeen or precludes a
24 school district from filing a petition for a child that is seventeen
25 years of age.

26 (2) The district shall not later than the (~~fifth~~) seventh
27 unexcused absence in a month:

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

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

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

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

38 (4) If the school district fails to file a petition under this
39 section, the parent of a child with (~~five~~) seven or more unexcused
40 absences in any month during the current school year or upon the

1 (~~tenth~~) 15th unexcused absence during the current school year may
2 file a petition with the juvenile court alleging a violation of RCW
3 28A.225.010.

4 (5) Petitions filed under this section may be served by certified
5 mail, return receipt requested. If such service is unsuccessful, or
6 the return receipt is not signed by the addressee, personal service
7 is required.

8 **Sec. 6.** RCW 28A.225.151 and 2017 c 291 s 7 are each amended to
9 read as follows:

10 (1) As required under subsection (2) of this section, the office
11 of superintendent of public instruction shall collect and school
12 districts shall submit student-level truancy data in order to allow a
13 better understanding of actions taken under RCW 28A.225.030. The
14 office shall prepare an annual report to the legislature by December
15 15th of each year.

16 (2) The reports under subsection (1) of this section shall
17 include, disaggregated by student group:

18 (a) The number of enrolled students and the number of unexcused
19 absences;

20 (b) The number of enrolled students with (~~ten~~) 15 or more
21 unexcused absences in a school year or (~~five~~) seven or more
22 unexcused absences in a month during a school year;

23 (c) A description of any programs or schools developed to serve
24 students who have had (~~five~~) seven or more unexcused absences in a
25 month or (~~ten~~) 15 in a year including information about the number
26 of students in the program or school and the number of unexcused
27 absences of students during and after participation in the program.
28 The school district shall also describe any placements in an approved
29 private nonsectarian school or program or certified program under a
30 court order under RCW 28A.225.090;

31 (d) The number of petitions filed by a school district with the
32 juvenile court and, beginning in the 2018-19 school year, whether the
33 petition results in:

34 (i) Referral to a community truancy board;

35 (ii) Other coordinated means of intervention;

36 (iii) A hearing in the juvenile court; or

37 (iv) Other less restrictive disposition (e.g., change of
38 placement, home school, alternative learning experience, residential
39 treatment); and

1 (e) Each instance of imposition of detention for failure to
2 comply with a court order under RCW 28A.225.090, with a statement of
3 the reasons for each instance of detention.

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

6 (4) The K-12 data governance group shall develop the data
7 protocols and guidance for school districts in the collection of data
8 to provide a clearer understanding of actions taken under RCW
9 28A.225.030.

10 **Sec. 7.** RCW 28A.225.030 and 2017 c 291 s 6 are each amended to
11 read as follows:

12 (1) If a child under the age of seventeen is required to attend
13 school under RCW 28A.225.010 and if the actions taken by a school
14 district under RCW 28A.225.020 are not successful in substantially
15 reducing an enrolled student's absences from public school, (~~not~~
16 ~~later than the seventh~~) after the child's seventh unexcused absence
17 (~~by a child~~) within any month during the current school year (~~or~~)
18 and not later than the (~~tenth~~) 15th unexcused absence during the
19 current school year the school district shall file a petition and
20 supporting affidavit for a civil action with the juvenile court
21 alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by
22 the child; or (c) by the parent and the child. The petition must
23 include a list of all interventions that have been attempted as set
24 forth in RCW 28A.225.020, include a copy of any previous truancy
25 assessment completed by the child's current school district, the
26 history of approved best practices intervention or research-based
27 intervention previously provided to the child by the child's current
28 school district, and a copy of the most recent truancy information
29 document provided to the parent, pursuant to RCW 28A.225.005. Except
30 as provided in this subsection, no additional documents need be filed
31 with the petition. Nothing in this subsection requires court
32 jurisdiction to terminate when a child turns seventeen or precludes a
33 school district from filing a petition for a child that is seventeen
34 years of age.

35 (2) The district shall not later than the (~~fifth~~) seventh
36 unexcused absence in a month:

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

1 (b) Refer a student to a community (~~(truancy)~~) engagement board
2 as defined in RCW 28A.225.025. The community (~~(truancy)~~) engagement
3 board shall enter into an agreement with the student and parent that
4 establishes school attendance requirements and take other appropriate
5 actions to reduce the child's absences; or

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

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

9 (4) If the school district fails to file a petition under this
10 section, the parent of a child with (~~(five)~~) seven or more unexcused
11 absences in any month during the current school year or upon the
12 (~~(tenth)~~) 15th unexcused absence during the current school year may
13 file a petition with the juvenile court alleging a violation of RCW
14 28A.225.010.

15 (5) Petitions filed under this section may be served by certified
16 mail, return receipt requested. If such service is unsuccessful, or
17 the return receipt is not signed by the addressee, personal service
18 is required.

19 **Sec. 8.** RCW 28A.225.151 and 2017 c 291 s 7 are each amended to
20 read as follows:

21 (1) As required under subsection (2) of this section, the office
22 of superintendent of public instruction shall collect and school
23 districts shall submit student-level truancy data in order to allow a
24 better understanding of actions taken under RCW 28A.225.030. The
25 office shall prepare an annual report to the legislature by December
26 15th of each year.

27 (2) The reports under subsection (1) of this section shall
28 include, disaggregated by student group:

29 (a) The number of enrolled students and the number of unexcused
30 absences;

31 (b) The number of enrolled students with (~~(ten)~~) 15 or more
32 unexcused absences in a school year or (~~(five)~~) seven or more
33 unexcused absences in a month during a school year;

34 (c) A description of any programs or schools developed to serve
35 students who have had (~~(five)~~) seven or more unexcused absences in a
36 month or (~~(ten)~~) 15 in a year including information about the number
37 of students in the program or school and the number of unexcused
38 absences of students during and after participation in the program.
39 The school district shall also describe any placements in an approved

1 private nonsectarian school or program or certified program under a
2 court order under RCW 28A.225.090;

3 (d) The number of petitions filed by a school district with the
4 juvenile court and, beginning in the 2018-19 school year, whether the
5 petition results in:

6 (i) Referral to a community (~~(truaney)~~) engagement board;

7 (ii) Other coordinated means of intervention;

8 (iii) A hearing in the juvenile court; or

9 (iv) Other less restrictive disposition (e.g., change of
10 placement, home school, alternative learning experience, residential
11 treatment); and

12 (e) Each instance of imposition of detention for failure to
13 comply with a court order under RCW 28A.225.090, with a statement of
14 the reasons for each instance of detention.

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

17 (4) The K-12 data governance group shall develop the data
18 protocols and guidance for school districts in the collection of data
19 to provide a clearer understanding of actions taken under RCW
20 28A.225.030.

21 **Sec. 9.** RCW 28A.225.020 and 2017 c 291 s 2 are each amended to
22 read as follows:

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

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

33 (b) Schedule a conference or conferences with the parent and
34 child at a time reasonably convenient for all persons included for
35 the purpose of analyzing the causes of the child's absences after
36 three unexcused absences within any month during the current school
37 year. If a regularly scheduled parent-teacher conference day is to
38 take place within thirty days of the third unexcused absence, then
39 the school district may schedule this conference on that day. If the

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

5 (c) At some point after the second and before the (~~fifth~~)
6 seventh unexcused absence, take data-informed steps to eliminate or
7 reduce the child's absences.

8 (i) In middle school and high school, these steps must include
9 application of the Washington assessment of the risks and needs of
10 students (WARNS) or other assessment by a school district's designee
11 under RCW 28A.225.026.

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

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

34 (iv) These steps must include, where appropriate, providing an
35 available approved best practice or research-based intervention, or
36 both, consistent with the WARNS profile or other assessment, if an
37 assessment was applied, adjusting the child's school program or
38 school or course assignment, providing more individualized or
39 remedial instruction, providing appropriate vocational courses or
40 work experience, referring the child to a community (~~truancy~~)

1 engagement board, requiring the child to attend an alternative school
2 or program, or assisting the parent or child to obtain supplementary
3 services that might eliminate or ameliorate the cause or causes for
4 the absence from school.

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

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

10 (ii) Has failed to meet the school district's policy for excused
11 absences; or

12 (b) Has failed to comply with alternative learning experience
13 program attendance requirements as described by the superintendent of
14 public instruction.

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

30 **Sec. 10.** RCW 28A.225.025 and 2017 c 291 s 3 are each amended to
31 read as follows:

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

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

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

27 **Sec. 11.** RCW 28A.225.026 and 2017 c 291 s 4 are each amended to
28 read as follows:

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

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

1 community (~~(truancy)~~) engagement board may be operated by a juvenile
2 court, a school district, or a collaboration between both entities,
3 so long as the agreement is memorialized in a memorandum of
4 understanding. For a school district that is located in more than one
5 county, the memorandum of understanding shall be with the juvenile
6 court in the county that acts as the school district's treasurer.

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

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

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

1 encouraged to create strong community-wide partnerships and to
2 leverage existing dollars and resources.

3 **Sec. 12.** RCW 28A.225.0261 and 2016 c 205 s 17 are each amended
4 to read as follows:

5 (1) By requiring an initial stay of truancy petitions for
6 diversion to community (~~((truancy))~~) engagement boards, the legislature
7 intends to achieve the following outcomes:

8 (a) Increased access to community (~~((truancy))~~) engagement boards
9 and other truancy early intervention programs for parents and
10 children throughout the state;

11 (b) Increased quantity and quality of truancy intervention and
12 prevention efforts in the community;

13 (c) A reduction in the number of truancy petitions that result in
14 further proceedings by juvenile courts, other than dismissal of the
15 petition, after the initial stay and diversion to a community
16 (~~((truancy))~~) engagement board;

17 (d) A reduction in the number of truancy petitions that result in
18 a civil contempt proceeding or detention order; and

19 (e) Increased school attendance.

20 (2) No later than January 1, 2021, the Washington state institute
21 for public policy is directed to evaluate the effectiveness of
22 chapter 205, Laws of 2016. An initial report scoping of the
23 methodology to be used to review chapter 205, Laws of 2016 shall be
24 submitted to the fiscal committees of the legislature by January 1,
25 2018. The initial report must identify any data gaps that could
26 hinder the ability of the institute to conduct its review.

27 **Sec. 13.** RCW 28A.225.027 and 2016 c 205 s 20 are each amended to
28 read as follows:

29 (1) Subject to funds appropriated for this purpose, the office of
30 the superintendent of public instruction shall allocate to community
31 (~~((truancy))~~) engagement boards grant funds that may be used to
32 supplement existing funds in order to pay for training for board
33 members or the provision of services and treatment to children and
34 their families.

35 (2) The superintendent of public instruction must select grant
36 recipients based on the criteria in this section. This is a
37 competitive grant process. A prerequisite to applying for either or
38 both grants is a memoranda of understanding, between a school

1 district and a court, to institute a new or maintain an existing
2 community (~~(truancy)~~) engagement board that meets the requirements of
3 RCW 28A.225.025.

4 (3) Successful applicants for an award of grant funds to
5 supplement existing funds to pay for the training of community
6 (~~(truancy)~~) engagement board members must commit to the provision of
7 training to board members regarding the identification of barriers to
8 school attendance, the use of the Washington assessment of the risks
9 and needs of students (WARNS) or other assessment tools to identify
10 the specific needs of individual children, trauma-informed approaches
11 to discipline, research about adverse childhood experiences,
12 evidence-based treatments and culturally appropriate promising
13 practices, as well as the specific academic and community services
14 and treatments available in the school, court, community, and
15 elsewhere. This training may be provided by educational service
16 districts.

17 (4) Successful applicants for an award of grant funds to
18 supplement existing funds to pay for services and treatments provided
19 to children and their families must commit to the provision of
20 academic services such as tutoring, credit retrieval and school
21 reengagement supports, community services, and evidence-based
22 treatments that have been found to be effective in supporting at-risk
23 youth and their families, such as functional family therapy, or those
24 that have been shown to be culturally appropriate promising
25 practices.

26 **Sec. 14.** RCW 28A.225.035 and 2016 c 205 s 8 are each amended to
27 read as follows:

28 (1) A petition for a civil action under RCW 28A.225.030 or
29 28A.225.015 shall consist of a written notification to the court
30 alleging that:

31 (a) The child has unexcused absences as described in RCW
32 28A.225.030(1) during the current school year;

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

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

38 (2) The petition shall set forth the name, date of birth, school,
39 address, gender, race, and ethnicity of the child and the names and

1 addresses of the child's parents, and shall set forth the languages
2 in which the child and parent are fluent, whether there is an
3 existing individualized education program, and the child's current
4 academic status in school.

5 (3) The petition shall set forth facts that support the
6 allegations in this section and shall generally request relief
7 available under this chapter and provide information about what the
8 court might order under RCW 28A.225.090.

9 (4)(a) When a petition is filed under RCW 28A.225.030 or
10 28A.225.015, it shall initially be stayed by the juvenile court, and
11 the child and the child's parent must be referred to a community
12 (~~(truaney)~~) engagement board or other coordinated means of
13 intervention as set forth in the memorandum of understanding under
14 RCW 28A.225.026. The community (~~(truaney)~~) engagement board must
15 provide to the court a description of the intervention and prevention
16 efforts to be employed to substantially reduce the child's unexcused
17 absences, along with a timeline for completion.

18 (b) If a community (~~(truaney)~~) engagement board or other
19 coordinated means of intervention is not in place as required by RCW
20 28A.225.026, the juvenile court shall schedule a hearing at which the
21 court shall consider the petition.

22 (5) When a referral is made to a community (~~(truaney)~~) engagement
23 board, the (~~(truaney)~~) community engagement board must meet with the
24 child, a parent, and the school district representative and enter
25 into an agreement with the petitioner and respondent regarding
26 expectations and any actions necessary to address the child's truancy
27 within twenty days of the referral. If the petition is based on RCW
28 28A.225.015, the child shall not be required to attend and the
29 agreement under this subsection shall be between the (~~(truaney)~~)
30 community engagement board, the school district, and the child's
31 parent. The court may permit the (~~(truaney)~~) community engagement
32 board or truancy prevention counselor to provide continued
33 supervision over the student, or parent if the petition is based on
34 RCW 28A.225.015.

35 (6) If the community (~~(truaney)~~) engagement board fails to reach
36 an agreement, or the parent or student does not comply with the
37 agreement within the timeline for completion set by the community
38 (~~(truaney)~~) engagement board, the community (~~(truaney)~~) engagement
39 board shall return the case to the juvenile court. The stay of the

1 petition shall be lifted, and the juvenile court shall schedule a
2 hearing at which the court shall consider the petition.

3 (7) (a) Notwithstanding the provisions in subsection (4) (a) of
4 this section, a hearing shall not be required if other actions by the
5 court would substantially reduce the child's unexcused absences. Such
6 actions may include referral to an existing community (~~(truancy)~~)
7 engagement board, use of the Washington assessment of risks and needs
8 of students (WARNS) or other assessment tools to identify the
9 specific needs of individual children, the provision of community-
10 based services, and the provision of evidence-based treatments that
11 have been found to be effective in supporting at-risk youth and their
12 families. When a juvenile court hearing is held, the court shall:

13 (i) Separately notify the child, the parent of the child, and the
14 school district of the hearing. If the parent is not fluent in
15 English, notice should be provided in a language in which the parent
16 is fluent as indicated on the petition pursuant to RCW
17 28A.225.030(1);

18 (ii) Notify the parent and the child of their rights to present
19 evidence at the hearing; and

20 (iii) Notify the parent and the child of the options and rights
21 available under chapter 13.32A RCW.

22 (b) If the child is not provided with counsel, the advisement of
23 rights must take place in court by means of a colloquy between the
24 court, the child if eight years old or older, and the parent.

25 (8) (a) The court may require the attendance of the child if eight
26 years old or older, the parents, and the school district at any
27 hearing on a petition filed under RCW 28A.225.030.

28 (b) The court may not issue a bench warrant for a child for
29 failure to appear at a hearing on an initial truancy petition filed
30 under RCW 28A.225.030. If there has been proper service, the court
31 may instead enter a default order assuming jurisdiction under the
32 terms specified in subsection (12) of this section.

33 (9) A school district is responsible for determining who shall
34 represent the school district at hearings on a petition filed under
35 RCW 28A.225.030 or 28A.225.015.

36 (10) The court may permit the first hearing to be held without
37 requiring that either party be represented by legal counsel, and to
38 be held without a guardian ad litem for the child under RCW 4.08.050.
39 At the request of the school district, the court shall permit a

1 school district representative who is not an attorney to represent
2 the school district at any future hearings.

3 (11) If the child is in a special education program or has a
4 diagnosed mental or emotional disorder, the court shall inquire as to
5 what efforts the school district has made to assist the child in
6 attending school.

7 (12) If the allegations in the petition are established by a
8 preponderance of the evidence, the court shall grant the petition and
9 enter an order assuming jurisdiction to intervene for the period of
10 time determined by the court, after considering the facts alleged in
11 the petition and the circumstances of the juvenile, to most likely
12 cause the juvenile to return to and remain in school while the
13 juvenile is subject to this chapter. In no case may the order expire
14 before the end of the school year in which it is entered.

15 (13)(a) If the court assumes jurisdiction, the school district
16 shall periodically report to the court any additional unexcused
17 absences by the child, actions taken by the school district, and an
18 update on the child's academic status in school at a schedule
19 specified by the court.

20 (b) The first report under this subsection (13) must be received
21 no later than three months from the date that the court assumes
22 jurisdiction.

23 (14) Community (~~(truaney)~~) engagement boards and the courts shall
24 coordinate, to the extent possible, proceedings and actions
25 pertaining to children who are subject to truancy petitions and at-
26 risk youth petitions in RCW 13.32A.191 or child in need of services
27 petitions in RCW 13.32A.140.

28 (15) If after a juvenile court assumes jurisdiction in one county
29 the child relocates to another county, the juvenile court in the
30 receiving county shall, upon the request of a school district or
31 parent, assume jurisdiction of the petition filed in the previous
32 county.

33 **Sec. 15.** RCW 28A.225.090 and 2019 c 312 s 14 are each amended to
34 read as follows:

35 (1) A court may order a child subject to a petition under RCW
36 28A.225.035 to do one or more of the following:

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

1 (b) If there is space available and the program can provide
2 educational services appropriate for the child, order the child to
3 attend another public school, an alternative education program,
4 center, a skill center, dropout prevention program, or another public
5 educational program;

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

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

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

33 (e) Submit to a mental health evaluation or other diagnostic
34 evaluation and adhere to the recommendations of the drug assessment,
35 at no expense to the school, if the court finds on the court records
36 that such evaluation is appropriate to the circumstances and behavior
37 of the child, and will facilitate the child's compliance with the
38 mandatory attendance law.

39 (2) If the child fails to comply with the court order, the court
40 may impose:

- 1 (a) Community restitution;
- 2 (b) Nonresidential programs with intensive wraparound services;
- 3 (c) A requirement that the child meet with a mentor for a
- 4 specified number of times; or
- 5 (d) Other services and interventions that the court deems
- 6 appropriate.

7 (3) Any parent violating any of the provisions of either RCW

8 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than

9 twenty-five dollars for each day of unexcused absence from school.

10 The court shall remit fifty percent of the fine collected under this

11 section to the child's school district. It shall be a defense for a

12 parent charged with violating RCW 28A.225.010 to show that he or she

13 exercised reasonable diligence in attempting to cause a child in his

14 or her custody to attend school or that the child's school did not

15 perform its duties as required in RCW 28A.225.020. The court may

16 order the parent to provide community restitution instead of imposing

17 a fine. Any fine imposed pursuant to this section may be suspended

18 upon the condition that a parent charged with violating RCW

19 28A.225.010 shall participate with the school and the child in a

20 supervised plan for the child's attendance at school or upon

21 condition that the parent attend a conference or conferences

22 scheduled by a school for the purpose of analyzing the causes of a

23 child's absence.

24 (4) If a child continues to be truant after entering into a

25 court-approved order with the (~~truancy~~) community engagement board

26 under RCW 28A.225.035, the juvenile court shall find the child in

27 contempt, and the court may impose alternatives to detention

28 consistent with best practice models for reengagement with school.

29 (5) Nothing in this section shall be construed to limit the

30 court's inherent contempt power or curtail its exercise.

31 (6) Subsections (1), (2), and (4) of this section shall not apply

32 to a six or seven year old child required to attend public school

33 under RCW 28A.225.015.

34 NEW SECTION. **Sec. 16.** Sections 1 through 6 of this act are

35 necessary for the immediate preservation of the public peace, health,

36 or safety, or support of the state government and its existing public

37 institutions, and take effect immediately.

1 NEW SECTION. **Sec. 17.** Sections 5 and 6 of this act expire
2 August 1, 2021.

3 NEW SECTION. **Sec. 18.** Sections 7 through 15 of this act take
4 effect August 1, 2021.

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