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**SENATE BILL 5537**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Wellman, C. Wilson, Cleveland, Dhingra, Kuderer, and Nobles

Prefiled 12/13/21. Read first time 01/10/22. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to changing compulsory school attendance  
2 requirements for children five, six, and seven years of age; amending  
3 RCW 28A.225.010, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.030,  
4 28A.225.035, 28A.225.090, 28A.200.010, and 28A.200.020; creating a  
5 new section; repealing RCW 28A.225.015; and providing an effective  
6 date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that establishing a  
9 minimum age for compulsory school attendance recognizes the  
10 importance that education has on the future opportunities of  
11 children. The legislature further finds that the state currently  
12 provides an opportunity for access to education through public,  
13 private, and home-based instruction options. The legislature  
14 reaffirms its support for these educational options to fit the needs  
15 of individual children and families. The legislature also finds that  
16 a majority of states require school attendance beginning with  
17 children who are five or six years of age. Washington is the only  
18 state that requires school attendance beginning with children who are  
19 eight years of age. Therefore, the legislature intends to amend the  
20 compulsory attendance laws to ensure that every child residing in  
21 Washington receives an education beginning by five years of age.

1       **Sec. 2.** RCW 28A.225.010 and 2017 3rd sp.s. c 6 s 630 are each  
2 amended to read as follows:

3       (1) All parents in this state of any child (~~(eight)~~) five years  
4 of age and under (~~(eighteen)~~) 18 years of age shall cause such child  
5 to attend either the public school of the district in which the child  
6 resides or another public school in the state and such child shall  
7 have the responsibility to and therefore shall attend for the full  
8 time when such school may be in session unless:

9       (a) The child is attending an approved private school for the  
10 same time or is enrolled in an extension program as provided in RCW  
11 28A.195.010(4);

12       (b) The child is receiving home-based instruction as provided in  
13 subsection (~~(+4)~~) (5) of this section;

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

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

31       (e) The child is excused from school subject to approval by the  
32 student's parent for a reason of faith or conscience, or an organized  
33 activity conducted under the auspices of a religious denomination,  
34 church, or religious organization, for up to two days per school year  
35 without any penalty. Such absences may not mandate school closures.  
36 Students excused for such temporary absences may be claimed as full-  
37 time equivalent students to the extent they would otherwise have been  
38 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and  
39 may not affect school district compliance with the provisions of RCW  
40 28A.150.220; or

1 (f) The child is (~~sixteen~~) 16 years of age or older and:

2 (i) The child is regularly and lawfully employed and either the  
3 parent agrees that the child should not be required to attend school  
4 or the child is emancipated in accordance with chapter 13.64 RCW;

5 (ii) The child has already met graduation requirements in  
6 accordance with state board of education rules and regulations; or

7 (iii) The child has received a certificate of educational  
8 competence under rules and regulations established by the state board  
9 of education under RCW 28A.305.190.

10 (2) (~~(A)~~) The requirements in this section do not apply to a  
11 child who turns five while enrolled in a school district based on an  
12 individual exception for earlier entry under RCW 28A.225.160, an  
13 early childhood education and assistance program under chapter 43.216  
14 RCW, a head start program, or other prekindergarten programs.

15 (3) For the purposes of this chapter, parent (~~(for the purpose of~~  
16 ~~this chapter)~~) means a parent, guardian, or person having legal  
17 custody of a child.

18 (~~(3) An~~) (4) For the purposes of this chapter and chapter  
19 28A.200 RCW, approved private school (~~(for the purposes of this~~  
20 ~~chapter and chapter 28A.200 RCW)~~) shall be one approved under  
21 regulations established by the state board of education pursuant to  
22 RCW 28A.305.130.

23 (~~(4)~~) (5) For the purposes of this chapter and chapter 28A.200  
24 RCW, instruction shall be home-based if it consists of planned and  
25 supervised instructional and related educational activities,  
26 including a curriculum and instruction in the basic skills of  
27 occupational education, science, mathematics, language, social  
28 studies, history, health, reading, writing, spelling, and the  
29 development of an appreciation of art and music, provided for a  
30 number of hours equivalent to the total annual program hours per  
31 grade level established for approved private schools under RCW  
32 28A.195.010 and 28A.195.040 and if such activities are:

33 (a) Provided by a parent who is instructing his or her child only  
34 and are supervised by a certificated person. A certificated person  
35 for purposes of this chapter and chapter 28A.200 RCW shall be a  
36 person certified under chapter 28A.410 RCW. For purposes of this  
37 section, "supervised by a certificated person" means: The planning by  
38 the certificated person and the parent of objectives consistent with  
39 this subsection; a minimum each month of an average of one contact  
40 hour per week with the child being supervised by the certificated

1 person; and evaluation of such child's progress by the certificated  
2 person. The number of children supervised by the certificated person  
3 shall not exceed (~~(thirty)~~) 30 for purposes of this subsection; or

4 (b) Provided by a parent who is instructing his or her child only  
5 and who has either earned (~~(forty-five)~~) 45 college-level quarter  
6 credit hours or its equivalent in semester hours or has completed a  
7 course in home-based instruction at a postsecondary institution or a  
8 vocational-technical institute; or

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

12 (~~((+5))~~) (6) The legislature recognizes that home-based  
13 instruction is less structured and more experiential than the  
14 instruction normally provided in a classroom setting. Therefore, the  
15 provisions of subsection (~~((+4))~~) (5) of this section relating to the  
16 nature and quantity of instructional and related educational  
17 activities shall be liberally construed.

18 **Sec. 3.** RCW 28A.225.018 and 2016 c 205 s 3 are each amended to  
19 read as follows:

20 (1) Except as provided in subsection (2) of this section, in the  
21 event that a child in elementary school is required to attend school  
22 under RCW 28A.225.010 (~~(or 28A.225.015(1))~~) and has five or more  
23 excused absences in a single month during the current school year, or  
24 (~~(ten)~~) 10 or more excused absences in the current school year, the  
25 school district shall schedule a conference or conferences with the  
26 parent and child at a time reasonably convenient for all persons  
27 included for the purpose of identifying the barriers to the child's  
28 regular attendance, and the supports and resources that may be made  
29 available to the family so that the child is able to regularly attend  
30 school. If a regularly scheduled parent-teacher conference day is to  
31 take place within (~~(thirty)~~) 30 days of the absences, the school  
32 district may schedule this conference on that day. To satisfy the  
33 requirements of this section, the conference must include at least  
34 one school district employee such as a nurse, counselor, social  
35 worker, teacher, or community human services provider, except in  
36 those instances regarding the attendance of a child who has an  
37 individualized education program or a plan developed under section  
38 504 of the rehabilitation act of 1973, in which case the reconvening  
39 of the team that created the program or plan is required.

1 (2) A conference pursuant to subsection (1) of this section is  
2 not required in the event of excused absences for which prior notice  
3 has been given to the school or a doctor's note has been provided and  
4 an academic plan is put in place so that the child does not fall  
5 behind.

6 (3) The requirements in this section created by this act take  
7 effect August 1, 2022. However, the requirements in this section  
8 created by this act take effect August 1, 2023, if a local school  
9 district board of directors determines that it is unable to comply  
10 with the August 1, 2022, date. Local school district boards of  
11 directors who make this determination and consequently delay the  
12 effective date of the requirements in this section created by this  
13 act for their district, must inform the office of the superintendent  
14 of public instruction of their determination.

15 **Sec. 4.** RCW 28A.225.020 and 2021 c 119 s 9 are each amended to  
16 read as follows:

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

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

27 (b) Schedule a conference or conferences with the parent and  
28 child at a time reasonably convenient for all persons included for  
29 the purpose of analyzing the causes of the child's absences after  
30 three unexcused absences within any month during the current school  
31 year. If a regularly scheduled parent-teacher conference day is to  
32 take place within (~~thirty~~) 30 days of the third unexcused absence,  
33 then the school district may schedule this conference on that day. If  
34 the child's parent does not attend the scheduled conference, the  
35 conference may be conducted with the student and school official.  
36 However the parent shall be notified of the steps to be taken to  
37 eliminate or reduce the child's absence; and

1 (c) At some point after the second and before the seventh  
2 unexcused absence, take data-informed steps to eliminate or reduce  
3 the child's absences.

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

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

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

30 (iv) These steps must include, where appropriate, providing an  
31 available approved best practice or research-based intervention, or  
32 both, consistent with the WARNS profile or other assessment, if an  
33 assessment was applied, adjusting the child's school program or  
34 school or course assignment, providing more individualized or  
35 remedial instruction, providing appropriate vocational courses or  
36 work experience, referring the child to a community engagement board,  
37 requiring the child to attend an alternative school or program, or  
38 assisting the parent or child to obtain supplementary services that  
39 might eliminate or ameliorate the cause or causes for the absence  
40 from school.

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

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

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

8 (b) Has failed to comply with alternative learning experience  
9 program attendance requirements as described by the superintendent of  
10 public instruction.

11 (3) If a child transfers from one school district to another  
12 during the school year, the receiving school or school district shall  
13 include the unexcused absences accumulated at the previous school or  
14 from the previous school district for purposes of this section(~~(7)~~)  
15 and RCW 28A.225.030(~~(7)~~~~and 28A.225.015~~). The sending school district  
16 shall provide this information to the receiving school, together with  
17 a copy of any previous assessment as required under subsection (1)(c)  
18 of this section, history of any best practices or researched-based  
19 intervention previously provided to the child by the child's sending  
20 school district, and a copy of the most recent truancy information  
21 including any online or written acknowledgment by the parent and  
22 child, as provided for in RCW 28A.225.005. All school districts must  
23 use the standard choice transfer form for releasing a student to a  
24 nonresident school district for the purposes of accessing an  
25 alternative learning experience program.

26 (4) The requirements in this section created by this act take  
27 effect August 1, 2022. However, the requirements in this section  
28 created by this act take effect August 1, 2023, if a local school  
29 district board of directors determines that it is unable to comply  
30 with the August 1, 2022, date. Local school district boards of  
31 directors who make this determination and consequently delay the  
32 effective date of the requirements in this section created by this  
33 act for their district, must inform the office of the superintendent  
34 of public instruction of their determination.

35 **Sec. 5.** RCW 28A.225.025 and 2021 c 119 s 10 are each amended to  
36 read as follows:

37 (1) For purposes of this chapter, "community engagement board"  
38 means a board established pursuant to a memorandum of understanding  
39 between a juvenile court and a school district and composed of

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

22 (2) The legislature finds that utilization of community  
23 engagement boards is the preferred means of intervention when  
24 preliminary methods to eliminate or reduce unexcused absences as  
25 required by RCW 28A.225.020 have not been effective in securing the  
26 child's attendance at school. The legislature intends to encourage  
27 and support the development and expansion of community engagement  
28 boards. Operation of a (~~(school truancy)~~) community engagement board  
29 does not excuse a district from the obligation of filing a petition  
30 within the requirements of RCW (~~(28A.225.015(3))~~) 28A.225.030.

31 **Sec. 6.** RCW 28A.225.030 and 2021 c 119 s 7 are each amended to  
32 read as follows:

33 (1) If a child under the age of (~~(seventeen)~~) 18 is required to  
34 attend school under RCW 28A.225.010 and if the actions taken by a  
35 school district under RCW 28A.225.020 are not successful in  
36 substantially reducing an enrolled student's absences from public  
37 school, after the child's seventh unexcused absence within any month  
38 during the current school year and not later than the 15th unexcused  
39 absence during the current school year the school district shall file



1 a petition and supporting affidavit for a civil action with the  
2 juvenile court (~~alleging~~). For a child who is five, six, or seven  
3 years of age, the petition must allege a violation of RCW 28A.225.010  
4 by the parent. For a child who is eight years of age and under the  
5 age of 17, the petition must allege a violation of RCW 28A.225.010:  
6 (a) By the parent; (b) by the child; or (c) by the parent and the  
7 child. The petition must include a list of all interventions that  
8 have been attempted as set forth in RCW 28A.225.020, include a copy  
9 of any previous truancy assessment completed by the child's current  
10 school district, the history of approved best practices intervention  
11 or research-based intervention previously provided to the child by  
12 the child's current school district, and a copy of the most recent  
13 truancy information document provided to the parent, pursuant to RCW  
14 28A.225.005. Except as provided in this subsection, no additional  
15 documents need be filed with the petition. Nothing in this subsection  
16 requires court jurisdiction to terminate when a child turns seventeen  
17 or precludes a school district from filing a petition for a child  
18 that is seventeen years of age.

19 (2) The district shall not later than the seventh unexcused  
20 absence in a month:

21 (a) Enter into an agreement with (~~a~~) the student and parent  
22 that establishes school attendance requirements;

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

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

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

31 (4) If the school district fails to file a petition under this  
32 section, the parent of a child with seven or more unexcused absences  
33 in any month during the current school year or upon the 15th  
34 unexcused absence during the current school year may file a petition  
35 with the juvenile court alleging a violation of RCW 28A.225.010.

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

1 (6) The requirements in this section created by this act take  
2 effect August 1, 2022. However, the requirements in this section  
3 created by this act take effect August 1, 2023, if a local school  
4 district board of directors determines that it is unable to comply  
5 with the August 1, 2022, date. Local school district boards of  
6 directors who make this determination and consequently delay the  
7 effective date of the requirements in this section created by this  
8 act for their district, must inform the office of the superintendent  
9 of public instruction of their determination.

10 **Sec. 7.** RCW 28A.225.035 and 2021 c 119 s 14 are each amended to  
11 read as follows:

12 (1) A petition for a civil action under RCW 28A.225.030 (~~(or~~  
13 ~~28A.225.015))~~) shall consist of a written notification to the court  
14 alleging that:

15 (a) The child has unexcused absences as described in RCW  
16 28A.225.030(1) during the current school year;

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

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

22 (2) The petition shall set forth the name, date of birth, school,  
23 address, gender, race, and ethnicity of the child and the names and  
24 addresses of the child's parents, and shall set forth the languages  
25 in which the child and parent are fluent, whether there is an  
26 existing individualized education program, and the child's current  
27 academic status in school.

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

32 (4)(a) When a petition is filed under RCW 28A.225.030 (~~(or~~  
33 ~~28A.225.015))~~), it shall initially be stayed by the juvenile court,  
34 and the child and the child's parent must be referred to a community  
35 engagement board or other coordinated means of intervention as set  
36 forth in the memorandum of understanding under RCW 28A.225.026. The  
37 community engagement board must provide to the court a description of  
38 the intervention and prevention efforts to be employed to

1 substantially reduce the child's unexcused absences, along with a  
2 timeline for completion.

3 (b) If a community engagement board or other coordinated means of  
4 intervention is not in place as required by RCW 28A.225.026, the  
5 juvenile court shall schedule a hearing at which the court shall  
6 consider the petition.

7 (5) When a referral is made to a community engagement board, the  
8 community engagement board must meet with the child, a parent, and  
9 the school district representative and enter into an agreement with  
10 the petitioner and respondent regarding expectations and any actions  
11 necessary to address the child's truancy within twenty days of the  
12 referral. (~~If the petition is based on RCW 28A.225.015, the~~) A  
13 child who is five, six, or seven years of age shall not be required  
14 to attend and the agreement under this subsection shall be between  
15 the community engagement board, the school district, and the child's  
16 parent. The court may permit the community engagement board or  
17 truancy prevention counselor to provide continued supervision over  
18 the student, or parent if the petition (~~is based on RCW~~  
19 ~~28A.225.015~~) is for a child who is five, six, or seven years of age.

20 (6) If the community engagement board fails to reach an  
21 agreement, or the parent or student does not comply with the  
22 agreement within the timeline for completion set by the community  
23 engagement board, the community engagement board shall return the  
24 case to the juvenile court. The stay of the petition shall be lifted,  
25 and the juvenile court shall schedule a hearing at which the court  
26 shall consider the petition.

27 (7)(a) Notwithstanding the provisions in subsection (4)(a) of  
28 this section, a hearing shall not be required if other actions by the  
29 court would substantially reduce the child's unexcused absences. Such  
30 actions may include referral to an existing community engagement  
31 board, use of the Washington assessment of risks and needs of  
32 students (WARNS) or other assessment tools to identify the specific  
33 needs of individual children, the provision of community-based  
34 services, and the provision of evidence-based treatments that have  
35 been found to be effective in supporting at-risk youth and their  
36 families. When a juvenile court hearing is held, the court shall:

37 (i) Separately notify the child, the parent of the child, and the  
38 school district of the hearing. If the parent is not fluent in  
39 English, notice should be provided in a language in which the parent

1 is fluent as indicated on the petition pursuant to RCW  
2 28A.225.030(1);

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

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

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

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

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

18 (9) A school district is responsible for determining who shall  
19 represent the school district at hearings on a petition filed under  
20 RCW 28A.225.030 (~~or 28A.225.015~~).

21 (10) The court may permit the first hearing to be held without  
22 requiring that either party be represented by legal counsel, and to  
23 be held without a guardian ad litem for the child under RCW 4.08.050.  
24 At the request of the school district, the court shall permit a  
25 school district representative who is not an attorney to represent  
26 the school district at any future hearings.

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

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

39 (13) (a) If the court assumes jurisdiction, the school district  
40 shall periodically report to the court any additional unexcused

1 absences by the child, actions taken by the school district, and an  
2 update on the child's academic status in school at a schedule  
3 specified by the court.

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

7 (14) Community engagement boards and the courts shall coordinate,  
8 to the extent possible, proceedings and actions pertaining to  
9 children who are subject to truancy petitions and at-risk youth  
10 petitions in RCW 13.32A.191 or child in need of services petitions in  
11 RCW 13.32A.140.

12 (15) If after a juvenile court assumes jurisdiction in one county  
13 the child relocates to another county, the juvenile court in the  
14 receiving county shall, upon the request of a school district or  
15 parent, assume jurisdiction of the petition filed in the previous  
16 county.

17 (16) The requirements in this section created by this act take  
18 effect August 1, 2022. However, the requirements in this section  
19 created by this act take effect August 1, 2023, if a local school  
20 district board of directors determines that it is unable to comply  
21 with the August 1, 2022, date. Local school district boards of  
22 directors who make this determination and consequently delay the  
23 effective date of the requirements in this section created by this  
24 act for their district, must inform the office of the superintendent  
25 of public instruction of their determination.

26 **Sec. 8.** RCW 28A.225.090 and 2021 c 119 s 15 are each amended to  
27 read as follows:

28 (1) A court may order a child subject to a petition under RCW  
29 28A.225.035 to do one or more of the following:

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

33 (b) If there is space available and the program can provide  
34 educational services appropriate for the child, order the child to  
35 attend another public school, an alternative education program,  
36 center, a skill center, dropout prevention program, or another public  
37 educational program;

38 (c) Attend a private nonsectarian school or program including an  
39 education center. Before ordering a child to attend an approved or

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

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

26 (e) Submit to a mental health evaluation or other diagnostic  
27 evaluation and adhere to the recommendations of the drug assessment,  
28 at no expense to the school, if the court finds on the court records  
29 that such evaluation is appropriate to the circumstances and behavior  
30 of the child, and will facilitate the child's compliance with the  
31 mandatory attendance law.

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

34 (a) Community restitution;

35 (b) Nonresidential programs with intensive wraparound services;

36 (c) A requirement that the child meet with a mentor for a  
37 specified number of times; or

38 (d) Other services and interventions that the court deems  
39 appropriate.

1 (3) Any parent violating any of the provisions of either RCW  
2 28A.225.010 (~~(, 28A.225.015,)~~) or 28A.225.080 shall be fined not more  
3 than (~~(twenty-five dollars)~~) \$25 for each day of unexcused absence  
4 from school. The court shall remit (~~(fifty)~~) 50 percent of the fine  
5 collected under this section to the child's school district. It shall  
6 be a defense for a parent charged with violating RCW 28A.225.010 to  
7 show that he or she exercised reasonable diligence in attempting to  
8 cause a child in his or her custody to attend school or that the  
9 child's school did not perform its duties as required in RCW  
10 28A.225.020. The court may order the parent to provide community  
11 restitution instead of imposing a fine. Any fine imposed pursuant to  
12 this section may be suspended upon the condition that a parent  
13 charged with violating RCW 28A.225.010 shall participate with the  
14 school and the child in a supervised plan for the child's attendance  
15 at school or upon condition that the parent attend a conference or  
16 conferences scheduled by a school for the purpose of analyzing the  
17 causes of a child's absence.

18 (4) If a child continues to be truant after entering into a  
19 court-approved order with the community engagement board under RCW  
20 28A.225.035, the juvenile court shall find the child in contempt, and  
21 the court may impose alternatives to detention consistent with best  
22 practice models for reengagement with school.

23 (5) Nothing in this section shall be construed to limit the  
24 court's inherent contempt power or curtail its exercise.

25 (6) Subsections (1), (2), and (4) of this section shall not apply  
26 to a five, six, or seven year old child required to attend public  
27 school under RCW (~~(28A.225.015)~~) 28A.225.010.

28 **Sec. 9.** RCW 28A.200.010 and 2019 c 252 s 109 are each amended to  
29 read as follows:

30 (1) Each parent whose child is receiving home-based instruction  
31 under RCW 28A.225.010 (~~(+4)~~) (5) shall have the duty, beginning when  
32 the child is five years of age, to:

33 (a) File annually a signed declaration of intent that he or she  
34 is planning to cause his or her child to receive home-based  
35 instruction. The statement shall include the name and age of the  
36 child, shall specify whether a certificated person will be  
37 supervising the instruction, and shall be written in a format  
38 prescribed by the superintendent of public instruction. Each parent  
39 shall file the statement by September 15th of the school year or

1 within two weeks of the beginning of any public school quarter,  
2 trimester, or semester with the superintendent of the public school  
3 district within which the parent resides or the district that accepts  
4 the transfer, and the student shall be deemed a transfer student of  
5 the nonresident district. Parents may apply for transfer under RCW  
6 28A.225.220; and

7 (b) Ensure that test scores or annual academic progress  
8 assessments and immunization records, together with any other records  
9 that are kept relating to the instructional and educational  
10 activities provided, are forwarded to any other public or private  
11 school to which the child transfers. At the time of a transfer to a  
12 public school, the superintendent of the local school district in  
13 which the child enrolls may require a standardized achievement test  
14 to be administered and shall have the authority to determine the  
15 appropriate grade and course level placement of the child after  
16 consultation with parents and review of the child's records (~~(; and~~

17 ~~(c) Ensure~~)).

18 (2) Each parent whose child is receiving home-based instruction  
19 as defined in RCW 28A.225.010, and is eight years old or older shall  
20 have the duty to ensure that a standardized achievement test approved  
21 by the state board of education is administered annually to the child  
22 by a qualified individual or that an annual assessment of the  
23 student's academic progress is written by a certificated person who  
24 is currently working in the field of education. The state board of  
25 education shall not require these children to meet the student  
26 learning goals, learn the state learning standards, or take the  
27 assessments under RCW 28A.655.070. The standardized test administered  
28 or the annual academic progress assessment written shall be made a  
29 part of the child's permanent records. If, as a result of the annual  
30 test or assessment, it is determined that the child is not making  
31 reasonable progress consistent with his or her age or stage of  
32 development, the parent shall make a good faith effort to remedy any  
33 deficiency.

34 ~~((2))~~ (3) Failure of a parent to comply with the duties in this  
35 section shall be deemed a failure of such parent's child to attend  
36 school without valid justification under RCW 28A.225.020. Parents who  
37 do comply with the duties set forth in this section shall be presumed  
38 to be providing home-based instruction as set forth in RCW  
39 28A.225.010 ~~((4))~~ (5).



1       **Sec. 10.** RCW 28A.200.020 and 1990 c 33 s 179 are each amended to  
2 read as follows:

3       The state hereby recognizes that parents who are causing their  
4 children to receive home-based instruction (~~(under)~~) as defined in  
5 RCW 28A.225.010(~~(+4)~~) shall be subject only to those minimum state  
6 laws and regulations which are necessary to insure that a sufficient  
7 basic educational opportunity is provided to the children receiving  
8 such instruction. Therefore, all decisions relating to philosophy or  
9 doctrine, selection of books, teaching materials and curriculum, and  
10 methods, timing, and place in the provision or evaluation of home-  
11 based instruction shall be the responsibility of the parent except  
12 for matters specifically referred to in this chapter.

13       NEW SECTION. **Sec. 11.** RCW 28A.225.015 (Attendance mandatory—Six  
14 or seven year olds—Unexcused absences—Petition) and 2021 c 119 s 4,  
15 2017 c 291 s 1, & 1999 c 319 s 6 are each repealed.

16       NEW SECTION. **Sec. 12.** This act takes effect August 1, 2022.

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