

2 **E2SHB 3054** - S COMM AMD
3 By Committee on Education

4

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

7 "Sec. 1. RCW 28A.225.010 and 1996 c 134 s 1 are each amended to
8 read as follows:

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

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

17 (b) The child is receiving home-based instruction as provided in
18 subsection ((4)) (5) of this section;

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

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

34 (e) The child is sixteen years of age or older and:

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

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

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

9 (2) A child who is regularly enrolled in the public school of the
10 district in which the child resides shall attend the school for the
11 full time the school may be in session. However, a parent of a child
12 under eight years of age may withdraw the child from the public school
13 for any reason by informing the child's school. Furthermore, this
14 subsection shall not apply to a child who is enrolled in the public
15 school part time for the purpose of receiving ancillary services.

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

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

22 (~~(+4)~~) (5) For the purposes of this chapter and chapter 28A.200
23 RCW, instruction shall be home-based if it consists of planned and
24 supervised instructional and related educational activities, including
25 a curriculum and instruction in the basic skills of occupational
26 education, science, mathematics, language, social studies, history,
27 health, reading, writing, spelling, and the development of an
28 appreciation of art and music, provided for a number of hours
29 equivalent to the total annual program hours per grade level
30 established for approved private schools under RCW 28A.195.010 and
31 28A.195.040 and if such activities are:

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

1 evaluation of such child's progress by the certificated person. The
2 number of children supervised by the certificated person shall not
3 exceed thirty 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 college level quarter credit hours
6 or its equivalent in semester hours or has completed a course in home-
7 based instruction at a postsecondary institution or a vocational-
8 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 instruction
13 is less structured and more experiential than the instruction normally
14 provided in a classroom setting. Therefore, the provisions of
15 subsection (~~(+4+)~~) (5) of this section relating to the nature and
16 quantity of instructional and related educational activities shall be
17 liberally construed.

18 **Sec. 2.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to
19 read as follows:

20 (1) If a child is required to attend school under RCW 28A.225.010
21 and if the actions taken by a school district under RCW 28A.225.020 are
22 not successful in substantially reducing an enrolled student's absences
23 from public school, not later than the seventh unexcused absence by a
24 child within any month during the current school year or not later than
25 the tenth unexcused absence during the current school year the school
26 district shall file a petition and supporting affidavit for a civil
27 action with the juvenile court alleging a violation of RCW 28A.225.010:

28 (a) By the parent; (b) by the child; or (c) by the parent and the
29 child. Except as provided in this subsection, no additional documents
30 need be filed with the petition. The petition may be served on the
31 parent in any manner reasonably likely to provide adequate notice of
32 the filing. If service is unsuccessful, service shall be by personal
33 service.

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

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

1 (b) Refer a student to a community truancy board as defined in RCW
2 28A.225.025. The community truancy board shall enter into an agreement
3 with the student and parent that establishes school attendance
4 requirements and take other appropriate actions to reduce the child's
5 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 is
8 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 or more unexcused absences in
11 any month during the current school year or upon the tenth unexcused
12 absence during the current school year may file a petition with the
13 juvenile court alleging a violation of RCW 28A.225.010.

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

16 The office of the administrator for the courts shall develop a
17 uniform petition to be used on a state-wide basis for the purposes of
18 RCW 28A.225.010 through 28A.225.140. The office of the administrator
19 for the courts shall complete the uniform petition by June 1, 1998.
20 The uniform petition shall be used by all parties filing petitions
21 under RCW 28A.225.010 through 28A.225.140 by July 1, 1998.

22 **Sec. 4.** RCW 28A.225.090 and 1997 c 68 s 2 are each amended to read
23 as follows:

24 (1) A court may order a child subject to a petition under RCW
25 28A.225.035 to:

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

27 (b) If there is space available and the program can provide
28 educational services appropriate for the child, order the child to
29 attend another public school, an alternative education program,
30 education center, a skill center, dropout prevention program, a
31 replacement school program provided by a school district for suspended
32 or expelled students, an alternative educational service program
33 authorized by chapter 28A.150 RCW, or another public educational
34 program;

35 (c) Attend a private nonsectarian school or program including an
36 education center. Before ordering a child to attend an approved or
37 certified private nonsectarian school or program, the court shall: (i)

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

15 (d) Be referred to a community truancy board, if available; (~~(e)~~)

16 (e) Submit to testing or evaluation for the use of controlled
17 substances or alcohol based on a determination that such testing or
18 evaluation is appropriate to the circumstances and behavior of the
19 child and will facilitate the child's compliance with the mandatory
20 attendance law. After considering the results of the testing or
21 evaluation, and if the child's parents agree to pay for treatment or
22 other resources are available, the court may require the student to
23 participate in any recommended services or outpatient substance abuse
24 treatment program;

25 (f) Refrain from actions which may result in suspension or
26 expulsion from school; or

27 (g) Submit to an assessment by the court administrator, school
28 district, or other public entity, if available, for the purpose of
29 identifying the cause of the child's truancy.

30 (2) If the child fails to comply with (~~the~~) a court order, the
31 court may:

32 (a) Find the child in contempt of court and order the child to be
33 (~~punished~~) sanctioned by detention, including electronic monitoring,
34 or (~~may~~) impose alternatives to detention such as community service.
35 When ordering electronic monitoring under this section, the court shall
36 specify the agency which will provide the electronic monitoring
37 services, the terms the child must obey while on electronic monitoring,
38 and the duration of the electronic monitoring. Under this section, the
39 court is not authorized, based upon any single contempt petition, or at

1 any single disposition hearing addressing multiple contempt petitions,
2 to place a child on electronic monitoring for a term exceeding five
3 days. However, failure by a child to comply with an order issued under
4 this subsection shall not be ((punishable)) sanctionable by detention
5 for a period greater than that permitted pursuant to a civil contempt
6 proceeding against a child under chapter 13.32A RCW.

7 (b) Order the department of licensing, under RCW 46.20.291, to
8 suspend the child's driver's license for ninety days. Whenever such an
9 order is entered, the court shall secure the immediate forfeiture of
10 the driver's license of the child and immediately forward the license
11 to the department of licensing. If the child fails to deliver the
12 license to the judge, the judge may find the child in contempt of court
13 pursuant to (a) of this subsection; and

14 (c) If the court has reasonable cause to believe that the child is
15 a child in need of services as defined in RCW 13.32A.030(4), order the
16 department of social and health services to file a child in need of
17 services petition pursuant to RCW 13.32A.140.

18 (3) Any parent violating any of the provisions of either RCW
19 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
20 dollars for each day of unexcused absence from school. It shall be a
21 defense for a parent charged with violating RCW 28A.225.010 to show
22 that he or she exercised reasonable diligence in attempting to cause a
23 child in his or her custody to attend school or that the child's school
24 did not perform its duties as required in RCW 28A.225.020. The court
25 may order the parent to provide community service instead of imposing
26 a fine. Any fine imposed pursuant to this section may be suspended
27 upon the condition that a parent charged with violating RCW 28A.225.010
28 shall participate with the school and the child in a supervised plan
29 for the child's attendance at school or upon condition that the parent
30 attend a conference or conferences scheduled by a school for the
31 purpose of analyzing the causes of a child's absence.

32 **Sec. 5.** RCW 46.20.291 and 1997 c 58 s 806 are each amended to read
33 as follows:

34 The department is authorized to suspend the license of a driver
35 upon a showing by its records or other sufficient evidence that the
36 licensee:

37 (1) Has committed an offense for which mandatory revocation or
38 suspension of license is provided by law;

1 (2) Has, by reckless or unlawful operation of a motor vehicle,
2 caused or contributed to an accident resulting in death or injury to
3 any person or serious property damage;

4 (3) Has been convicted of offenses against traffic regulations
5 governing the movement of vehicles, or found to have committed traffic
6 infractions, with such frequency as to indicate a disrespect for
7 traffic laws or a disregard for the safety of other persons on the
8 highways;

9 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

10 (5) Has failed to respond to a notice of traffic infraction, failed
11 to appear at a requested hearing, violated a written promise to appear
12 in court, or has failed to comply with the terms of a notice of traffic
13 infraction or citation, as provided in RCW 46.20.289;

14 (6) Has committed one of the prohibited practices relating to
15 drivers' licenses defined in RCW 46.20.336; (~~(or)~~)

16 (7) Has been certified by the department of social and health
17 services as a person who is not in compliance with a child support
18 order or a residential or visitation order as provided in RCW
19 74.20A.320; or

20 (8) Has been found in contempt of court as provided in RCW
21 28A.225.090(2) and is the subject of a court order directing the
22 department to suspend the license of the licensee.

23 **Sec. 6.** RCW 48.22.140 and 1997 c 58 s 808 are each amended to read
24 as follows:

25 In the event that the department of licensing suspends a driver's
26 license solely for the nonpayment of child support as provided in
27 chapter 74.20A RCW or for (~~noncompliance with a residential or~~
28 ~~visitation order as provided in chapter 26.09 RCW)) failing to comply
29 with a court order as provided in RCW 28A.225.090(2), any provision in
30 the driver's motor vehicle liability insurance policy excluding
31 insurance coverage for an unlicensed driver shall not apply to the
32 driver for ninety days from the date of suspension. When a driver's
33 license is suspended under chapter 74.20A or 28A.225 RCW, the driving
34 record for the suspended driver shall include a notation that
35 (~~explains~~) indicates the reason for the suspension.~~

36 **Sec. 7.** RCW 13.32A.140 and 1997 c 146 s 5 are each amended to read
37 as follows:

1 Unless the department files a dependency petition, the department
2 shall file a child in need of services petition to approve an out-of-
3 home placement on behalf of a child under any of the following sets of
4 circumstances:

5 (1) The child has been admitted to a crisis residential center or
6 has been placed by the department in an out-of-home placement, and:

7 (a) The parent has been notified that the child was so admitted or
8 placed;

9 (b) The child cannot return home, and legal authorization is needed
10 for out-of-home placement beyond seventy-two hours;

11 (c) No agreement between the parent and the child as to where the
12 child shall live has been reached;

13 (d) No child in need of services petition has been filed by either
14 the child or parent;

15 (e) The parent has not filed an at-risk youth petition; and

16 (f) The child has no suitable place to live other than the home of
17 his or her parent.

18 (2) The child has been admitted to a crisis residential center and:

19 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,
20 have passed since such placement;

21 (b) The staff, after searching with due diligence, have been unable
22 to contact the parent of such child; and

23 (c) The child has no suitable place to live other than the home of
24 his or her parent.

25 (3) An agreement between parent and child made pursuant to RCW
26 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
27 acceptable to parent or child, and:

28 (a) The party to whom the arrangement is no longer acceptable has
29 so notified the department;

30 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,
31 have passed since such notification;

32 (c) No new agreement between parent and child as to where the child
33 shall live has been reached;

34 (d) No child in need of services petition has been filed by either
35 the child or the parent;

36 (e) The parent has not filed an at-risk youth petition; and

37 (f) The child has no suitable place to live other than the home of
38 his or her parent.

1 (4) A court in a contempt action under RCW 28A.225.090(2) orders
2 the department to file a petition.

3 Under the circumstances of subsections (1), (2), or (3) of this
4 section, the child shall remain in an out-of-home placement until a
5 child in need of services petition filed by the department on behalf of
6 the child is reviewed by the juvenile court and is resolved by the
7 court. The department may authorize emergency medical or dental care
8 for a child admitted to a crisis residential center or placed in an
9 out-of-home placement by the department. The state, when the
10 department files a child in need of services petition under this
11 section, shall be represented as provided for in RCW 13.04.093.

12 NEW SECTION. Sec. 8. A new section is added to chapter 28A.225
13 RCW to read as follows:

14 The juvenile rehabilitation administration within the department of
15 social and health services may contract with counties to operate a
16 pilot project to conduct electronic monitoring of truant minors ordered
17 detained under RCW 28A.225.010. The pilot project shall be operated in
18 three counties. One of the counties selected shall be Yakima and
19 another shall be located west of the Cascade crest. If a pilot county
20 is not currently offering electronic monitoring, that county may
21 contract with another county, the state juvenile rehabilitation
22 administration, or any other entity for the provision of monitoring
23 equipment and services. Funds provided to counties under this act may
24 be used to purchase, lease, or set up electronic monitoring equipment,
25 or to fund agency supervision of children placed on, and children who
26 violate the terms of, electronic monitoring.

27 NEW SECTION. Sec. 9. A new section is added to chapter 28A.225
28 RCW to read as follows:

29 The juvenile rehabilitation administration shall contract with the
30 institute for public policy or a similar agency to obtain an evaluation
31 of any pilot program instituted under section 8 of this act, ensuring
32 that each commissioned evaluation includes: A comparison of school
33 attendance outcomes for children subject to electronic monitoring with
34 those of similarly situated children in similar nonpilot counties;
35 identification of any issues or factors that limit effective
36 implementation of electronic monitoring in the pilot county; and any
37 other issue the evaluating agency considers relevant.

1 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 1998, in the omnibus appropriations act, this act
4 is null and void.

5 NEW SECTION. **Sec. 11.** Sections 2 through 6 of this act are
6 necessary for the immediate preservation of the public peace, health,
7 or safety, or support of the state government and its existing public
8 institutions, and take effect immediately.

9 NEW SECTION. **Sec. 12.** Sections 2 through 6 of this act apply to
10 all causes of action commenced on or after the effective date of
11 sections 2 through 6 of this act, regardless of when the cause of
12 action arose. To this extent, these sections apply retrospectively,
13 but in all other respects they apply prospectively."

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16

17 On page 1, at the beginning of line 2 of the title, strike the
18 remainder of the title and insert "amending RCW 28A.225.010,
19 28A.225.030, 28A.225.090, 46.20.291, 48.22.140, and 13.32A.140; adding
20 new sections to chapter 28A.225 RCW; creating new sections; and
21 declaring an emergency."

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