
HOUSE BILL 2015

State of Washington

55th Legislature

1997 Regular Session

By Representatives Clements, Johnson, Cooke, Zellinsky, Honeyford, Skinner, Huff and Boldt

Read first time 02/18/97. Referred to Committee on Education.

1 AN ACT Relating to students with unexcused absences from school on
2 whose behalf public assistance is received; amending RCW 28A.225.030;
3 reenacting and amending RCW 28A.225.035; adding a new section to
4 chapter 28A.225 RCW; and adding a new section to chapter 74.04 RCW.

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

6 **Sec. 1.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to
7 read as follows:

8 (1) If a child is required to attend school under RCW 28A.225.010
9 and if the actions taken by a school district under RCW 28A.225.020 are
10 not successful in substantially reducing an enrolled student's absences
11 from public school, not later than the seventh unexcused absence by a
12 child within any month during the current school year or not later than
13 the tenth unexcused absence during the current school year the school
14 district shall file a petition and supporting affidavit for a civil
15 action with the juvenile court alleging a violation of RCW 28A.225.010:
16 (a) By the parent; (b) by the child; or (c) by the parent and the
17 child. Except as provided in this subsection, no additional documents
18 need be filed with the petition. A school district may also file a
19 petition with the court for a child who is not required to attend

1 school under RCW 28A.225.010 but is enrolled in a public elementary
2 school when the child's unexcused absences exceed seven days within any
3 month or ten days during the current school year, and the absences are
4 impeding the child's ability to meet the essential academic learning
5 requirements of RCW 28A.630.885.

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

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

10 (b) Refer a student to a community truancy board as defined in RCW
11 28A.225.025. The community truancy board shall enter into an agreement
12 with the student and parent that establishes school attendance
13 requirements and take other appropriate actions to reduce the child's
14 absences; or

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

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

18 (4) If the school district fails to file a petition under this
19 section, the parent of a child with five or more unexcused absences in
20 any month during the current school year or upon the tenth unexcused
21 absence during the current school year may file a petition with the
22 juvenile court alleging a violation of RCW 28A.225.010.

23 **Sec. 2.** RCW 28A.225.035 and 1996 c 134 s 4 and 1996 c 133 s 31 are
24 each reenacted and amended to read as follows:

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

27 (a) The child has unexcused absences during the current school
28 year;

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

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

33 (2) The petition shall set forth the name, age, school, and
34 residence of the child and the names and residence of the child's
35 parents.

36 (3) The petition shall set forth facts that support the allegations
37 in this section and shall generally request relief available under this
38 chapter.

1 (4) When a petition is filed under RCW 28A.225.030, the juvenile
2 court shall schedule a hearing at which the court shall consider the
3 petition. However, a hearing shall not be required if other actions by
4 the court would substantially reduce the child's unexcused absences.
5 When a hearing is held, the court shall:

6 (a) Separately notify the child, the parent of the child, and the
7 school district of the hearing;

8 (b) Notify the parent and the child of their rights to present
9 evidence at the hearing; (~~and~~)

10 (c) Notify the parent and the child of the options and rights
11 available under chapter 13.32A RCW; and

12 (d) Identify whether the child is a member of an assistance unit
13 receiving temporary assistance for needy families and notify the school
14 if the child is a member of an assistance unit.

15 (5) The court may require the attendance of both the child and the
16 parents at any hearing on a petition filed under RCW 28A.225.030.

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

23 (7) The court shall grant the petition and enter an order assuming
24 jurisdiction to intervene for the remainder of the school year, if the
25 allegations in the petition are established by a preponderance of the
26 evidence.

27 (8) If the court assumes jurisdiction, the school district shall
28 regularly report to the court any additional unexcused absences by the
29 child.

30 (9) Community truancy boards and the courts shall coordinate, to
31 the extent possible, proceedings and actions pertaining to children who
32 are subject to truancy petitions and at-risk youth petitions in RCW
33 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

34 NEW SECTION. Sec. 3. A new section is added to chapter 28A.225
35 RCW to read as follows:

36 If a school has received notification under RCW 28A.225.035(4) that
37 a child is a member of an assistance unit receiving temporary
38 assistance for needy families, the school shall report to the court

1 when the child has missed twenty days of school within five days of the
2 twentieth absence.

3 A court receiving notification under this section that a child who
4 is a member of an assistance unit receiving temporary assistance for
5 needy families has missed twenty days of school shall order the
6 department of social and health services to withhold twenty-five
7 dollars from the assistance unit's warrant for each day the child
8 misses school beyond the initial twenty days or order the department of
9 social and health services to forward the assistance unit's warrant to
10 the school in which the child is enrolled and order the child's parent
11 to obtain the warrant from the appropriate school personnel. The order
12 to withhold shall indicate to the department of social and health
13 services the school district in which the child is enrolled.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.04 RCW
15 to read as follows:

16 If the department receives a court order to withhold money from an
17 assistance unit's warrant because a child in the assistance unit has
18 missed more than twenty-one days of school, the department shall
19 transmit the withheld funds to the school district in which the child
20 in the assistance unit is enrolled.

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