

2 **2SHB 1818** - S COMM AMD

3 By Committee on Human Services & Corrections

4

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

7 "Sec. 1. RCW 28A.225.020 and 1996 c 134 s 2 are each amended to
8 read as follows:

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

12 (a) Inform the child's custodial parent, parents, or guardian by a
13 notice in writing or by telephone whenever the child has failed to
14 attend school after one unexcused absence within any month during the
15 current school year. School officials shall inform the parent of the
16 potential consequences of additional unexcused absences;

17 (b) Schedule a conference or conferences with the custodial parent,
18 parents, or guardian and child at a time reasonably convenient for all
19 persons included for the purpose of analyzing the causes of the child's
20 absences after two unexcused absences within any month during the
21 current school year. If a regularly scheduled parent-teacher
22 conference day is to take place within thirty days of the second
23 unexcused absence, then the school district may schedule this
24 conference on that day; and

25 (c) Take steps to eliminate or reduce the child's absences. These
26 steps shall include, where appropriate, adjusting the child's school
27 program or school or course assignment, providing more individualized
28 or remedial instruction, providing appropriate vocational courses or
29 work experience, referring the child to a community truancy board, if
30 available, requiring the child to attend an alternative school or
31 program, or assisting the parent or child to obtain supplementary
32 services that might eliminate or ameliorate the cause or causes for the
33 absence from school. If the child's parent does not attend the
34 scheduled conference, the conference may be conducted with the student
35 and school official. However, the parent shall be notified of the
36 steps to be taken to eliminate or reduce the child's absence.

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

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

6 (b) Has failed to meet the school district's policy for excused
7 absences.

8 (3) If a child transfers from one school district to another, the
9 receiving school or school district shall honor the attendance record
10 including the unexcused absences accumulated at the previous school or
11 from the previous school district.

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

14 (1) If a child is required to attend school under RCW 28A.225.010
15 and if the actions taken by a school district under RCW 28A.225.020 are
16 not successful in substantially reducing an enrolled student's absences
17 from public school, not later than the seventh unexcused absence by a
18 child within any month during the current school year or not later than
19 the tenth unexcused absence during the current school year the school
20 district shall file a petition and supporting affidavit for a civil

21 action with the juvenile court alleging a violation of RCW 28A.225.010:
22 (a) By the parent; (b) by the child; or (c) by the parent and the
23 child. Except as provided in this subsection, no additional documents
24 need be filed with the petition.

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

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

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

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

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

37 (4) If the school district fails to file a petition under this
38 section, the parent of a child with five or more unexcused absences in

1 any month during the current school year or upon the tenth unexcused
2 absence during the current school year may file a petition with the
3 juvenile court alleging a violation of RCW 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 is
7 required.

8 **Sec. 3.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read
9 as follows:

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

12 (a) The child has unexcused absences during the current school
13 year;

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

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

18 (2) The petition shall set forth the name, age, school, and
19 residence of the child and the names and residence of the child's
20 parents.

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

25 (4) When a petition is filed under RCW 28A.225.030, the juvenile
26 court shall schedule a hearing at which the court shall consider the
27 petition(~~(. However)~~), or if the court determines that a referral to
28 an available community truancy board would substantially reduce the
29 child's unexcused absences, the court may, with agreement of all
30 parties, refer the case to a community truancy board under the
31 jurisdiction of the juvenile court.

32 (5) If a referral is made to a community truancy board, the truancy
33 board must meet with the child, a parent, and the school
34 representative, within thirty days of the referral. The truancy board
35 and the child must enter into an agreement regarding expectations and
36 any actions necessary to address the child's truancy within thirty days
37 of the referral. The agreement shall be presented to the juvenile
38 court for its approval.

1 (6) The court shall approve the agreement by order or schedule a
2 hearing. The court may, if the school district and community truancy
3 board agree, permit the truancy board to provide continued supervision
4 over the student and report on compliance with the order.

5 (7) If the child fails to enter into an agreement with the truancy
6 board, the truancy board shall return the case to the juvenile court
7 for a hearing.

8 (8) Notwithstanding the provisions in subsection (4) of this
9 section, a hearing shall not be required if other actions by the court
10 would substantially reduce the child's unexcused absences. When a
11 juvenile court hearing is held, the court shall:

12 (a) Separately notify the child, the parent of the child, and the
13 school district of the hearing;

14 (b) Notify the parent and the child of their rights to present
15 evidence at the hearing; and

16 (c) Notify the parent and the child of the options and rights
17 available under chapter 13.32A RCW.

18 ~~((+5))~~ (9) The court may require the attendance of ~~((both))~~ the
19 child ~~((and))~~, the parents, and the school district at any hearing on
20 a petition filed under RCW 28A.225.030.

21 ~~((+6))~~ (10) A school district is responsible for determining who
22 shall represent the school district at hearings on a petition filed
23 under RCW 28A.225.030.

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

30 ~~((+7))~~ (12) If the allegations in the petition are established by
31 a preponderance of the evidence, the court shall grant the petition and
32 enter an order assuming jurisdiction to intervene for the period of
33 time determined by the court, after considering the facts alleged in
34 the petition and the circumstances of the juvenile, to most likely
35 cause the juvenile to return to and remain in school while the juvenile
36 is subject to this chapter. In no case may the order expire before the
37 end of the school year in which it is entered.

1 (~~(8)~~) (13) If the court assumes jurisdiction, the school district
2 shall regularly report to the court any additional unexcused absences
3 by the child.

4 (~~(9)~~) (14) Community truancy boards and the courts shall
5 coordinate, to the extent possible, proceedings and actions pertaining
6 to children who are subject to truancy petitions and at-risk youth
7 petitions in RCW 13.32A.191 or child in need of services petitions in
8 RCW 13.32A.140.

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

14 **Sec. 4.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to
15 read as follows:

16 (1) A court may order a child subject to a petition under RCW
17 28A.225.035 to:

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

19 (b) If there is space available and the program can provide
20 educational services appropriate for the child, order the child to
21 attend another public school, an alternative education program, center,
22 a skill center, dropout prevention program, or another public
23 educational program;

24 (c) Attend a private nonsectarian school or program including an
25 education center. Before ordering a child to attend an approved or
26 certified private nonsectarian school or program, the court shall: (i)
27 Consider the public and private programs available; (ii) find that
28 placement is in the best interest of the child; and (iii) find that the
29 private school or program is willing to accept the child and will not
30 charge any fees in addition to those established by contract with the
31 student's school district. If the court orders the child to enroll in
32 a private school or program, the child's school district shall contract
33 with the school or program to provide educational services for the
34 child. The school district shall not be required to contract for a
35 weekly rate that exceeds the state general apportionment dollars
36 calculated on a weekly basis generated by the child and received by the
37 district. A school district shall not be required to enter into a
38 contract that is longer than the remainder of the school year. A

1 school district shall not be required to enter into or continue a
2 contract if the child is no longer enrolled in the district;

3 (d) Be referred to a community truancy board, if available; or

4 (e) Submit to testing for the use of controlled substances or
5 alcohol based on a determination that such testing is appropriate to
6 the circumstances and behavior of the child and will facilitate the
7 child's compliance with the mandatory attendance law.

8 (2) If the child fails to comply with the court order, the court
9 may order the child to be (~~punished by~~) subject to detention, as
10 provided in RCW 7.21.030(2)(e), or may impose alternatives to detention
11 such as community service. Failure by a child to comply with an order
12 issued under this subsection shall not be (~~punishable by~~) subject to
13 detention for a period greater than that permitted pursuant to a civil
14 contempt proceeding against a child under chapter 13.32A RCW.

15 (3) Any parent violating any of the provisions of either RCW
16 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five
17 dollars for each day of unexcused absence from school. It shall be a
18 defense for a parent charged with violating RCW 28A.225.010 to show
19 that he or she exercised reasonable diligence in attempting to cause a
20 child in his or her custody to attend school or that the child's school
21 did not perform its duties as required in RCW 28A.225.020. The court
22 may order the parent to provide community service instead of imposing
23 a fine. Any fine imposed pursuant to this section may be suspended
24 upon the condition that a parent charged with violating RCW 28A.225.010
25 shall participate with the school and the child in a supervised plan
26 for the child's attendance at school or upon condition that the parent
27 attend a conference or conferences scheduled by a school for the
28 purpose of analyzing the causes of a child's absence.

29 (4) If a child continues to be truant after entering into a court-
30 approved order with the truancy board under RCW 28A.225.035, the
31 juvenile court shall find the child in contempt, and the court may
32 order the child to be subject to detention, as provided in RCW
33 7.21.030(2)(e), or may impose alternatives to detention such as
34 community service. Failure by a child to comply with an order issued
35 under this subsection may not be subject to detention for a period
36 greater than that permitted under a civil contempt proceeding against
37 a child under chapter 13.32A RCW.

1 **Sec. 5.** RCW 28A.225.025 and 1996 c 134 s 9 are each amended to
2 read as follows:

3 For purposes of this chapter, "community truancy board" means a
4 board composed of members of the local community in which the child
5 attends school. ~~((The local school district boards of directors))~~
6 Juvenile courts may establish and operate community truancy boards. If
7 the juvenile court and the school district agree, a school district may
8 establish and operate a community truancy board under the jurisdiction
9 of the juvenile court. Juvenile courts may create a community truancy
10 board or may use other ~~((boards))~~ entities that exist or are created,
11 such as diversion ~~((boards))~~ units. However, a diversion unit or other
12 existing ~~((board))~~ entity must agree before it is used as a truancy
13 board. ~~((Members of the board shall be selected from representatives~~
14 ~~of the community.))~~ Duties of a community truancy board shall include,
15 but not be limited to, recommending methods for improving school
16 attendance such as assisting the parent or the child to obtain
17 supplementary services that might eliminate or ameliorate the causes
18 for the absences or suggesting to the school district that the child
19 enroll in another school, an alternative education program, an
20 education center, a skill center, a dropout prevention program, or
21 another public or private educational program.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.225
23 RCW to read as follows:

24 (1) If a parent enrolls a child who is six or seven years of age in
25 the public school system and that child has unexcused absences, the
26 public school in which the child is enrolled shall:

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

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

1 (c) Take steps to eliminate or reduce the child's absences. These
2 steps shall include, where appropriate, adjusting the child's school
3 program or school or course assignment, providing more individualized
4 or remedial instruction, offering assistance in enrolling the child in
5 available alternative schools or programs, or assisting the parent or
6 child to obtain supplementary services that may help eliminate or
7 ameliorate the cause or causes for the absence from school.

8 (2) A child whose parents formally remove the child from enrollment
9 in public school shall not be subject to the provisions of subsection
10 (1) of this section.

11 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300
12 RCW to read as follows:

13 The superintendent of public instruction shall provide, to the
14 extent funds are appropriated, start-up grants for alternative programs
15 and services that provide instruction and learning for truant, at-risk,
16 and expelled students. Each grant application shall contain proposed
17 performance indicators and an evaluation plan to measure the success of
18 the program and its impact on improved student learning. Applications
19 shall contain the applicant's plan for maintaining the program and
20 services after the grant period.

21 NEW SECTION. **Sec. 8.** If funds are appropriated by the legislature
22 for this specific purpose the superintendent of public instruction
23 shall contract with the institute of public policy or a similar agency
24 to: Evaluate the effectiveness of the petition process and community
25 truancy boards in chapter 28A.225 RCW in reducing truancy; determine
26 whether students who do return to school after being subject to court
27 action create disruptions for other students in the school, establish
28 patterns of improved attendance, and successfully complete their
29 education program; and determine the costs imposed on school districts
30 by the petition process and other truancy-related procedural
31 requirements required by the legislature in 1992 and thereafter.

32 The cost determination shall be submitted to the appropriate
33 committees of the legislature by December 15, 1999. The evaluation
34 shall be submitted to the appropriate committees of the legislature by
35 December 15, 2000.

36 This section expires December 31, 2000."

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2 By Committee on Human Services & Corrections

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4 On page 1, line 1 of the title, after "attendance;" strike the
5 remainder of the title and insert "amending RCW 28A.225.020,
6 28A.225.030, 28A.225.035, 28A.225.090, and 28A.225.025; adding a new
7 section to chapter 28A.225 RCW; adding a new section to chapter 28A.300
8 RCW; creating a new section; and providing an expiration date."

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