
HOUSE BILL 1818

State of Washington

56th Legislature

1999 Regular Session

By Representatives Clements, Quall, Talcott, Carlson, Keiser and Carrell

Read first time 02/08/1999. Referred to Committee on Education.

1 AN ACT Relating to school attendance; amending RCW 28A.225.010 and
2 28A.225.035; adding a new section to chapter 28A.300 RCW; creating a
3 new section; and providing an expiration date.

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

5 **Sec. 1.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
6 read as follows:

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

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

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

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

1 (d) The school district superintendent of the district in which the
2 child resides shall have excused such child from attendance because the
3 child is physically or mentally unable to attend school, is attending
4 a residential school operated by the department of social and health
5 services, is incarcerated in an adult correctional facility, or has
6 been temporarily excused upon the request of his or her parents for
7 purposes agreed upon by the school authorities and the parent:
8 PROVIDED, That such excused absences shall not be permitted if deemed
9 to cause a serious adverse effect upon the student's educational
10 progress: PROVIDED FURTHER, That students excused for such temporary
11 absences may be claimed as full time equivalent students to the extent
12 they would otherwise have been so claimed for the purposes of RCW
13 28A.150.250 and 28A.150.260 and shall not affect school district
14 compliance with the provisions of RCW 28A.150.220; or

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

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

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

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

24 (2) If a parent enrolls a child six years of age and under eight
25 years of age in the public school of the district in which the child
26 resides, that parent has the responsibility to ensure the child attends
27 for the full time when that school is in session, unless one of the
28 exceptions in subsection (1) of this section is met. This subsection
29 does not apply to a child enrolled in a public school part-time for the
30 purpose of receiving ancillary services. An exception shall be made to
31 this requirement for children whose parents formally remove them from
32 enrollment in kindergarten.

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

35 ((+3)) (4) An approved private school for the purposes of this
36 chapter and chapter 28A.200 RCW shall be one approved under regulations
37 established by the state board of education pursuant to RCW
38 28A.305.130.

1 (~~(4)~~) (5) For the purposes of this chapter and chapter 28A.200
2 RCW, instruction shall be home-based if it consists of planned and
3 supervised instructional and related educational activities, including
4 a curriculum and instruction in the basic skills of occupational
5 education, science, mathematics, language, social studies, history,
6 health, reading, writing, spelling, and the development of an
7 appreciation of art and music, provided for a number of hours
8 equivalent to the total annual program hours per grade level
9 established for approved private schools under RCW 28A.195.010 and
10 28A.195.040 and if such activities are:

11 (a) Provided by a parent who is instructing his or her child only
12 and are supervised by a certificated person. A certificated person for
13 purposes of this chapter and chapter 28A.200 RCW shall be a person
14 certified under chapter 28A.410 RCW. For purposes of this section,
15 "supervised by a certificated person" means: The planning by the
16 certificated person and the parent of objectives consistent with this
17 subsection; a minimum each month of an average of one contact hour per
18 week with the child being supervised by the certificated person; and
19 evaluation of such child's progress by the certificated person. The
20 number of children supervised by the certificated person shall not
21 exceed thirty for purposes of this subsection; or

22 (b) Provided by a parent who is instructing his or her child only
23 and who has either earned forty-five college level quarter credit hours
24 or its equivalent in semester hours or has completed a course in home-
25 based instruction at a postsecondary institution or a vocational-
26 technical institute; or

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

30 (~~(5)~~) (6) The legislature recognizes that home-based instruction
31 is less structured and more experiential than the instruction normally
32 provided in a classroom setting. Therefore, the provisions of
33 subsection (~~(4)~~) (5) of this section relating to the nature and
34 quantity of instructional and related educational activities shall be
35 liberally construed.

36 **Sec. 2.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read
37 as follows:

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

3 (a) The child has unexcused absences during the current school
4 year;

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

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

9 (2) The petition shall set forth the name, age, school, and
10 residence of the child and the names and residence of the child's
11 parents.

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

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

21 (a) Separately notify the child, the parent of the child, and the
22 school district of the hearing;

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

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

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

29 (6) A school district is responsible for determining who shall
30 represent the school district at hearings on a petition filed under RCW
31 28A.225.030 unless a court specifically requires otherwise.

32 (7) The court may permit the first hearing to be held without
33 requiring that either party be represented by legal counsel, and to be
34 held without a guardian ad litem for the child under RCW 4.08.050. At
35 the request of the school district, the court may permit a school
36 district representative who is not an attorney to represent the school
37 district at any future hearings.

38 ~~((+7))~~ (8) If the allegations in the petition are established by
39 a preponderance of the evidence, the court shall grant the petition and

1 enter an order assuming jurisdiction to intervene for the period of
2 time determined by the court, after considering the facts alleged in
3 the petition and the circumstances of the juvenile, to most likely
4 cause the juvenile to return to and remain in school while the juvenile
5 is subject to this chapter. In no case may the order expire before the
6 end of the school year in which it is entered.

7 ~~((+8))~~ (9) If the court assumes jurisdiction, the school district
8 shall regularly report to the court any additional unexcused absences
9 by the child.

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

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300
16 RCW to read as follows:

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

25 NEW SECTION. **Sec. 4.** If funds are appropriated by the legislature
26 for this specific purpose the superintendent of public instruction
27 shall contract with the institute of public policy or a similar agency
28 to: Evaluate the effectiveness of the petition process and community
29 truancy boards in chapter 28A.225 RCW in reducing truancy; determine
30 whether students who do return to school after being subject to court
31 action create disruptions for other students in the school, establish
32 patterns of improved attendance, and successfully complete their
33 education program; and determine the costs imposed on school districts
34 by the petition process and other truancy-related procedural
35 requirements required by the legislature in 1992 and thereafter.

36 The cost determination shall be submitted to the appropriate
37 committees of the legislature by December 15, 1999. The evaluation

1 shall be submitted to the appropriate committees of the legislature by
2 December 15, 2000.

3 (4) This section expires December 31, 2000.

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