
HOUSE BILL 1938

State of Washington

56th Legislature

1999 Regular Session

By Representatives Carrell, Clements, Boldt, Talcott, Lambert,
Campbell, Pflug and Delvin

Read first time . Referred to Committee on .

1 AN ACT Relating to truancy provisions; and amending RCW 28A.225.020
2 and 28A.225.035.

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

4 **Sec. 1.** RCW 28A.225.020 and 1996 c 134 s 2 are each amended to
5 read as follows:

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

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

14 (b) Schedule a conference or conferences with the custodial parent,
15 parents, or guardian and child at a time reasonably convenient for all
16 persons included for the purpose of analyzing the causes of the child's
17 absences after two unexcused absences within any month during the
18 current school year. If a regularly scheduled parent-teacher
19 conference day is to take place within thirty days of the second

1 unexcused absence, then the school district may schedule this
2 conference on that day; and

3 (c) Take steps to eliminate or reduce the child's absences. These
4 steps shall include, where appropriate, adjusting the child's school
5 program or school or course assignment, providing more individualized
6 or remedial instruction, providing appropriate vocational courses or
7 work experience, referring the child to a community truancy board,
8 requiring the child to attend an alternative school or program, or
9 assisting the parent or child to obtain supplementary services that
10 might eliminate or ameliorate the cause or causes for the absence from
11 school. If the child's parent does not attend the scheduled
12 conference, the conference may be conducted with the student and school
13 official. However, the parent shall be notified of the steps to be
14 taken to eliminate or reduce the child's absence.

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

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

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

22 (3) If a child transfers from one school district to another, the
23 receiving school or school district shall honor the attendance record
24 including the unexcused absences accumulated at the previous school or
25 from the previous school district.

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

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

30 (a) The child has unexcused absences during the current school
31 year;

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

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

36 (2) The petition shall set forth the name, age, school, and
37 residence of the child and the names and residence of the child's
38 parents.

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

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

10 (a) Separately notify the child, the parent of the child, and the
11 school district of the hearing;

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

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

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

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

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

32 (8) If the court assumes jurisdiction, the school district shall
33 regularly report to the court any additional unexcused absences by the
34 child.

35 (9) Community truancy boards and the courts shall coordinate, to
36 the extent possible, proceedings and actions pertaining to children who
37 are subject to truancy petitions and at-risk youth petitions in RCW
38 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

1 (10) If after a juvenile court assumes jurisdiction in one county
2 the child relocates to another county, the juvenile court in the
3 receiving county shall, upon the request of a school district or
4 parent, assume jurisdiction of the petition filed in the previous
5 county.

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