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SENATE BILL 5988

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State of Washington

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By Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen

Read first time 02/18/1999. Referred to Committee on Education.

1 AN ACT Relating to revising judicial truancy provisions; and  
2 amending RCW 28A.225.030 and 28A.225.035.

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

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

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

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

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

3 (b) Refer a student to a community truancy board as defined in RCW  
4 28A.225.025. The community truancy board shall enter into an agreement  
5 with the student and parent that establishes school attendance  
6 requirements and take other appropriate actions to reduce the child's  
7 absences; or

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

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

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

16 (5) The district may attempt to serve the petition required under  
17 subsection (4) of this section on the student using certified mail,  
18 return receipt requested. In the event service is not achieved, the  
19 district shall provide service in person.

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

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

24 (a) The child has unexcused absences during the current school  
25 year;

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

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

30 (2) The petition shall set forth the name, age, school, and  
31 residence of the child and the names and residence of the child's  
32 parents.

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

37 (4) When a petition is filed under RCW 28A.225.030, the juvenile  
38 court shall schedule a hearing at which the court shall consider the

1 petition. However, a hearing shall not be required if other actions by  
2 the court would substantially reduce the child's unexcused absences.  
3 When a hearing is held, the court shall:

4 (a) Separately notify the child, the parent of the child, and the  
5 school district of the hearing;

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

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

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

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

18 (7) If the allegations in the petition are established by a  
19 preponderance of the evidence, the court shall grant the petition and  
20 enter an order assuming jurisdiction to intervene for the period of  
21 time determined by the court, after considering the facts alleged in  
22 the petition and the circumstances of the juvenile, to most likely  
23 cause the juvenile to return to and remain in school while the juvenile  
24 is subject to this chapter. In no case may the order expire before the  
25 end of the school year in which it is entered. The order entered by  
26 the court may consist, entirely or in part, of adoption of an agreement  
27 previously entered into between a community truancy board and the  
28 student under RCW 28A.225.030(2)(b). The court may, if the school  
29 district and community truancy board agree, permit the truancy board to  
30 provide continued supervision over the student and report on compliance  
31 with the order.

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

1 are subject to truancy petitions and at-risk youth petitions in RCW  
2 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

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