
HOUSE BILL 2391

State of Washington 58th Legislature 2004 Regular Session

By Representatives Carrell, Bush and Talcott

Read first time 01/13/2004. Referred to Committee on Education.

1 AN ACT Relating to decreasing truancy and dropouts; amending RCW
2 28A.225.010, 28A.200.010, and 28A.200.020; adding a new section to
3 chapter 28A.150 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that graduating from
6 high school is an important indicator of how students will fare later
7 in life. High school graduates are almost twice as likely as dropouts
8 to be gainfully employed. Salaries of working graduates are nearly
9 twice as high as those enjoyed by dropouts who work. Students who fail
10 to graduate from high school are also significantly more likely to
11 become single parents and have children at young ages. Students who do
12 not graduate from high school are significantly more likely to rely
13 upon public assistance or be in prison.

14 The legislature finds that there is a correlation between the
15 dropout rates of youth and the rate of truancy within the educational
16 system. The state must have as a priority the reduction in the rates
17 of truancy and dropouts in the state educational system. The state
18 must encourage the districts to adopt policies which reduce the rates
19 of truancy and dropouts within the schools in their districts.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
2 RCW to read as follows:

3 (1) A school district may choose to utilize the procedure set out
4 in subsection (2) of this section to increase the district's funding
5 allocated under RCW 28A.150.250, 28A.150.260, and 28A.150.350.

6 (2) A school district shall receive increased funding under RCW
7 28A.150.250, 28A.150.260, and 28A.150.350 if the district increases its
8 attendance percentage. For every percentage increase in attendance
9 percentage for the prior school year compared to the attendance
10 percentage for the school year immediately preceding the prior school
11 year, the allocation received by the district under RCW 28A.150.250,
12 28A.150.260, and 28A.150.350 shall be increased by one-half of one
13 percent. For every percentage decrease in the attendance percentage
14 for the prior school year compared to the year immediately preceding
15 the prior school year, the district's allocation under RCW 28A.150.250,
16 28A.150.260, and 28A.150.350 shall be decreased by one-half of one
17 percent except that in no case shall the adjustment under this
18 subsection result in an allocation that is less than the allocation
19 under RCW 28A.150.250, 28A.150.260, and 28A.150.350.

20 (3) For the purposes of this section, the following definitions
21 apply:

22 (a) Average daily attendance means the aggregate attendance of a
23 district during a school year divided by the number of days a district
24 is in session.

25 (b) Average daily enrollment means the aggregate enrollment of a
26 district during a school year divided by the number of days a district
27 is in session.

28 (c) Attendance percentage means the average daily attendance
29 divided by the average daily enrollment.

30 **Sec. 3.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
31 read as follows:

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

1 (a) The child is attending an approved private school for the same
2 time or is enrolled in an extension program as provided in RCW
3 28A.195.010(4);

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

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

8 (d) ~~The ((school district superintendent of the district in which
9 the)) child ((resides shall have excused such child from attendance
10 because the child is physically or mentally unable to attend school,))
11 is attending a residential school operated by the department of social
12 and health services((7));~~

13 (e) The child is incarcerated in an adult correctional facility((7
14 ~~or has been temporarily excused upon the request of his or her parents
15 for purposes agreed upon by the school authorities and the parent:
16 PROVIDED, That such excused absences shall not be permitted if deemed
17 to cause a serious adverse effect upon the student's educational
18 progress: PROVIDED FURTHER, That students excused for such temporary
19 absences may be claimed as full time equivalent students to the extent
20 they would otherwise have been so claimed for the purposes of RCW
21 28A.150.250 and 28A.150.260 and shall not affect school district
22 compliance with the provisions of RCW 28A.150.220));~~

23 (f) The child's absence qualifies under one of the following
24 excused absences and, if the absence qualifies, a student shall be
25 allowed one makeup day for each day of absence:

26 (i) Participation in school-approved activity is excused if this
27 absence is authorized by a staff member and the affected teacher is
28 notified prior to the absence unless it is clearly impossible to do so;

29 (ii) An absence due to illness, health condition, or family
30 emergency is excused if the parent notifies the school office on the
31 morning of the first day of the absence and sends a signed note of
32 explanation with the student upon his or her return to school unless
33 the parent is unable to comply with this requirement. Students over
34 eighteen and students who have been emancipated by court action shall
35 notify the school office of their absences with a signed note of
36 explanation;

37 (iii) An absence for religious purposes is excused if a parent
38 requests that a student be excused from attending school in observance

1 of a religious holiday. In addition, a student, upon the request of
2 his or her parent, may be excused for a portion of a school day to
3 participate in religious instruction provided such is not conducted on
4 school property;

5 (iv) An absence for parental-approved activities is excused if it
6 is agreed to by the principal and the parent. An absence may not be
7 approved if it causes a serious adverse effect on the student's
8 educational progress. In participation-type classes, including certain
9 music and physical education classes, the student may not be able to
10 achieve the objectives of the unit of instruction as a result of
11 absence from class. In such a case, a parent-approved absence would
12 have an adverse effect on the student's educational progress which
13 would ultimately be reflected in the grade for such a course;

14 (v) An absence resulting from disciplinary actions, or short-term
15 suspensions;

16 (vi) An absence due to an extended illness or health condition; or

17 ~~((+e))~~ (g) The child is sixteen years of age or older and:

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

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

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

26 (2) A child's absence from school is unexcused if it does not meet
27 the definition of an excused absence in this section.

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

30 ~~((+3))~~ (4) An approved private school for the purposes of this
31 chapter and chapter 28A.200 RCW shall be one approved under regulations
32 established by the state board of education pursuant to RCW
33 28A.305.130.

34 ~~((+4))~~ (5) For the purposes of this chapter and chapter 28A.200
35 RCW, instruction shall be home-based if it consists of planned and
36 supervised instructional and related educational activities, including
37 a curriculum and instruction in the basic skills of occupational
38 education, science, mathematics, language, social studies, history,

1 health, reading, writing, spelling, and the development of an
2 appreciation of art and music, provided for a number of hours
3 equivalent to the total annual program hours per grade level
4 established for approved private schools under RCW 28A.195.010 and
5 28A.195.040 and if such activities are:

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

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

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

25 ((+5)) (6) The legislature recognizes that home-based instruction
26 is less structured and more experiential than the instruction normally
27 provided in a classroom setting. Therefore, the provisions of
28 subsection ((+4)) (5) of this section relating to the nature and
29 quantity of instructional and related educational activities shall be
30 liberally construed.

31 **Sec. 4.** RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read
32 as follows:

33 Each parent whose child is receiving home-based instruction under
34 RCW 28A.225.010((+4)) (5) shall have the duty to:

35 (1) File annually a signed declaration of intent that he or she is
36 planning to cause his or her child to receive home-based instruction.
37 The statement shall include the name and age of the child, shall

1 specify whether a certificated person will be supervising the
2 instruction, and shall be written in a format prescribed by the
3 superintendent of public instruction. Each parent shall file the
4 statement by September 15 of the school year or within two weeks of the
5 beginning of any public school quarter, trimester, or semester with the
6 superintendent of the public school district within which the parent
7 resides or the district that accepts the transfer, and the student
8 shall be deemed a transfer student of the nonresident district.
9 Parents may apply for transfer under RCW 28A.225.220;

10 (2) Ensure that test scores or annual academic progress assessments
11 and immunization records, together with any other records that are kept
12 relating to the instructional and educational activities provided, are
13 forwarded to any other public or private school to which the child
14 transfers. At the time of a transfer to a public school, the
15 superintendent of the local school district in which the child enrolls
16 may require a standardized achievement test to be administered and
17 shall have the authority to determine the appropriate grade and course
18 level placement of the child after consultation with parents and review
19 of the child's records; and

20 (3) Ensure that a standardized achievement test approved by the
21 state board of education is administered annually to the child by a
22 qualified individual or that an annual assessment of the student's
23 academic progress is written by a certificated person who is currently
24 working in the field of education. The state board of education shall
25 not require these children to meet the student learning goals, master
26 the essential academic learning requirements, to take the assessments,
27 or to obtain a certificate of mastery pursuant to RCW (~~28A.630.885~~)
28 28A.655.060. The standardized test administered or the annual academic
29 progress assessment written shall be made a part of the child's
30 permanent records. If, as a result of the annual test or assessment,
31 it is determined that the child is not making reasonable progress
32 consistent with his or her age or stage of development, the parent
33 shall make a good faith effort to remedy any deficiency.

34 Failure of a parent to comply with the duties in this section shall
35 be deemed a failure of such parent's child to attend school without
36 valid justification under RCW 28A.225.020. Parents who do comply with
37 the duties set forth in this section shall be presumed to be providing
38 home-based instruction as set forth in RCW 28A.225.010(~~(+4)~~) (5).

1 **Sec. 5.** RCW 28A.200.020 and 1990 c 33 s 179 are each amended to
2 read as follows:

3 The state hereby recognizes that parents who are causing their
4 children to receive home-based instruction under RCW 28A.225.010(~~(+4)~~)
5 (5) shall be subject only to those minimum state laws and regulations
6 which are necessary to insure that a sufficient basic educational
7 opportunity is provided to the children receiving such instruction.
8 Therefore, all decisions relating to philosophy or doctrine, selection
9 of books, teaching materials and curriculum, and methods, timing, and
10 place in the provision or evaluation of home-based instruction shall be
11 the responsibility of the parent except for matters specifically
12 referred to in this chapter.

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