

---

HOUSE BILL 3039

---

State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Pedersen, Ross, Darneille, Rodne, and Johnson

Read first time 01/21/10. Referred to Committee on Judiciary.

1            AN ACT Relating to streamlining the truancy process to reduce the  
2 costs to courts and school districts; amending RCW 28A.225.015,  
3 28A.225.020, 28A.225.025, 28A.225.030, and 28A.225.151; creating a new  
4 section; and providing an effective date.

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

6            NEW SECTION.    **Sec. 1.**    In 1995, the legislature passed a truancy  
7 law known as the Becca bill. The law requires school districts to file  
8 truancy petitions in the juvenile court when students accumulate a  
9 specific number of unexcused absences. As a result of this law, the  
10 annual number of petitions increased from ninety-one in 1994 to over  
11 fifteen thousand in 1997, and has remained around this number since  
12 that time. In order to accommodate this mandate, the state provides  
13 funds to reimburse the school district for their costs associated with  
14 the truancy provisions in the amount of three million six hundred  
15 thousand dollars per biennium, as well as the courts in the amount of  
16 sixteen million five hundred thousand dollars per biennium. The court  
17 process resulting from the petitions can lead to multiple hearings, for  
18 which students may be required to have legal representation, legal  
19 interventions, and detention. This process costs the school districts

1 two million seven hundred thousand dollars per year, which is  
2 approximately one and one-half times the one million eight hundred  
3 thousand dollars allocated by the state. The costs to the courts in  
4 the 2007-2009 biennium was \$15.4 million. Only \$8.9 million was  
5 appropriated to the courts for truancy that biennium, which left \$6.5  
6 million that was not reimbursed by the state. By streamlining this  
7 process for middle and high school students, the state will continue to  
8 address truancy and reduce the administrative and paperwork load for  
9 school districts and the court system.

10 **Sec. 2.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to  
11 read as follows:

12 (1) If a parent enrolls a child who is six or seven years of age in  
13 a public school, the child is required to attend and that parent has  
14 the responsibility to ensure the child attends for the full time that  
15 school is in session. An exception shall be made to this requirement  
16 for children whose parents formally remove them from enrollment if the  
17 child is less than eight years old and a petition has not been filed  
18 against the parent under subsection (3) of this section. The  
19 requirement to attend school under this subsection does not apply to a  
20 child enrolled in a public school part-time for the purpose of  
21 receiving ancillary services. A child required to attend school under  
22 this subsection may be temporarily excused upon the request of his or  
23 her parent for purposes agreed upon by the school district and parent.

24 (2) If a six or seven year-old child is required to attend public  
25 school under subsection (1) of this section and that child has  
26 unexcused absences, the public school in which the child is enrolled  
27 (~~shall~~) may:

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

32 (b) Request a conference or conferences to be conducted by  
33 telephone or in person with the custodial parent, parents, or guardian  
34 and child at a time reasonably convenient for all persons included for  
35 the purpose of analyzing the causes of the child's absences after two  
36 unexcused absences within any month during the current school year. If

1 a regularly scheduled parent-teacher conference day is to take place  
2 within thirty days of the second unexcused absence, then the school  
3 district may schedule this conference on that day; and

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

11 (3) If a child required to attend public school under subsection  
12 (1) of this section has seven unexcused absences in a month or ten  
13 unexcused absences in a school year, the school district (~~shall~~) may  
14 file a petition for civil action as provided in RCW 28A.225.035 against  
15 the parent of the child.

16 (4) This section does not require a six or seven year old child to  
17 enroll in a public or private school or to receive home-based  
18 instruction. This section only applies to six or seven year old  
19 children whose parents enroll them full time in public school and do  
20 not formally remove them from enrollment as provided in subsection (1)  
21 of this section.

22 **Sec. 3.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to  
23 read as follows:

24 (1) If a child required to attend school under RCW 28A.225.010  
25 fails to attend school without valid justification, the public school  
26 in which the child is enrolled as a middle school or high school  
27 student shall:

28 (a) Inform the child's custodial parent, parents, or guardian by a  
29 notice in writing, by e-mail, or by telephone whenever the child has  
30 failed to attend school after one unexcused absence within any month  
31 during the current school year. School officials shall inform the  
32 parent of the potential consequences of additional unexcused absences.  
33 If the custodial parent, parents, or guardian is not fluent in English,  
34 the preferred practice is to provide this information in a language in  
35 which the custodial parent, parents, or guardian is fluent; and

36 (b) Schedule a conference or conferences to be conducted by  
37 telephone or in person with the custodial parent, parents, or guardian

1 and child at a time reasonably convenient for all persons included for  
2 the purpose of analyzing the causes of the child's absences after two  
3 unexcused absences within any month during the current school year. If  
4 a regularly scheduled parent-teacher conference day is to take place  
5 within thirty days of the second unexcused absence, then the school  
6 district may schedule this conference on that day(~~(+and)~~).

7 ~~((+e))~~ (2) The school may also take steps to eliminate or reduce  
8 the child's absences. These steps (~~shall~~) may include, where  
9 appropriate, adjusting the child's school program or school or course  
10 assignment, providing more individualized or remedial instruction,  
11 providing appropriate vocational courses or work experience, referring  
12 the child to a community truancy board, if available, requiring the  
13 child to attend an alternative school or program, or assisting the  
14 parent or child to obtain supplementary services that might eliminate  
15 or ameliorate the cause or causes for the absence from school. If the  
16 child's parent does not attend the scheduled conference, the conference  
17 may be conducted with the student and school official. However, the  
18 parent shall be notified of the steps to be taken to eliminate or  
19 reduce the child's absence.

20 ~~((+2))~~ (3) For purposes of this chapter, an "unexcused absence"  
21 means that a child:

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

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

27 ~~((+3))~~ (4) If a child transfers from one school district to  
28 another during the school year, the receiving school or school district  
29 shall include the unexcused absences accumulated at the previous school  
30 or from the previous school district for purposes of this section, RCW  
31 28A.225.030, and 28A.225.015.

32 **Sec. 4.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to  
33 read as follows:

34 (1) For purposes of this chapter, "community truancy board" means  
35 a board composed of members of the local community in which the child  
36 attends school. Juvenile courts may establish and operate community  
37 truancy boards. If the juvenile court and the school district agree,

1 a school district may establish and operate a community truancy board  
2 under the jurisdiction of the juvenile court. Juvenile courts may  
3 create a community truancy board or may use other entities that exist  
4 or are created, such as diversion units. However, a diversion unit or  
5 other existing entity must agree before it is used as a truancy board.  
6 Duties of a community truancy board shall include, but not be limited  
7 to, recommending methods for improving school attendance such as  
8 assisting the parent or the child to obtain supplementary services that  
9 might eliminate or ameliorate the causes for the absences or suggesting  
10 to the school district that the child enroll in another school, an  
11 alternative education program, an education center, a skill center, a  
12 dropout prevention program, or another public or private educational  
13 program.

14 (2) The legislature finds that utilization of community truancy  
15 boards, or other diversion units that fulfill a similar function, is  
16 the preferred means of intervention when preliminary methods of notice  
17 and parent conferences and taking appropriate steps to eliminate or  
18 reduce unexcused absences have not been effective in securing the  
19 child's attendance at school. The legislature intends to encourage and  
20 support the development and expansion of community truancy boards and  
21 other diversion programs which are effective in promoting school  
22 attendance and preventing the need for more intrusive intervention by  
23 the court. (~~Operation of a school truancy board does not excuse a~~  
24 ~~district from the obligation of filing a petition within the~~  
25 ~~requirements of RCW 28A.225.015(3).)~~)

26 **Sec. 5.** RCW 28A.225.030 and 1999 c 319 s 2 are each amended to  
27 read as follows:

28 (1) If a child is required to attend school under RCW 28A.225.010  
29 and (~~if the actions taken by a~~) the school district takes actions  
30 under RCW 28A.225.020 that are not successful in substantially reducing  
31 an enrolled student's absences from public school, not later than the  
32 seventh unexcused absence by a child within any month during the  
33 current school year or not later than the tenth unexcused absence  
34 during the current school year, the school district (~~shall~~) may file  
35 a petition and supporting affidavit for a civil action with the  
36 juvenile court alleging a violation of RCW 28A.225.010: (a) By the

1 parent; (b) by the child; or (c) by the parent and the child. Except  
2 as provided in this subsection, no additional documents need be filed  
3 with the petition.

4 (2) The district (~~((shall not later than))~~) may, after the fifth  
5 unexcused absence in a month:

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

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

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

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

16 (4) If the school district (~~((fails to))~~) does not file a petition  
17 under this section, the parent of a child with five or more unexcused  
18 absences in any month during the current school year or upon the tenth  
19 unexcused absence during the current school year may file a petition  
20 with the juvenile court alleging a violation of RCW 28A.225.010.

21 (5) Petitions filed under this section may be served by certified  
22 mail, return receipt requested. If such service is unsuccessful, or  
23 the return receipt is not signed by the addressee, personal service is  
24 required.

25 **Sec. 6.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to  
26 read as follows:

27 (1) As required under subsection (2) of this section, (~~each~~  
28 ~~school~~) if a school takes additional actions provided in RCW  
29 28A.225.030, it shall document the actions taken (~~(under RCW~~  
30 ~~28A.225.030))~~) and report this information to the school district  
31 superintendent who shall compile the data for all the schools in the  
32 district and prepare an annual school district report for each school  
33 year and submit the report to the superintendent of public instruction.  
34 The reports shall be made upon forms furnished by the superintendent of  
35 public instruction and shall be transmitted as determined by the  
36 superintendent of public instruction.

37 (2) The reports under subsection (1) of this section shall include:

1 (a) The number of enrolled students and the number of unexcused  
2 absences;

3 (b) Documentation of the steps taken by the school district under  
4 each subsection of RCW 28A.225.020 at the request of the superintendent  
5 of public instruction. Each year, by May 1st, the superintendent of  
6 public instruction shall select ten school districts to submit the  
7 report at the end of the following school year. The ten districts  
8 shall represent different areas of the state and be of varied sizes.  
9 In addition, the superintendent of public instruction shall require any  
10 district that fails to keep appropriate records to submit a full report  
11 to the superintendent of public instruction under this subsection. All  
12 school districts shall document steps taken under RCW 28A.225.020 in  
13 each student's record, and make those records available upon request  
14 consistent with the laws governing student records;

15 (c) The number of enrolled students with ten or more unexcused  
16 absences in a school year or five or more unexcused absences in a month  
17 during a school year;

18 (d) A description of any programs or schools developed to serve  
19 students who have had five or more unexcused absences in a month or ten  
20 in a year including information about the number of students in the  
21 program or school and the number of unexcused absences of students  
22 during and after participation in the program. The school district  
23 shall also describe any placements in an approved private nonsectarian  
24 school or program or certified program under a court order under RCW  
25 28A.225.090; and

26 (e) The number of petitions filed by a school district with the  
27 juvenile court.

28 (3) A report required under this section shall not disclose the  
29 name or other identification of a child or parent.

30 (4) The superintendent of public instruction shall collect these  
31 reports from all school districts and prepare an annual report for each  
32 school year to be submitted to the legislature no later than December  
33 15th of each year.

34 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2010.

--- END ---