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HOUSE BILL 3058

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State of Washington                      61st Legislature                      2010 Regular Session

By Representative Appleton

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

1            AN ACT Relating to truancy and juvenile court petitions; amending  
2 RCW 28A.225.020 and 28A.225.030; amending 2009 c 564 s 114  
3 (uncodified); making an appropriation; and providing an effective date.

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

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

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

10            (a) Inform the child's custodial parent, parents, or guardian by a  
11 notice in writing or by telephone whenever the child has failed to  
12 attend school after one unexcused absence within any month during the  
13 current school year. School officials shall inform the parent of the  
14 potential consequences of additional unexcused absences. If the  
15 custodial parent, parents, or guardian is not fluent in English, the  
16 preferred practice is to provide this information in a language in  
17 which the custodial parent, parents, or guardian is fluent;

18            (b) Schedule a conference or conferences with the custodial parent,  
19 parents, or guardian and child at a time reasonably convenient for all

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

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

19 (2) The school shall collaborate with the community truancy board  
20 on the ongoing implementation of research-based diversion programs  
21 shown to reduce truancy rates.

22 (3) For purposes of this chapter, an "unexcused absence" means that  
23 a child:

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

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

29 ~~((+3))~~ (4) If a child transfers from one school district to  
30 another during the school year, the receiving school or school district  
31 shall include the unexcused absences accumulated at the previous school  
32 or from the previous school district for purposes of this section, RCW  
33 28A.225.030, and 28A.225.015.

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

36 (1) If a child is required to attend school under RCW 28A.225.010  
37 and if the actions taken by a school district under RCW 28A.225.020 are

1 not successful in substantially reducing an enrolled student's absences  
2 from public school, not later than the seventh unexcused absence by a  
3 child within any month during the current school year or not later than  
4 the tenth unexcused absence during the current school year the school  
5 district shall ~~((file a petition and supporting affidavit for a civil  
6 action with the juvenile court alleging a violation of RCW 28A.225.010:  
7 (a) By the parent; (b) by the child; or (c) by the parent and the  
8 child. Except as provided in this subsection, no additional documents  
9 need be filed with the petition.~~

10 ~~(2) The district shall not later than the fifth unexcused absence  
11 in a month:~~

12 ~~(a))):~~

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

15 ~~((b))~~ (2) Refer a student to a community truancy board, if  
16 available, as defined in RCW 28A.225.025. The community truancy board  
17 shall enter into an agreement with the student and parent that  
18 establishes school attendance requirements and take other appropriate  
19 actions to reduce the child's absences(~~(+or~~

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

21 ~~(3) The petition may be filed by a school district employee who is  
22 not an attorney.~~

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

28 ~~(5) Petitions filed under this section may be served by certified  
29 mail, return receipt requested. If such service is unsuccessful, or  
30 the return receipt is not signed by the addressee, personal service is  
31 required)), including use of truancy diversion and school reengagement  
32 programs referenced in RCW 28A.225.020(2).~~

33 **Sec. 3.** 2009 c 564 s 114 (uncodified) is amended to read as  
34 follows:

35 **FOR THE ADMINISTRATOR FOR THE COURTS**

36	General Fund--State Appropriation (FY 2010) . . . . .	\$53,607,000
37	General Fund--State Appropriation (FY 2011) . . . . .	\$51,812,000

1	Judicial Information Systems Account--State	
2	Appropriation . . . . .	\$29,676,000
3	Judicial Stabilization Trust Account--State	
4	Appropriation . . . . .	\$6,598,000
5	TOTAL APPROPRIATION . . . . .	\$141,693,000

6       The appropriations in this section are subject to the following  
7 conditions and limitations:

8       (1) \$1,800,000 of the general fund--state appropriation for fiscal  
9 year 2010 (~~((and \$1,800,000 of the general fund--state appropriation for~~  
10 ~~fiscal year 2011 are))~~ is provided solely for school districts for  
11 petitions to juvenile court for truant students as provided in RCW  
12 28A.225.030 and 28A.225.035 and \$1,800,000 of the general fund--state  
13 appropriation for fiscal year 2011 is provided solely for school  
14 districts to provide diversion and other activities to eliminate or  
15 reduce truancy under RCW 28A.225.020. The office of the administrator  
16 for the courts shall develop an interagency agreement with the  
17 superintendent of public instruction to allocate the funding provided  
18 in this subsection. Allocation of this money to school districts shall  
19 be based on the number of petitions filed. This funding includes  
20 amounts school districts may expend on the cost of serving petitions  
21 filed under RCW 28A.225.030 by certified mail or by personal service or  
22 for the performance of service of process for any hearing associated  
23 with RCW 28A.225.030.

24       (2)(a) \$8,252,000 of the general fund--state appropriation for  
25 fiscal year 2010 and \$8,253,000 of the general fund--state  
26 appropriation for fiscal year 2011 are provided solely for distribution  
27 to county juvenile court administrators to fund the costs of processing  
28 truancy, children in need of services, and at-risk youth petitions.  
29 The administrator for the courts, in conjunction with the juvenile  
30 court administrators, shall develop an equitable funding distribution  
31 formula. The formula shall neither reward counties with higher than  
32 average per-petition processing costs nor shall it penalize counties  
33 with lower than average per-petition processing costs.

34       (b) Each fiscal year during the 2009-11 fiscal biennium, each  
35 county shall report the number of petitions processed and the total  
36 actual costs of processing truancy, children in need of services, and  
37 at-risk youth petitions. Counties shall submit the reports to the  
38 administrator for the courts no later than 45 days after the end of the

1 fiscal year. The administrator for the courts shall electronically  
2 transmit this information to the chairs and ranking minority members of  
3 the house of representatives appropriations committee and the senate  
4 ways and means committee no later than 60 days after a fiscal year  
5 ends. These reports are deemed informational in nature and are not for  
6 the purpose of distributing funds.

7 (3) The distributions made under this subsection and distributions  
8 from the county criminal justice assistance account made pursuant to  
9 section 801 of this act constitute appropriate reimbursement for costs  
10 for any new programs or increased level of service for purposes of RCW  
11 43.135.060.

12 (4) \$5,700,000 of the judicial information systems account--state  
13 appropriation is provided solely for modernization and integration of  
14 the judicial information system.

15 (a) Of this amount, \$1,700,000 is for the development of a  
16 comprehensive enterprise-level information technology strategy and  
17 detailed business and operational plans in support of that strategy,  
18 and \$4,000,000 is to continue to modernize and integrate current  
19 systems and enhance case management functionality on an incremental  
20 basis.

21 (b) The amount provided in this subsection may not be expended  
22 without prior approval by the judicial information system committee in  
23 consultation with the information services board. The administrator  
24 shall regularly submit project plan updates for approval to the  
25 judicial information system committee and the information services  
26 board.

27 (c) The judicial information system committee and the information  
28 services board shall review project progress on a regular basis and may  
29 require quality assurance plans. The judicial information systems  
30 committee and the information services board shall provide a report to  
31 the appropriate committees of the legislature no later than November 1,  
32 2011, on the status of the judicial information system modernization  
33 and integration, and the consistency of the project with the state's  
34 architecture, infrastructure and statewide enterprise view of service  
35 delivery.

36 (5) \$3,000,000 of the judicial information systems account--state  
37 appropriation is provided solely for replacing computer equipment at  
38 state courts, and at state judicial agencies. The administrator for

1 the courts shall prioritize equipment replacement purchasing and shall  
2 fund those items that are most essential or critical. By October 1,  
3 2010, the administrative office of the courts shall report to the  
4 appropriate legislative fiscal committees on expenditures for equipment  
5 under this subsection.

6 (6) \$12,000 of the judicial information systems account--state  
7 appropriation is provided solely to implement Engrossed Substitute  
8 House Bill No. 1954 (sealing juvenile records). If the bill is not  
9 enacted by June 30, 2009, the amount provided in this subsection shall  
10 lapse.

11 (7) \$106,000 of the general fund--state appropriation for fiscal  
12 year 2010 and \$106,000 of the general fund--state appropriation for  
13 fiscal year 2011 are provided solely for the twenty-third superior  
14 court judge position in Pierce county. The funds appropriated in this  
15 subsection shall be expended only if the judge is appointed and serving  
16 on the bench.

17 (8) It is the intent of the legislature that the reductions in  
18 appropriations in this section shall be achieved, to the greatest  
19 extent possible, by reducing those state government administrative  
20 costs that do not affect direct client services or direct service  
21 delivery or programs. The agency shall, to the greatest extent  
22 possible, reduce spending in those areas that shall have the least  
23 impact on implementing its mission.

24 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2010.

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