
SENATE BILL 6519

State of Washington

61st Legislature

2010 Regular Session

By Senators McAuliffe, King, Oemig, Kauffman, and Hobbs

Read first time 01/15/10. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to streamlining the Becca bill process for middle
2 and high school students; amending RCW 28A.225.015, 28A.225.020,
3 28A.225.025, 28A.225.030, and 28A.225.151; amending 2009 c 564 s 114
4 (uncodified); adding a new section to chapter 564, Laws of 2009
5 (uncodified); creating a new section; and providing an effective date.

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

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

1 interventions, and detention. This process costs the school districts
2 two million seven hundred thousand dollars per year, which is
3 approximately one and one-half times the one million eight hundred
4 thousand dollars allocated by the state. By streamlining this process
5 for only middle and high school students, the state will continue to
6 address truancy and reduce school districts' administrative and
7 paperwork load.

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

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

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

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

30 (b) Request a conference or conferences to be conducted by
31 telephone or in person with the custodial parent, parents, or guardian
32 and child at a time reasonably convenient for all persons included for
33 the purpose of analyzing the causes of the child's absences after two
34 unexcused absences within any month during the current school year. If
35 a regularly scheduled parent-teacher conference day is to take place
36 within thirty days of the second unexcused absence, then the school
37 district may schedule this conference on that day; and

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

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

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

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

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

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

33 (b) Schedule a conference or conferences to be conducted by
34 telephone or in person with the custodial parent, parents, or guardian
35 and child at a time reasonably convenient for all persons included for
36 the purpose of analyzing the causes of the child's absences after two
37 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 ~~((+e))~~ (2) The school may also take steps to eliminate or reduce
5 the child's absences. These steps ~~((shall))~~ may include, where
6 appropriate, adjusting the child's school program or school or course
7 assignment, providing more individualized or remedial instruction,
8 providing appropriate vocational courses or work experience, referring
9 the child to a community truancy board, if available, requiring the
10 child to attend an alternative school or program, or assisting the
11 parent or child to obtain supplementary services that might eliminate
12 or ameliorate the cause or causes for the absence from school. If the
13 child's parent does not attend the scheduled conference, the conference
14 may be conducted with the student and school official. However, the
15 parent shall be notified of the steps to be taken to eliminate or
16 reduce the child's absence.

17 ~~((+2))~~ (3) For purposes of this chapter, an "unexcused absence"
18 means that a child:

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

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

24 ~~((+3))~~ (4) If a child transfers from one school district to
25 another during the school year, the receiving school or school district
26 shall include the unexcused absences accumulated at the previous school
27 or from the previous school district for purposes of this section, RCW
28 28A.225.030, and 28A.225.015.

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

31 (1) For purposes of this chapter, "community truancy board" means
32 a board composed of members of the local community in which the child
33 attends school. Juvenile courts may establish and operate community
34 truancy boards. If the juvenile court and the school district agree,
35 a school district may establish and operate a community truancy board
36 under the jurisdiction of the juvenile court. Juvenile courts may
37 create a community truancy board or may use other entities that exist

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

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

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

25 (1) If a child is required to attend school under RCW 28A.225.010
26 and (~~if the actions taken by a~~) the school district takes actions
27 under RCW 28A.225.020 that are not successful in substantially reducing
28 an enrolled student's absences from public school, not later than the
29 seventh unexcused absence by a child within any month during the
30 current school year or not later than the tenth unexcused absence
31 during the current school year, the school district (~~shall~~) may file
32 a petition and supporting affidavit for a civil action with the
33 juvenile court alleging a violation of RCW 28A.225.010: (a) By the
34 parent; (b) by the child; or (c) by the parent and the child. Except
35 as provided in this subsection, no additional documents need be filed
36 with the petition.

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

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

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

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

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

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

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

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

24 (1) As required under subsection (2) of this section, (~~each~~
25 ~~school~~) if a school takes additional actions provided in RCW
26 28A.225.030, it shall document the actions taken (~~under RCW~~
27 ~~28A.225.030~~) and report this information to the school district
28 superintendent who shall compile the data for all the schools in the
29 district and prepare an annual school district report for each school
30 year and submit the report to the superintendent of public instruction.
31 The reports shall be made upon forms furnished by the superintendent of
32 public instruction and shall be transmitted as determined by the
33 superintendent of public instruction.

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

35 (a) The number of enrolled students and the number of unexcused
36 absences;

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

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

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

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

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

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

32 **Sec. 7.** 2009 c 564 s 114 (uncodified) is amended to read as
33 follows:

34 **FOR THE ADMINISTRATOR FOR THE COURTS**

35	General Fund--State Appropriation (FY 2010)	\$53,607,000
36	General Fund--State Appropriation (FY 2011)	(\$51,812,000)
37		<u>\$50,012,000</u>

1 the house of representatives appropriations committee and the senate
2 ways and means committee no later than 60 days after a fiscal year
3 ends. These reports are deemed informational in nature and are not for
4 the purpose of distributing funds.

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

10 (4) \$5,700,000 of the judicial information systems account--state
11 appropriation is provided solely for modernization and integration of
12 the judicial information system.

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

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

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

34 (5) \$3,000,000 of the judicial information systems account--state
35 appropriation is provided solely for replacing computer equipment at
36 state courts, and at state judicial agencies. The administrator for
37 the courts shall prioritize equipment replacement purchasing and shall
38 fund those items that are most essential or critical. By October 1,

1 2010, the administrative office of the courts shall report to the
2 appropriate legislative fiscal committees on expenditures for equipment
3 under this subsection.

4 (6) \$12,000 of the judicial information systems account--state
5 appropriation is provided solely to implement Engrossed Substitute
6 House Bill No. 1954 (sealing juvenile records). If the bill is not
7 enacted by June 30, 2009, the amount provided in this subsection shall
8 lapse.

9 (7) \$106,000 of the general fund--state appropriation for fiscal
10 year 2010 and \$106,000 of the general fund--state appropriation for
11 fiscal year 2011 are provided solely for the twenty-third superior
12 court judge position in Pierce county. The funds appropriated in this
13 subsection shall be expended only if the judge is appointed and serving
14 on the bench.

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

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 564, Laws
23 of 2009 (uncodified) to read as follows:

24 The sum of nine hundred thousand dollars, or as much thereof as may
25 be necessary, is appropriated for the fiscal year ending June 30, 2011,
26 from the state general fund to the superintendent of public instruction
27 for the purposes of incentive grants to school districts electing to
28 participate in the petition process under RCW 28A.225.015 through
29 28A.225.151.

30 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2010.

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