
SENATE BILL 6494

State of Washington

62nd Legislature

2012 Regular Session

By Senators Hargrove, Stevens, Regala, and Carrell

Read first time 01/26/12. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to improving truancy procedures by changing the
2 applicability of mandatory truancy petition filing provisions to
3 children under seventeen years of age, requiring initial petitions to
4 contain information about the child's academic status, prohibiting
5 issuance of a bench warrant at an initial truancy status hearing, and
6 modifying school district reporting requirements after the court
7 assumes jurisdiction in a truancy case; and amending RCW 28A.225.030
8 and 28A.225.035.

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

10 **Sec. 1.** RCW 28A.225.030 and 1999 c 319 s 2 are each amended to
11 read as follows:

12 (1) If a child under the age of seventeen is required to attend
13 school under RCW 28A.225.010 and if the actions taken by a school
14 district under RCW 28A.225.020 are not successful in substantially
15 reducing an enrolled student's absences from public school, not later
16 than the seventh unexcused absence by a child within any month during
17 the current school year or not later than the tenth unexcused absence
18 during the current school year the school district shall file a
19 petition and supporting affidavit for a civil action with the juvenile

1 court alleging a violation of RCW 28A.225.010: (a) By the parent; (b)
2 by the child; or (c) by the parent and the child. Except as provided
3 in this subsection, no additional documents need be filed with the
4 petition.

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

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

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

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

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

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

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

26 **Sec. 2.** RCW 28A.225.035 and 2009 c 266 s 3 are each amended to
27 read as follows:

28 (1) A petition for a civil action under RCW 28A.225.030 or
29 28A.225.015 shall consist of a written notification to the court
30 alleging that:

31 (a) The child has unexcused absences during the current school
32 year;

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

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

1 (2) The petition shall set forth the name, date of birth, school,
2 address, gender, race, and ethnicity of the child and the names and
3 addresses of the child's parents, and shall set forth whether the child
4 and parent are fluent in English (~~and~~), whether there is an existing
5 individualized education program, and the child's current academic
6 status in school.

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

11 (4) When a petition is filed under RCW 28A.225.030 or 28A.225.015,
12 the juvenile court shall schedule a hearing at which the court shall
13 consider the petition, or if the court determines that a referral to an
14 available community truancy board would substantially reduce the
15 child's unexcused absences, the court may refer the case to a community
16 truancy board under the jurisdiction of the juvenile court.

17 (5) If a referral is made to a community truancy board, the truancy
18 board must meet with the child, a parent, and the school district
19 representative and enter into an agreement with the petitioner and
20 respondent regarding expectations and any actions necessary to address
21 the child's truancy within twenty days of the referral. If the
22 petition is based on RCW 28A.225.015, the child shall not be required
23 to attend and the agreement under this subsection shall be between the
24 truancy board, the school district, and the child's parent. The court
25 may permit the truancy board or truancy prevention counselor to provide
26 continued supervision over the student, or parent if the petition is
27 based on RCW 28A.225.015.

28 (6) If the truancy board fails to reach an agreement, or the parent
29 or student does not comply with the agreement, the truancy board shall
30 return the case to the juvenile court for a hearing.

31 (7)(a) Notwithstanding the provisions in subsection (4) of this
32 section, a hearing shall not be required if other actions by the court
33 would substantially reduce the child's unexcused absences. When a
34 juvenile court hearing is held, the court shall:

35 (i) Separately notify the child, the parent of the child, and the
36 school district of the hearing. If the parent is not fluent in
37 English, the preferred practice is for notice to be provided in a
38 language in which the parent is fluent;

1 (ii) Notify the parent and the child of their rights to present
2 evidence at the hearing; and

3 (iii) Notify the parent and the child of the options and rights
4 available under chapter 13.32A RCW.

5 (b) If the child is not provided with counsel, the advisement of
6 rights must take place in court by means of a colloquy between the
7 court, the child if eight years old or older, and the parent.

8 (8)(a) The court may require the attendance of the child if eight
9 years old or older, the parents, and the school district at any hearing
10 on a petition filed under RCW 28A.225.030.

11 (b) The court may not issue a bench warrant for a child for failure
12 to appear at a hearing on a petition filed under RCW 28A.225.030. If
13 there has been proper service, the court may instead enter a default
14 order assuming jurisdiction under the terms specified in subsection
15 (12) of this section.

16 (9) A school district is responsible for determining who shall
17 represent the school district at hearings on a petition filed under RCW
18 28A.225.030 or 28A.225.015.

19 (10) The court may permit the first hearing to be held without
20 requiring that either party be represented by legal counsel, and to be
21 held without a guardian ad litem for the child under RCW 4.08.050. At
22 the request of the school district, the court shall permit a school
23 district representative who is not an attorney to represent the school
24 district at any future hearings.

25 (11) If the child is in a special education program or has a
26 diagnosed mental or emotional disorder, the court shall inquire as to
27 what efforts the school district has made to assist the child in
28 attending school.

29 (12) If the allegations in the petition are established by a
30 preponderance of the evidence, the court shall grant the petition and
31 enter an order assuming jurisdiction to intervene for the period of
32 time determined by the court, after considering the facts alleged in
33 the petition and the circumstances of the juvenile, to most likely
34 cause the juvenile to return to and remain in school while the juvenile
35 is subject to this chapter. In no case may the order expire before the
36 end of the school year in which it is entered.

37 (13)(a) If the court assumes jurisdiction, the school district
38 shall ~~((regularly))~~ periodically report to the court any additional

1 unexcused absences by the child, actions taken by the school district,
2 and an update on the child's academic status in school at a schedule
3 specified by the court.

4 (b) The first report under this subsection (13) must be received no
5 later than three months from the date that the court assumes
6 jurisdiction.

7 (14) Community truancy boards and the courts shall coordinate, to
8 the extent possible, proceedings and actions pertaining to children who
9 are subject to truancy petitions and at-risk youth petitions in RCW
10 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

11 (15) If after a juvenile court assumes jurisdiction in one county
12 the child relocates to another county, the juvenile court in the
13 receiving county shall, upon the request of a school district or
14 parent, assume jurisdiction of the petition filed in the previous
15 county.

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