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HOUSE BILL 1243

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Muri, Hargrove, Magendanz, and Lytton

Read first time 01/15/15. Referred to Committee on Judiciary.

1            AN ACT Relating to providing flexibility for how school districts  
2 address truancy of students; amending RCW 28A.225.015, 28A.225.020,  
3 28A.225.025, 28A.225.030, and 28A.225.151; and creating a new  
4 section.

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  
8 file truancy petitions in the juvenile court when students accumulate  
9 a 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  
14 with the truancy provisions in the amount of three million six  
15 hundred thousand dollars per biennium, as well as the courts in the  
16 amount of sixteen million five hundred thousand dollars per biennium.  
17 The court process resulting from the petitions can lead to multiple  
18 hearings, for which students may be required to have legal  
19 representation, legal interventions, and detention. This process  
20 costs the school districts two million seven hundred thousand dollars  
21 per year, which is approximately one and one-half times the one

1 million eight hundred thousand dollars allocated by the state. The  
2 costs to the courts in the 2007-2009 biennium was \$15.4 million. Only  
3 \$8.9 million was appropriated to the courts for truancy that  
4 biennium, which left \$6.5 million that was not reimbursed by the  
5 state. By providing flexibility for how school districts address  
6 truancy, the state will reduce the administrative and paperwork load  
7 for school districts and the court system.

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

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

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

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

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

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

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

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

22 (1) If a child required to attend school under RCW 28A.225.010  
23 fails to attend school without valid justification, the public school  
24 in which the child is enrolled shall take the following actions if  
25 the child is enrolled in the sixth grade or above, and may take the  
26 following actions if the child is enrolled in the fifth grade or  
27 below:

28 (a) Inform the child's custodial parent, parents, or guardian by  
29 a notice in writing, by email, 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  
33 absences. If the custodial parent, parents, or guardian is not fluent  
34 in English, the preferred practice is to provide this information in  
35 a language in which the custodial parent, parents, or guardian is  
36 fluent; and

37 (b) Schedule a conference or conferences to be conducted by  
38 telephone or in person with the custodial parent, parents, or  
39 guardian and child at a time reasonably convenient for all persons

1 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 ~~((+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,  
12 referring the child to a community truancy board, if available,  
13 requiring the child to attend an alternative school or program, or  
14 assisting the parent or child to obtain supplementary services that  
15 might eliminate or ameliorate the cause or causes for the absence  
16 from school. If the child's parent does not attend the scheduled  
17 conference, the conference may be conducted with the student and  
18 school official. However, the parent shall be notified of the steps  
19 to be taken to eliminate or 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  
29 district shall include the unexcused absences accumulated at the  
30 previous school or from the previous school district for purposes of  
31 this section, RCW 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,  
38 a school district may establish and operate a community truancy board  
39 under the jurisdiction of the juvenile court. Juvenile courts may

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

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

24 **Sec. 5.** RCW 28A.225.030 and 2012 c 157 s 1 are each amended to  
25 read as follows:

26 (1) If a child under the age of seventeen is required to attend  
27 school under RCW 28A.225.010 and (~~if the actions taken by a~~) the  
28 school district takes actions under RCW 28A.225.020 that are not  
29 successful in substantially reducing an enrolled student's absences  
30 from public school, not later than the seventh unexcused absence by a  
31 child within any month during the current school year or not later  
32 than the tenth unexcused absence during the current school year, the  
33 school district (~~shall~~) may file a petition and supporting  
34 affidavit for a civil action with the juvenile court alleging a  
35 violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or  
36 (c) by the parent and the child. Except as provided in this  
37 subsection, no additional documents need be filed with the petition.  
38 Nothing in this subsection requires court jurisdiction to terminate

1 when a child turns seventeen or precludes a school district from  
2 filing a petition for a child that is seventeen years of age.

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

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

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

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

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

15 (4) If the school district (~~fails to~~) does not file a petition  
16 under this section, the parent of a child with five or more unexcused  
17 absences in any month during the current school year or upon the  
18 tenth unexcused absence during the current school year may file a  
19 petition with the juvenile court alleging a violation of RCW  
20 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  
24 is 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  
34 instruction. The reports shall be made upon forms furnished by the  
35 superintendent of public instruction and shall be transmitted as  
36 determined by the superintendent of public instruction.

37 (2) The reports under subsection (1) of this section shall  
38 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  
5 superintendent of public instruction. Each year, by May 1st, the  
6 superintendent of public instruction shall select ten school  
7 districts to submit the report at the end of the following school  
8 year. The ten districts shall represent different areas of the state  
9 and be of varied sizes. In addition, the superintendent of public  
10 instruction shall require any district that fails to keep appropriate  
11 records to submit a full report to the superintendent of public  
12 instruction under this subsection. All school districts shall  
13 document steps taken under RCW 28A.225.020 in each student's record,  
14 and make those records available upon request consistent with the  
15 laws governing student records;

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

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

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

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

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

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