
HOUSE BILL 2513

State of Washington 64th Legislature 2016 Regular Session

By Representatives Klippert, Griffey, Kilduff, and Magendanz

Read first time 01/14/16. Referred to Committee on Judiciary.

1 AN ACT Relating to encouraging courts to require that children
2 subject to truancy petitions complete and submit assignments; and
3 amending RCW 28A.225.090.

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

5 **Sec. 1.** RCW 28A.225.090 and 2009 c 266 s 4 are each amended to
6 read as follows:

7 (1) A court may order a child subject to a petition under RCW
8 28A.225.035 to do one or more of the following:

9 (a) Attend the child's current school, and set forth minimum
10 attendance requirements, including suspensions;

11 (b) If there is space available and the program can provide
12 educational services appropriate for the child, order the child to
13 attend another public school, an alternative education program,
14 center, a skill center, dropout prevention program, or another public
15 educational program;

16 (c) Attend a private nonsectarian school or program including an
17 education center. Before ordering a child to attend an approved or
18 certified private nonsectarian school or program, the court shall:

19 (i) Consider the public and private programs available; (ii) find
20 that placement is in the best interest of the child; and (iii) find
21 that the private school or program is willing to accept the child and

1 will not charge any fees in addition to those established by contract
2 with the student's school district. If the court orders the child to
3 enroll in a private school or program, the child's school district
4 shall contract with the school or program to provide educational
5 services for the child. The school district shall not be required to
6 contract for a weekly rate that exceeds the state general
7 apportionment dollars calculated on a weekly basis generated by the
8 child and received by the district. A school district shall not be
9 required to enter into a contract that is longer than the remainder
10 of the school year. A school district shall not be required to enter
11 into or continue a contract if the child is no longer enrolled in the
12 district;

13 (d) Be referred to a community truancy board, if available; or

14 (e) Submit to testing for the use of controlled substances or
15 alcohol based on a determination that such testing is appropriate to
16 the circumstances and behavior of the child and will facilitate the
17 child's compliance with the mandatory attendance law and, if any test
18 ordered under this subsection indicates the use of controlled
19 substances or alcohol, order the minor to abstain from the unlawful
20 consumption of controlled substances or alcohol and adhere to the
21 recommendations of the drug assessment at no expense to the school.

22 (2) In conjunction with an order to attend issued pursuant to
23 subsection (1)(a) through (c) of this section, a court is encouraged
24 to order the child to:

25 (a) Complete and submit to the teacher all required assignments
26 in all of his or her classes; and

27 (b) Submit to the court, on a monthly basis, satisfactory proof
28 that there has been compliance with the requirement to complete and
29 submit all assignments and that the child is showing positive
30 progress toward passing each class at the end of the term.

31 (3) If the child fails to comply with the court order, the court
32 may order the child to be subject to detention, as provided in RCW
33 7.21.030(2)(e), or may impose alternatives to detention such as
34 community restitution. Failure by a child to comply with an order
35 issued under this subsection shall not be subject to detention for a
36 period greater than that permitted pursuant to a civil contempt
37 proceeding against a child under chapter 13.32A RCW. Detention
38 ordered under this subsection may be for no longer than seven days. A
39 warrant of arrest for a child under this subsection may not be served

1 on a child inside of school during school hours in a location where
2 other students are present.

3 ~~((3))~~ (4) Any parent violating any of the provisions of either
4 RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more
5 than twenty-five dollars for each day of unexcused absence from
6 school. The court shall remit fifty percent of the fine collected
7 under this section to the child's school district. It shall be a
8 defense for a parent charged with violating RCW 28A.225.010 to show
9 that he or she exercised reasonable diligence in attempting to cause
10 a child in his or her custody to attend school or that the child's
11 school did not perform its duties as required in RCW 28A.225.020. The
12 court may order the parent to provide community restitution instead
13 of imposing a fine. Any fine imposed pursuant to this section may be
14 suspended upon the condition that a parent charged with violating RCW
15 28A.225.010 shall participate with the school and the child in a
16 supervised plan for the child's attendance at school or upon
17 condition that the parent attend a conference or conferences
18 scheduled by a school for the purpose of analyzing the causes of a
19 child's absence.

20 ~~((4))~~ (5) If a child continues to be truant after entering into
21 a court-approved order with the truancy board under RCW 28A.225.035,
22 the juvenile court shall find the child in contempt, and the court
23 may order the child to be subject to detention, as provided in RCW
24 7.21.030(2)(e), or may impose alternatives to detention such as
25 meaningful community restitution. Failure by a child to comply with
26 an order issued under this subsection may not subject a child to
27 detention for a period greater than that permitted under a civil
28 contempt proceeding against a child under chapter 13.32A RCW.

29 ~~((5))~~ (6) Subsections (1), (2), (3), and ~~((4))~~ (5) of this
30 section shall not apply to a six or seven year old child required to
31 attend public school under RCW 28A.225.015.

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