
SUBSTITUTE HOUSE BILL 1170

State of Washington

65th Legislature

2017 Regular Session

By House Judiciary (originally sponsored by Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jenkins, Fey, Pollet, and Santos)

READ FIRST TIME 02/14/17.

1 AN ACT Relating to maintaining and facilitating court-based and
2 school-based efforts to promote attendance and reduce truancy;
3 amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.026,
4 28A.225.090, 28A.225.030, 28A.225.151, and 28A.250.070; adding a new
5 section to chapter 28A.232 RCW; and repealing RCW 28A.225.115.

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

7 **Sec. 1.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to
8 read as follows:

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

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

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

9 (b) Request a conference or conferences with the custodial
10 parent, parents, or guardian and child at a time reasonably
11 convenient for all persons included for the purpose of analyzing the
12 causes of the child's absences after (~~two~~) three unexcused absences
13 within any month during the current school year. If a regularly
14 scheduled parent-teacher conference day is to take place within
15 thirty days of the (~~second~~) third unexcused absence, then the
16 school district may schedule this conference on that day; and

17 (c) Take steps to eliminate or reduce the child's absences. These
18 steps shall include, where appropriate, adjusting the child's school
19 program or school or course assignment, providing more individualized
20 or remedial instruction, offering assistance in enrolling the child
21 in available alternative schools or programs, or assisting the parent
22 or child to obtain supplementary services that may help eliminate or
23 ameliorate the cause or causes for the absence from school.

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

29 (4) This section does not require a six or seven year old child
30 to enroll in a public or private school or to receive home-based
31 instruction. This section only applies to six or seven year old
32 children whose parents enroll them full time in public school and do
33 not formally remove them from enrollment as provided in subsection
34 (1) of this section.

35 **Sec. 2.** RCW 28A.225.020 and 2016 c 205 s 4 are each amended to
36 read as follows:

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

1 (a) Inform the child's parent by a notice in writing or by
2 telephone whenever the child has failed to attend school after one
3 unexcused absence within any month during the current school year.
4 School officials shall inform the parent of the potential
5 consequences of additional unexcused absences. If the parent is not
6 fluent in English, the school must make reasonable efforts to provide
7 this information in a language in which the parent is fluent;

8 (b) Schedule a conference or conferences with the parent and
9 child at a time reasonably convenient for all persons included for
10 the purpose of analyzing the causes of the child's absences after
11 ~~((two))~~ three unexcused absences within any month during the current
12 school year. If a regularly scheduled parent-teacher conference day
13 is to take place within thirty days of the ~~((second))~~ third unexcused
14 absence, then the school district may schedule this conference on
15 that day. If the child's parent does not attend the scheduled
16 conference, the conference may be conducted with the student and
17 school official. However the parent shall be notified of the steps to
18 be taken to eliminate or reduce the child's absence; and

19 (c) At some point after the second and before the fifth unexcused
20 absence, take data-informed steps to eliminate or reduce the child's
21 absences.

22 (i) In middle school and high school, these steps ~~((shall))~~ must
23 include application of the Washington assessment of the risks and
24 needs of students (WARNS) or other assessment by a school district's
25 designee under RCW 28A.225.026~~((, and))~~.

26 (ii) For any child with an existing individualized education plan
27 or 504 plan, these steps must include the convening of the child's
28 individualized education plan or 504 plan team, including a behavior
29 specialist or mental health specialist where appropriate, to consider
30 the reasons for the absences. If necessary, and if consent from the
31 parent is given, a functional behavior assessment to explore the
32 function of the absence behavior shall be conducted and a detailed
33 behavior plan completed. Time should be allowed for the behavior plan
34 to be initiated and data tracked to determine progress.

35 (iii) With respect to any child, without an existing
36 individualized education plan or 504 plan, reasonably believed to
37 have a mental or physical disability or impairment, these steps must
38 include informing the child's parent of the right to obtain an
39 appropriate evaluation at no cost to the parent to determine whether
40 the child has a disability or impairment and needs accommodations,

1 related services, or special education services. This includes
2 children with suspected emotional or behavioral disabilities as
3 defined in WAC 392-172A-01035. If the school obtains consent to
4 conduct an evaluation, time should be allowed for the evaluation to
5 be completed, and if the child is found to be eligible for special
6 education services, accommodations, or related services, a plan
7 developed to address the child's needs.

8 (iv) These steps must include, where appropriate, providing an
9 available approved best practice or research-based intervention, or
10 both, consistent with the WARNS profile or other assessment, if an
11 assessment was applied, adjusting the child's school program or
12 school or course assignment, providing more individualized or
13 remedial instruction, providing appropriate vocational courses or
14 work experience, referring the child to a community truancy board,
15 requiring the child to attend an alternative school or program, or
16 assisting the parent or child to obtain supplementary services that
17 might eliminate or ameliorate the cause or causes for the absence
18 from school. ~~((If the child's parent does not attend the scheduled~~
19 ~~conference, the conference may be conducted with the student and~~
20 ~~school official. However, the parent shall be notified of the steps~~
21 ~~to be taken to eliminate or reduce the child's absence.))~~

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

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

27 ~~((b))~~ (ii) Has failed to meet the school district's policy for
28 excused absences; or

29 (b) Has failed to comply with alternative learning experience
30 program attendance requirements as described by the superintendent of
31 public instruction.

32 (3) If a child transfers from one school district to another
33 during the school year, the receiving school or school district shall
34 include the unexcused absences accumulated at the previous school or
35 from the previous school district for purposes of this section, RCW
36 28A.225.030, and 28A.225.015. The sending school district shall
37 provide this information to the receiving school, together with a
38 copy of any previous assessment as required under subsection (1)(c)
39 of this section, history of any best practices or researched-based
40 intervention previously provided to the child by the child's sending

1 school district, and a copy of the most recent truancy information
2 including any online or written acknowledgment by the parent and
3 child, as provided for in RCW 28A.225.005. All school districts must
4 use the standard choice transfer form for releasing a student to a
5 nonresident school district for the purposes of accessing an
6 alternative learning experience program.

7 **Sec. 3.** RCW 28A.225.025 and 2016 c 205 s 5 are each amended to
8 read as follows:

9 (1) For purposes of this chapter, "community truancy board" means
10 a board established pursuant to a memorandum of understanding between
11 a juvenile court and a school district and composed of members of the
12 local community in which the child attends school. (~~All members of~~
13 ~~a~~) Community truancy boards must include members who receive
14 training regarding the identification of barriers to school
15 attendance, the use of the Washington assessment of the risks and
16 needs of students (WARNS) or other assessment tools to identify the
17 specific needs of individual children, cultural responsive
18 interactions, trauma-informed approaches to discipline, evidence-
19 based treatments that have been found effective in supporting at-risk
20 youth and their families, and the specific services and treatment
21 available in the particular school, court, community, and elsewhere.
22 Duties of a community truancy board shall include, but not be limited
23 to: Identifying barriers to school attendance, recommending methods
24 for improving attendance such as connecting students and their
25 families with community services, culturally appropriate promising
26 practices, and evidence-based services such as functional family
27 therapy(~~(, multisystemic therapy, and aggression replacement~~
28 ~~training))~~), suggesting to the school district that the child enroll
29 in another school, an alternative education program, an education
30 center, a skill center, a dropout prevention program, or another
31 public or private educational program, or recommending to the
32 juvenile court that a juvenile be (~~referred to~~) offered the
33 opportunity for placement in a HOPE center or crisis residential
34 center, if appropriate.

35 (2) The legislature finds that utilization of community truancy
36 boards is the preferred means of intervention when preliminary
37 methods to eliminate or reduce unexcused absences as required by RCW
38 28A.225.020 have not been effective in securing the child's
39 attendance at school. The legislature intends to encourage and

1 support the development and expansion of community truancy boards.
2 Operation of a school truancy board does not excuse a district from
3 the obligation of filing a petition within the requirements of RCW
4 28A.225.015(3).

5 **Sec. 4.** RCW 28A.225.026 and 2016 c 205 s 6 are each amended to
6 read as follows:

7 (1) By the beginning of the 2017-18 school year, juvenile courts
8 must establish, through a memorandum of understanding with each
9 school district within their respective counties, a coordinated and
10 collaborative approach to address truancy through the establishment
11 of a community truancy board or, with respect to certain small
12 districts, through other means as provided in subsection (3) of this
13 section.

14 (2) Except as provided in subsection (3) of this section, each
15 school district must enter into a memorandum of understanding with
16 the juvenile court in the county in which it is located with respect
17 to the operation of a community truancy board. A community truancy
18 board may be operated by a juvenile court, a school district, or a
19 collaboration between both entities, so long as the agreement is
20 memorialized in a memorandum of understanding. For a school district
21 that is located in more than one county, the memorandum of
22 understanding shall be with the juvenile court in the county that
23 acts as the school district's treasurer.

24 (3) A school district with fewer than (~~two~~) three hundred
25 students must enter into a memorandum of understanding with the
26 juvenile court in the county in which it is located with respect to:
27 (a) The operation of a community truancy board; or (b) addressing
28 truancy through other coordinated means of intervention aimed at
29 identifying barriers to school attendance, and connecting students
30 and their families with community services, culturally appropriate
31 promising practices, and evidence-based services such as functional
32 family therapy(~~(, multisystemic therapy, and aggression replacement~~
33 ~~training)~~). School districts with fewer than (~~two~~) three hundred
34 students may work cooperatively with other school districts or the
35 school district's educational service district to ensure access to a
36 community truancy board or to provide other coordinated means of
37 intervention.

38 (4) All school districts must designate, and identify to the
39 local juvenile court and to the office of the superintendent of

1 public instruction, a person or persons to coordinate school district
2 efforts to address excessive absenteeism and truancy, including tasks
3 associated with: Outreach and conferences pursuant to RCW
4 28A.225.018; entering into a memorandum of understanding with the
5 juvenile court; establishing protocols and procedures with the court;
6 coordinating trainings; sharing evidence-based and culturally
7 appropriate promising practices; identifying a person within every
8 school to serve as a contact with respect to excessive absenteeism
9 and truancy; and assisting in the recruitment of community truancy
10 board members.

11 (5) As has been demonstrated by school districts and county
12 juvenile courts around the state that have worked together and led
13 the way with community truancy boards, success has resulted from
14 involving the entire community and leveraging existing dollars from a
15 variety of sources, including public and private, local and state,
16 and court, school, and community. In emulating this coordinated and
17 collaborative approach statewide pursuant to local memoranda of
18 understanding, courts and school districts are encouraged to create
19 strong community-wide partnerships and to leverage existing dollars
20 and resources.

21 **Sec. 5.** RCW 28A.225.090 and 2016 c 205 s 9 are each amended to
22 read as follows:

23 (1) A court may order a child subject to a petition under RCW
24 28A.225.035 to do one or more of the following:

25 (a) Attend the child's current school, and set forth minimum
26 attendance requirements, which shall not consider a suspension day as
27 an unexcused absence;

28 (b) If there is space available and the program can provide
29 educational services appropriate for the child, order the child to
30 attend another public school, an alternative education program,
31 center, a skill center, dropout prevention program, or another public
32 educational program;

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

36 (i) Consider the public and private programs available; (ii) find
37 that placement is in the best interest of the child; and (iii) find
38 that the private school or program is willing to accept the child and
39 will not charge any fees in addition to those established by contract

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

12 (d) Submit to a substance abuse assessment if the court finds on
13 the record that such assessment is appropriate to the circumstances
14 and behavior of the child and will facilitate the child's compliance
15 with the mandatory attendance law and, if any assessment, including a
16 urinalysis test ordered under this subsection indicates the use of
17 controlled substances or alcohol, order the minor to abstain from the
18 unlawful consumption of controlled substances or alcohol and adhere
19 to the recommendations of the substance abuse assessment at no
20 expense to the school; or

21 (e) Submit to a mental health evaluation or other diagnostic
22 evaluation and adhere to the recommendations of the drug assessment,
23 at no expense to the school, if the court finds on the court records
24 that such evaluation is appropriate to the circumstances and behavior
25 of the child, and will facilitate the child's compliance with the
26 mandatory attendance law(~~(; or~~

27 ~~(f) Submit to a temporary placement in a crisis residential~~
28 ~~center or a HOPE center if the court determines there is an immediate~~
29 ~~health and safety concern, or a family conflict with the need for~~
30 ~~mediation)).~~

31 (2)(a) If the child fails to comply with the court order, the
32 court may impose:

33 (i) Community restitution;

34 (ii) Nonresidential programs with intensive wraparound services;

35 (iii) A requirement that the child meet with a mentor for a
36 specified number of times; or

37 (iv) Other services and interventions that the court deems
38 appropriate.

39 (b) If the child continues to fail((s)) to comply with the court
40 order and the court makes a finding that other measures to secure

1 compliance have been tried but have been unsuccessful and no less
2 restrictive alternative is available, the court may order the child
3 to be subject to detention, as provided in RCW 7.21.030(2)(e)(~~(, or~~
4 ~~may impose alternatives to detention such as community restitution)~~).
5 Failure by a child to comply with an order issued under this
6 subsection shall not be subject to detention for a period greater
7 than that permitted pursuant to a civil contempt proceeding against a
8 child under chapter 13.32A RCW. Detention ordered under this
9 subsection may be for no longer than seven days. Detention ordered
10 under this subsection shall preferably be served at a secure crisis
11 residential center close to the child's home rather than in a
12 juvenile detention facility. A warrant of arrest for a child under
13 this subsection may not be served on a child inside of school during
14 school hours in a location where other students are present.

15 (3) Any parent violating any of the provisions of either RCW
16 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
17 twenty-five dollars for each day of unexcused absence from school.
18 The court shall remit fifty percent of the fine collected under this
19 section to the child's school district. It shall be a defense for a
20 parent charged with violating RCW 28A.225.010 to show that he or she
21 exercised reasonable diligence in attempting to cause a child in his
22 or her custody to attend school or that the child's school did not
23 perform its duties as required in RCW 28A.225.020. The court may
24 order the parent to provide community restitution instead of imposing
25 a fine. Any fine imposed pursuant to this section may be suspended
26 upon the condition that a parent charged with violating RCW
27 28A.225.010 shall participate with the school and the child in a
28 supervised plan for the child's attendance at school or upon
29 condition that the parent attend a conference or conferences
30 scheduled by a school for the purpose of analyzing the causes of a
31 child's absence.

32 (4) If a child continues to be truant after entering into a
33 court-approved order with the truancy board under RCW 28A.225.035,
34 the juvenile court shall find the child in contempt, and the court
35 may order the child to be subject to detention, as provided in RCW
36 7.21.030(2)(e), or may impose alternatives to detention such as
37 meaningful community restitution. Failure by a child to comply with
38 an order issued under this subsection may not subject a child to
39 detention for a period greater than that permitted under a civil
40 contempt proceeding against a child under chapter 13.32A RCW.

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

4 **Sec. 6.** RCW 28A.225.030 and 2016 c 205 s 7 are each amended to
5 read as follows:

6 (1) If a child under the age of seventeen is required to attend
7 school under RCW 28A.225.010 and if the actions taken by a school
8 district under RCW 28A.225.020 are not successful in substantially
9 reducing an enrolled student's absences from public school, not later
10 than the seventh unexcused absence by a child within any month during
11 the current school year or not later than the tenth unexcused absence
12 during the current school year the school district shall file a
13 petition and supporting affidavit for a civil action with the
14 juvenile court alleging a violation of RCW 28A.225.010: (a) By the
15 parent; (b) by the child; or (c) by the parent and the child. The
16 petition must include a list of all interventions that have been
17 attempted as set forth in RCW 28A.225.020, include a copy of any
18 previous truancy assessment completed by the child's current school
19 district, the history of approved best practices intervention or
20 research-based intervention previously provided to the child by the
21 child's current school district, and a copy of the most recent
22 truancy information document (~~(signed by the parent and child)~~)
23 provided to the parent, pursuant to RCW 28A.225.005. Except as
24 provided in this subsection, no additional documents need be filed
25 with the petition. Nothing in this subsection requires court
26 jurisdiction to terminate when a child turns seventeen or precludes a
27 school district from filing a petition for a child that is seventeen
28 years of age.

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

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

33 (b) Refer a student to a community truancy board as defined in
34 RCW 28A.225.025. The community truancy board shall enter into an
35 agreement with the student and parent that establishes school
36 attendance requirements and take other appropriate actions to reduce
37 the child's absences; or

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

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

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

8 (5) Petitions filed under this section may be served by certified
9 mail, return receipt requested. If such service is unsuccessful, or
10 the return receipt is not signed by the addressee, personal service
11 is required.

12 **Sec. 7.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to
13 read as follows:

14 (1) ~~As required under subsection (2) of this section, ((each~~
15 ~~school shall document the actions taken under RCW 28A.225.030 and~~
16 ~~report this information to the school district superintendent who~~
17 ~~shall compile the data for all the schools in the district and~~
18 ~~prepare an annual school district report for each school year and~~
19 ~~submit the report to the superintendent of public instruction. The~~
20 ~~reports shall be made upon forms furnished by the superintendent of~~
21 ~~public instruction and shall be transmitted as determined by the~~
22 ~~superintendent of public instruction)) the office of superintendent~~
23 ~~of public instruction shall collect and school districts shall submit~~
24 ~~student-level truancy data in order to allow a better understanding~~
25 ~~of actions taken under RCW 28A.225.030. The office shall prepare an~~
26 ~~annual report to the legislature by December 15th of each year.~~

27 (2) The reports under subsection (1) of this section shall
28 include, disaggregated by student group:

29 (a) The number of enrolled students and the number of unexcused
30 absences;

31 (b) ~~((Documentation of the steps taken by the school district~~
32 ~~under each subsection of RCW 28A.225.020 at the request of the~~
33 ~~superintendent of public instruction. Each year, by May 1st, the~~
34 ~~superintendent of public instruction shall select ten school~~
35 ~~districts to submit the report at the end of the following school~~
36 ~~year. The ten districts shall represent different areas of the state~~
37 ~~and be of varied sizes. In addition, the superintendent of public~~
38 ~~instruction shall require any district that fails to keep appropriate~~
39 ~~records to submit a full report to the superintendent of public~~

1 ~~instruction under this subsection. All school districts shall~~
2 ~~document steps taken under RCW 28A.225.020 in each student's record,~~
3 ~~and make those records available upon request consistent with the~~
4 ~~laws governing student records;~~

5 ~~(e))~~ The number of enrolled students with ten or more unexcused
6 absences in a school year or five or more unexcused absences in a
7 month during a school year;

8 ~~((d))~~ (c) A description of any programs or schools developed to
9 serve students who have had five or more unexcused absences in a
10 month or ten in a year including information about the number of
11 students in the program or school and the number of unexcused
12 absences of students during and after participation in the program.
13 The school district shall also describe any placements in an approved
14 private nonsectarian school or program or certified program under a
15 court order under RCW 28A.225.090; and

16 ~~((e))~~ (d) The number of petitions filed by a school district
17 with the juvenile court and, beginning in the 2018-19 school year,
18 whether the petition results in:

- 19 (i) Referral to a community truancy board;
20 (ii) Other coordinated means of intervention;
21 (iii) A hearing in the juvenile court; or
22 (iv) Other (e.g., change of placement, home school, alternative
23 learning experience, residential treatment).

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

26 ~~((The superintendent of public instruction shall collect~~
27 ~~these reports from all school districts and prepare an annual report~~
28 ~~for each school year to be submitted to the legislature no later than~~
29 ~~December 15th of each year.)) The K-12 data governance group shall
30 develop the data protocols and guidance for school districts in the
31 collection of data to provide a clearer understanding of actions
32 taken under RCW 28A.225.030.~~

33 **Sec. 8.** RCW 28A.250.070 and 2013 2nd sp.s. c 18 s 508 are each
34 amended to read as follows:

35 Nothing in this chapter is intended to diminish the rights of
36 students to attend a nonresident school district in accordance with
37 RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in
38 ~~((online courses or online school))~~ alternative learning experience
39 programs. The office of online learning under RCW 28A.250.030 shall

1 develop a standard form, which must be used by all school districts,
2 for releasing a student to a nonresident school district for the
3 purposes of enrolling in an (~~online course or online school~~)
4 alternative learning experience program.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.232
6 RCW to read as follows:

7 The superintendent of public instruction may adopt rules to bring
8 consistency and uniformity to attendance and truancy definitions in
9 the alternative learning experience setting, establish procedures for
10 addressing truancy in all alternative learning experience courses,
11 leverage existing systems to facilitate truancy actions between
12 school districts and courts when the student has transferred out of
13 his or her resident district to enroll in an alternative learning
14 experience course; and clarify the responsibility of school districts
15 in the event of rescinding a student transfer.

16 NEW SECTION. **Sec. 10.** RCW 28A.225.115 (Educational services—
17 Funding for children referred to community truancy board) and 1996 c
18 134 s 11 are each repealed.

--- END ---