
HOUSE BILL 1170

State of Washington

65th Legislature

2017 Regular Session

By Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet, and Santos

Read first time 01/12/17. Referred to Committee on Judiciary.

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.225.020, 28A.225.026, and 28A.225.090; and repealing
4 RCW 28A.225.115.

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

6 **Sec. 1.** RCW 28A.225.020 and 2016 c 205 s 4 are each amended to
7 read as follows:

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

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

18 (b) Schedule a conference or conferences with the parent and
19 child at a time reasonably convenient for all persons included for
20 the purpose of analyzing the causes of the child's absences after two
21 unexcused absences within any month during the current school year.

1 If a regularly scheduled parent-teacher conference day is to take
2 place within thirty days of the second unexcused absence, then the
3 school district may schedule this conference on that day; and

4 (c) Take data-informed steps to eliminate or reduce the child's
5 absences. These steps (~~shall~~) may include application of the
6 Washington assessment of the risks and needs of students (WARNS) or
7 other assessment tools by a school district's designee under RCW
8 28A.225.026, and where appropriate, providing an available approved
9 best practice or research-based intervention, or both, consistent
10 with the WARNS or other assessment tool profile, adjusting the
11 child's school program or school or course assignment, providing more
12 individualized or remedial instruction, providing appropriate
13 vocational courses or work experience, referring the child to a
14 community truancy board, requiring the child to attend an alternative
15 school or program, or assisting the parent or child to obtain
16 supplementary services that might eliminate or ameliorate the cause
17 or causes for the absence from school. If the child's parent does not
18 attend the scheduled conference, the conference may be conducted with
19 the student and school official. However, the parent shall be
20 notified of the steps to be taken to eliminate or reduce the child's
21 absence.

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

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

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

29 (3) If a child transfers from one school district to another
30 during the school year, the receiving school or school district shall
31 include the unexcused absences accumulated at the previous school or
32 from the previous school district for purposes of this section, RCW
33 28A.225.030, and 28A.225.015. The sending school district shall
34 provide this information to the receiving school, together with a
35 copy of any previous assessment as required under subsection (1)(c)
36 of this section, history of any best practices or researched-based
37 intervention previously provided to the child by the child's sending
38 school district, and a copy of the most recent truancy information
39 including any online or written acknowledgment by the parent and
40 child, as provided for in RCW 28A.225.005.

1 **Sec. 2.** RCW 28A.225.026 and 2016 c 205 s 6 are each amended to
2 read as follows:

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

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

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

33 (4) All school districts must designate, and identify to the
34 local juvenile court and to the office of the superintendent of
35 public instruction, a person or persons to coordinate school district
36 efforts to address excessive absenteeism and truancy, including tasks
37 associated with: Outreach and conferences pursuant to RCW
38 28A.225.018; entering into a memorandum of understanding with the
39 juvenile court; establishing protocols and procedures with the court;
40 coordinating trainings; sharing evidence-based and culturally

1 appropriate promising practices; identifying a person within every
2 school to serve as a contact with respect to excessive absenteeism
3 and truancy; and assisting in the recruitment of community truancy
4 board members.

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

15 **Sec. 3.** RCW 28A.225.090 and 2016 c 205 s 9 are each amended to
16 read as follows:

17 (1) A court may order a child subject to a petition under RCW
18 28A.225.035 to do one or more of the following:

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

22 (b) If there is space available and the program can provide
23 educational services appropriate for the child, order the child to
24 attend another public school, an alternative education program,
25 center, a skill center, dropout prevention program, or another public
26 educational program;

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

30 (i) Consider the public and private programs available; (ii) find
31 that placement is in the best interest of the child; and (iii) find
32 that the private school or program is willing to accept the child and
33 will not charge any fees in addition to those established by contract
34 with the student's school district. If the court orders the child to
35 enroll in a private school or program, the child's school district
36 shall contract with the school or program to provide educational
37 services for the child. The school district shall not be required to
38 contract for a weekly rate that exceeds the state general
39 apportionment dollars calculated on a weekly basis generated by the

1 child and received by the district. A school district shall not be
2 required to enter into a contract that is longer than the remainder
3 of the school year. A school district shall not be required to enter
4 into or continue a contract if the child is no longer enrolled in the
5 district;

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

15 (e) Submit to a mental health evaluation or other diagnostic
16 evaluation and adhere to the recommendations of the drug assessment,
17 at no expense to the school, if the court finds on the court records
18 that such evaluation is appropriate to the circumstances and behavior
19 of the child, and will facilitate the child's compliance with the
20 mandatory attendance law(~~(; or~~

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

25 (2) If the child fails to comply with the court order, the court
26 may order the child to be subject to detention, as provided in RCW
27 7.21.030(2)(e), or may impose alternatives to detention such as:
28 Temporary placement in a crisis residential center or a HOPE center,
29 if the court determines there is an immediate health and safety
30 concern, or a family conflict with the need for mediation; or
31 community restitution. Failure by a child to comply with an order
32 issued under this subsection shall not be subject to detention for a
33 period greater than that permitted pursuant to a civil contempt
34 proceeding against a child under chapter 13.32A RCW. Detention
35 ordered under this subsection may be for no longer than seven days.
36 Detention ordered under this subsection shall preferably be served at
37 a secure crisis residential center close to the child's home rather
38 than in a juvenile detention facility. A warrant of arrest for a
39 child under this subsection may not be served on a child inside of

1 school during school hours in a location where other students are
2 present.

3 (3) Any parent violating any of the provisions of either RCW
4 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
5 twenty-five dollars for each day of unexcused absence from school.
6 The court shall remit fifty percent of the fine collected under this
7 section to the child's school district. It shall be a defense for a
8 parent charged with violating RCW 28A.225.010 to show that he or she
9 exercised reasonable diligence in attempting to cause a child in his
10 or her custody to attend school or that the child's school did not
11 perform its duties as required in RCW 28A.225.020. The court may
12 order the parent to provide community restitution instead of imposing
13 a fine. Any fine imposed pursuant to this section may be suspended
14 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) If a child continues to be truant after entering into a
21 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) Subsections (1), (2), and (4) of this section shall not apply
30 to a six or seven year old child required to attend public school
31 under RCW 28A.225.015.

32 NEW SECTION. **Sec. 4.** RCW 28A.225.115 (Educational services—
33 Funding for children referred to community truancy board) and 1996 c
34 134 s 11 are each repealed.

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