
HOUSE BILL 1236

State of Washington 65th Legislature 2017 Regular Session

By Representatives Klippert, Griffey, and Harris

Read first time 01/13/17. 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 2016 c 205 s 9 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, which shall not consider a suspension day as
11 an unexcused absence;

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

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

20 (i) Consider the public and private programs available; (ii) find
21 that placement is in the best interest of the child; and (iii) find

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

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

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

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

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

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

38 (b) Submit to the court, on a monthly basis, satisfactory proof
39 that there has been compliance with the requirement to complete and

1 submit all assignments and that the child is showing positive
2 progress toward passing each class at the end of the term.

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

17 ~~((3))~~ (4) Any parent violating any of the provisions of either
18 RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more
19 than twenty-five dollars for each day of unexcused absence from
20 school. The court shall remit fifty percent of the fine collected
21 under this section to the child's school district. It shall be a
22 defense for a parent charged with violating RCW 28A.225.010 to show
23 that he or she exercised reasonable diligence in attempting to cause
24 a child in his or her custody to attend school or that the child's
25 school did not perform its duties as required in RCW 28A.225.020. The
26 court may order the parent to provide community restitution instead
27 of imposing a fine. Any fine imposed pursuant to this section may be
28 suspended upon the condition that a parent charged with violating RCW
29 28A.225.010 shall participate with the school and the child in a
30 supervised plan for the child's attendance at school or upon
31 condition that the parent attend a conference or conferences
32 scheduled by a school for the purpose of analyzing the causes of a
33 child's absence.

34 ~~((4))~~ (5) If a child continues to be truant after entering into
35 a court-approved order with the truancy board under RCW 28A.225.035,
36 the juvenile court shall find the child in contempt, and the court
37 may order the child to be subject to detention, as provided in RCW
38 7.21.030(2)(e), or may impose alternatives to detention such as
39 meaningful community restitution. Failure by a child to comply with
40 an order issued under this subsection may not subject a child to

1 detention for a period greater than that permitted under a civil
2 contempt proceeding against a child under chapter 13.32A RCW.

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

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